

Department of Justice.

PART II

COMMISSIONERS' REPORT ON ST. VINCENT DE PAUL PENITENTIARY

Department of Justice

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HON. DAVID MILLS,
Minister of Justice,
Department of Justice,
Ottawa.

The undersigned, James Noxon, Oliver Kelly Fraser and David Lafortune, appointed by Commission dated 20th March, 1897, "to investigate, inquire into and report upon the state and management of the business of the St. Vincent de Paul Penitentiary, with special reference to matters relating or pertaining to economy of the management thereof, and upon all such matters or questions affecting the state and management of the business of the said penitentiary, or the conduct of any officer in the service of such penitentiary, so far as the same relates to his official duties, as may from time to time be authorized or directed by order of His Excellency the Governor General in Council, or by the Minister of Justice," beg to submit the following report :—

The Commissioners were handed their commission on the 12th April, and the Easter holidays intervening, it was thought prudent to devote a few days to reading the literature of the St. Vincent de Paul Penitentiary as supplied by the Department of the Minister of Justice and to formally enter upon the inquiry the following week.

It was therefore on Monday, 19th of April, that the Commissioners met at St. Lawrence Hall, in the city of Montreal, and proceeded the next day to the penitentiary and read to the warden in his office the commission appointing them. There being no public house in the village offering suitable accommodation, the earlier meetings of the Commissioners were held at the St. Lawrence Hall, in the city, and at the penitentiary alternately, as determined by the greater convenience of witnesses to attend at Montreal or at the penitentiary (some of them being resident in the city) until arrangements were finally made for rooms at the convent of the Sisters of Providence, at St. Vincent de Paul, when subsequent meetings were continued to be held at the penitentiary. The Commissioners as a body met daily, until 24th August, and afterwards resumed their meetings from 22nd to 30th September; 25th to 29th October; 12th to 20th November; and 4th to 7th December, when the final evidence was taken in the inquiry. In addition to the time thus spent a large amount of time was occupied by the Commissioners individually in perusing and collecting evidence, &c. The intervals which elapsed from 24th August in the meetings of the Commissioners, were occasioned by the application of Warden Ouimet to the Department of Justice, to be permitted to call witnesses in his behalf in respect to matters respecting his official conduct; also to be permitted the assistance of counsel in conducting his defence; and which being granted by the further extensions asked for from time to time, and allowed him, to produce all the evidence he desired to offer in support of his case, being represented before the Commissioners by the following counsel, of J. N. Greenshields, Q.C.; P. E. Leblanc, Q.C.; T. Dickson and A. Labelle. A still further time was granted at the request of the warden's counsel, in which to prepare and deliver written argument, but it was not until after repeated demands for this argument, and a request by counsel on behalf of the warden for a further delay, that the Commissioners were notified by letter, dated 24th December last, and received on the 27th, that it was determined to, not submit any factum.

The amount of evidence taken covers over eight thousand type-written pages, including that portion of it which is written in both languages. There are some 400 depositions from 160 witnesses, many of whom were recalled several times. The taking of this testimony occupied more time than would have been the case ordinarily, owing to the fact that much of it had to be given with the aid of interpreters and afterwards transcribed in two languages.

At the outset of their inquiry the Commissioners called upon the warden to produce certain contracts for supplies, tenders for the same, and correspondence in connec-

tion therewith; but in a number of cases they were not forthcoming, and after much urging, the reason given by the warden's clerk, Mr. Papineau, as to why they were not produced, was, that a large number of the official documents and papers in the warden's office had been burned, and that, therefore, they were not in existence. It was found, also, that the warden was actively interesting himself in suppressing evidence, and the intimidation exercised by him over prison officials and convicts, who were in a position to give evidence, so far tended to impede inquiry, that the Commissioners felt that their only course was to recommend his suspension, and the recommendation being acted on, they were finally able to obtain access to books and papers, and to evidence which permitted the inquiry to proceed freely to proceed. There was evidence from the first that a long course of preparation had been made for the visit of the Commissioners. Omissions in the accounts in which should be entered the dealings of the officers with the penitentiary were attempted to be corrected by making entries long after the proper date, and with figures arrived at by mere guess work. Statements had also been prepared with reference to the engineer's and other departments, as well as for the stone quarried for the use of the penitentiary, that were calculated to mislead the Commissioners, and instead of being assisted by the officers of the institution having charge of the several departments of work, in performing the duties the Commissioners had entered upon, it was made clear that a compact had been entered into by certain officers to defeat the object of the inquiry.

DISCIPLINARY.

Before entering upon details of the disciplinary management and its moral bearing on the officers and convicts, or upon details of the economic management, a few general observations in respect to these matters will serve to lift the veil on what is to follow. The first impression from surface indications was that the discipline was not particularly faulty, and it was only as inquiry was made into the workings of the system that its utter hollowness and deceptiveness became apparent. Under it a system of trafficking had grown up between the guards and convicts, and of petty thieving participated in by both. The convicts were allowed to make from prison material, articles of various kinds and to sell them, and very frequently to present them as gifts to the guards. There were guards who employed convicts to steal supplies from the store or from the kitchen for their use, and in some cases the convicts had facilities afforded them to steal freely from these departments on their own account.

Some of the guards with the warden's knowledge were permitted to keep supplies of fruit and other delicacies to sell to the convicts, and to employ the latter to sell them to other convicts, while some of the prisoners stationed near the elevator from the kitchen to the change room on the floor above were permitted to keep what was known to their fellow prisoners as the "restaurant" supplied with what could be stolen from the kitchen and sold to other convicts. In some instances the grocer called regularly upon certain prisoners to take their order for what they might require in his line. These, it is true, are somewhat notable instances of what was permitted under prison discipline; but they are the outward and visible signs of the general system of trafficking, and of the irregularities which prevailed more or less openly among the officers and the convicts. In the disciplinary management but little regard appears to have been paid to the book of rules and regulations. To the disciplinary staff it is practically a sealed book. No one seemed to care to know anything of its instructions, and it certainly has not been the practice to refer to it for guidance in the conduct of discipline. In the person of the warden appears to have been embodied the rules and regulations and his will was the supreme law which governed the institution. He dominated over every official whether of the penitentiary or the Department of Public Works branch, and over every department of the work. He directed in everything and from all received a willing obedience; with this he appears to have been content, and did not push his authority to restrain the irregular dealings of the officers with the institution or with the convicts. Between the warden and the majority of the staff was something both could regard with satisfaction. The warden that all were submissive to his will; the

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staff that the warden raised no voice against their methods of turning to profitable account their relation with the institution and with the convicts. The manner in which the duties of the warden's office have been performed in respect to the proper filing and preservation of important papers and documents, the keeping of proper records of correspondence and the treatment of letters to and from convicts, is strongly to be condemned. The vault and cupboard in the office were littered with a confused mass of books, papers and letters; many important papers and documents having disappeared. Only partial records were kept of the official correspondence. There were hundreds of letters addressed to convicts which had remained in the office for years unopened and undelivered. There had also been hundreds of similar letters burned unopened, from which the convicts, while burning them, had taken considerable sums of money.

ECONOMIC.

The economic management is simply the disciplinary management magnified. The accountant, storekeeper and steward have discharged their duties with apparent fidelity although beset with difficulties in the performance of them in quarters from which they should have received assistance and protection. The accountant has had the keeping of the accounts, while the business of the institution was being conducted in almost complete disregard to the regulations, which could not fail to make the account keeping difficult. The storekeeper has had supplies forced upon him in large quantities which were not requisitioned for, were not wanted, and at prices far above their market value. The steward has had the daily supplies drawn from the store scattered beyond his power to protect them, by the encouragement given by officers to convicts to purloin them. There is evidence that the contracts for supplies were manipulated in the interests of favoured dealers. The prices paid for goods purchased by public tender are invariably higher than similar goods could be purchased by large private consumers in the open market. In some instances the price paid for goods purchased by public tender, notably in the case of flour at \$8.75 per barrel in 1889, is so greatly in excess of the market value which in Montreal averaged \$4.89 per barrel, for the year, as to indicate wilful disregard of the public interest in awarding the contract. It is also shown that provisions and other goods, the property of the penitentiary, were in some cases given away to the officers, and in other cases sold to officers, not only of the penitentiary but to the ex-inspector of penitentiaries, at prices less than was being paid by the institution for similar goods. The practice has likewise been permitted of allowing officials to sell supplies to the institution using the name of others to conceal the transactions, and on one occasion the warden had been a serious offender in this respect.

INDUSTRIAL.

The industrial management is conducted chiefly in the interests of officers and of convicts. Requisitions are issued to those who apply for goods produced by convict labour in the stone department, especially at a nominal fee, and then the holder of the requisition is permitted to deal directly with the convicts as to the price at which they will undertake to make the goods, and this price goes into the pockets of the convicts. In some cases convicts have taken contracts in this way for considerable sums, and not a single dollar of it was paid into the prison revenue. In other cases they have contracted to produce goods for some of the officers for which they were paid a part in money and the balance in tobacco, in butter and cheese and other eatables. To facilitate this traffic the accountant is required to act as banker for the convicts by accepting deposits of their money, keeping an account of it, and paying orders that they may give on the amount standing to their credit. By the practice of this system, and the facilities provided for carrying it on, it is not surprising that a community of interests has been established between officers and convicts, and that each, in his own way, has been seeking opportunities to extract from his surroundings whatever can be turned to his advantage. By the regulations officers are permitted to have articles manufactured

for their own use by the convicts on supplying their own material and paying twenty-five cents per day for convict labour. In practice it has been the custom for the officers to offer, in some cases, material entirely unsuitable, in other cases insufficient material, and in still other cases a broken piece of board, or a piece of cordwood picked up in the prison yard, and utterly useless as material from which to make the goods ordered by them, when all the unsuitable material would be thrown aside, and the proper material and any that might be lacking for the purpose required, would be taken from the penitentiary stores. There is no regular system of keeping the time of convicts employed on any piece of work, and the result is, the articles so produced are charged for at a few cents by the trade instructor, apparently on the principle that the party ordering it is "one of us" and ought not to be made pay more than a pittance for them. The privilege of obtaining convict labour at twenty-five cents per day is limited to the officers of the institution, to the exclusion of all others, who are required to pay fifty cents per day, but to evade the exclusion officers requisition for goods for their friends and neighbours, thereby admitting all to the privilege. In the stone quarrying department there have been the most flagrant waste and abuse. Enormous quantities of stone have been accepted from the contractor for use in the penitentiary wall that was not of the description called for by the contract, and that was absolutely unfit for any purpose to which it could be put in connection with the penitentiary work, and had to be thrown on the waste dump. Much of this stone, when delivered, was measured by convicts and paid for on their measurement. By the system pursued in the industries there was a premium put on the waste of stone. No charge was made for waste stone to those who applied for permission to cart it away. If they desired selected waste they would go to a convict working in the stone-shed and bargain with him to select a certain number of toise of a good quality of waste stone, roughly dressed to dimensions, and the price agreed upon to be paid to the convict. The contracting convict bargains with other convicts working in the stone-shed to assist him in getting out stone to fill his contract. All the convicts in the stone-shed are employed dressing stone to dimensions for use in the penitentiary wall, now a number of years in building. As illustrating the convicts methods in securing selected waste stone, they take advantage of there being a nice sound piece of stone on the blocks, nearly dressed, ready for the wall; but before the last stroke of the hammer is given, the remark is made "this will make good corporation stone" when it is struck a blow knocking off a corner to spoil it for the wall and it is then worked up to fill the convict's contract. By "corporation stone" is meant stone in which convicts have an interest. If the stone is for an official the convicts have an additional stimulus given them to select just such as are wanted, by gifts of tobacco, &c., and in this way large quantities of stone have been taken from the prison, for which it has received absolutely nothing. It need, therefore, be no matter of surprise that the quantity of stone paid for by the Department of Public Works in prison construction and for use in penitentiary wall is \$65,662.52 in excess of the value of the stone contained in the work erected, calculated at the contract price. For all this excessive and wasteful expenditure of money the penitentiary has practically nothing to show, it being the result of the greatest maladministration. No officer has profited to a greater extent by the abuses of the industrial system than the warden, as will appear in the details hereafter given.

POLITICAL.

That the warden used his position and that of the prison organization under his control to actively promote the interest of his political friends will be abundantly shown by the evidence.

With this brief reference to the characteristics of penitentiary administration the Commission will now submit in considerable fulness of detail several matters into which they have extended their inquiries with the conclusions at which they have arrived respecting them, and will conclude with the recommendations which as a result of their inquiry, they have been led to adopt.

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INDUSTRIES.

The trades carried on in the penitentiary are blacksmithing, carpentering, painting, stonecutting, stone quarrying and tinsmithing, all of which are engaged almost exclusively in supplying goods and materials for the use of the penitentiary. There are at rare intervals orders placed with the tailor and shoe shops for supplies required in other public departments, and some work is from time to time done for people in the neighbourhood, but not to an extent to make this a marked feature of these industries. In what follows as to the working of the industries there is in all cases the reservation as to their being conducted without a proper observance of the requisition system and with the irregularities which have been referred to elsewhere, the present purpose being to deal with them in respect to the service they give to the necessary penitentiary work. The tailor and shoe shops are in a good building and are well arranged; and under proper regulations and strict discipline could be made to produce a large amount of goods required for use in other public departments as well as supplying the needs of the penitentiary. The carpenter shop, although fairly equipped for plain carpenter work, has little or nothing to do. There is no work of construction going on in which carpenter work forms a part, and the demands upon the shop are limited to ordinary repairs. As is always the case where there are idle men, with tools and material at hand, there is a temptation to be doing something, and the result is this shop has been going on in a disorderly fashion, a prey to every abuse, and attended with a large loss of material taken from both the public works and penitentiary supplies, for which no proper return has been made. The shop has not been in charge of a competent instructor, and having little or nothing to do except in the way of making trifling repairs, it scarcely deserves to be called an industry.

BLACKSMITH SHOP.

The blacksmith shop should be made much more useful than it is in the work of the prison. The extraordinary thing in connection with it is, that much of the work it should do is done by outside tradesmen. The dressing of stonecutting tools and horse-shoeing which must cost hundreds of dollars yearly, to a large extent is done outside the prison. Much of the work it should do, it does not; and work it ought not to do, that it does. The regular and necessary work of the prison is in large part avoided, and the illicit work of the officers and others has a considerable share of its attention. If brought under proper regulation as the rules of the prison provide, there would be a saving in having it do the work of the prison, and an additional saving in the cost of material used in the work done for officers, for which the prison is not paid. The blacksmith instructor in charge of this department should be required to do all the work of the prison, and if not competent, should give way to another who is.

STONE-SHED.

The stonecutting has not been under the charge of a capable instructor. He was not a tradesman and was unable to properly instruct in stonecutting. In no department of trade is it more necessary that the instructor should be a man of knowledge and skill if waste of material is to be avoided.

This officer was compelled to rely on a convict to lay out every important piece of work, being himself incompetent to do it. He was no less incompetent to instruct than to how the work should be done. The convicts all knew this and having no confidence in his skill ventured to do pretty much as they pleased with the material they were working on.

From this they were led to destroy the stone for use in the wall that they might use it as "corporation stone" in filling their own contracts, elsewhere referred to in this report.

They had set up among themselves a system of convicts rights. This system was applied to the work they might or might not be properly called upon to perform. To

work on stone for the penitentiary wall they regarded as legitimate, and yet this was open to tricks of the trade, in spoiling any of the stone they wanted to fill their own contracts. If required to work stone for any other purpose it came within the domain of convicts rights to say upon what terms the work should be done. If attempted to be done without in some way contributing to the profit and privileges of the convicts, piece after piece would be spoiled until they carried their ends. In this way the stonecutting has passed from under disciplinary control and has been conducted as the convicts willed to have it. This department should have been placed under a thoroughly competent instructor, one possessed of the faculty of managing men, and if this had been done it would have resulted in the saving of thousands of dollars in the construction of prison work.

STONE QUARRY.

Previous to 1896 the stone for prison use was supplied by contract, worked by convict labour, and from quarries on the prison property. The transactions of the penitentiary in connection with the stone contracts have resulted in a great waste of public money. The part taken by the warden in these transactions throws upon him much of the responsibility for the money wasted. Not until very recently, however, and against the will of the warden, has stone quarrying become a prison industry under prison control. The stone now being quarried on the prison farm is of a much better average quality than the stone delivered by the contractor, by which it would appear that there was no necessity for accepting the poor quality of stone delivered by the latter. All the stone delivered at the prison has been for use in prison construction. When the construction shall have been completed it will not be practical to make stone quarrying and stonecutting commercially successful as a prison industry, therefore, the time cannot be far distant when they will cease to give employment to the convicts. It were wise to consider whether it would not be advantageous to introduce into this prison the manufacture of woollen cloth, woollen blankets, and knitted goods such as are used in the penitentiaries and other departments of the public service. There could also be introduced the manufacture of cocoa mats and matting, brushes of various kinds and certain articles of furniture, such as are used in the several departments of Government.

WATER SUPPLY AND FIRE PROTECTION.

The water service of the penitentiary is supplied from a pumping station located near the river bank and about 1,500 feet from the prison. The station is equipped with duplicate pumps of sufficient capacity to afford reasonable fire protection to the prison property. The fire fighting apparatus consists chiefly of 700 feet $2\frac{1}{2}$ in. canvas hose now more than seven years old and unreliable for fire duty. There is no fire organization in the village, and in the event of fire in the penitentiary, sole reliance must be placed on the fire appliances with which it is provided. For this reason they should be sufficient and reliable, which now they are not. The number of wooden buildings within the prison are an element of danger from fire in the dry season of summer, and there should be no neglect in keeping the fire apparatus in a fit condition for duty. In connection with the water service there is being supplied from the prison water mains, water to the Convent of the Sisters of Providence and to two houses belonging to Cy. Bisson, merchant, for which no charge is made. There is nothing on record to show that any authority was ever given for a water service to these premises, and the privilege should not be continued unless fair compensation is given for the water supplied. As to the supply given to the convent, it appears from the evidence of Senator Bellerose and others that negotiations were entered into with some of the Ministers with a view to securing the concession, and their consent obtained, but no record of this appears. In the case of Bisson it is alleged he was given permission to connect his own dwelling with the prison water service on condition that the drain from the chaplain's residence might be connected with his, but it also appears that since that time he has taken upon himself to connect another building belonging to him with the same service without the knowledge or consent of any person in authority.

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SEWAGE.

The sewage of the penitentiary discharges into a small stream at the bottom of the ravine crossing the penitentiary farm, and is conveyed into the Back River, about one mile below the penitentiary. In the summer season this stream becomes almost dry, when along its whole length, after receiving the sewage, it becomes very offensive. The horses and cattle on the adjoining farms below the penitentiary have access to the stream, and there are serious complaints by the owner of the property as to the damage he claims to have sustained year after year by his cattle drinking the water, so seriously polluted, as in a number of instances to have caused death to a number of them. This nuisance should be immediately abated, as there was no necessity for such a system of sewage construction. It would not be difficult to make a sewer to the river by a more direct route, and thus remove what has been a serious cause for legitimate complaint in the neighbourhood.

In addition to this sewage the contents of the cell buckets have to be disposed of daily, and this is done by emptying them through a pipe in the wall into a car which carries the contents to a compost heap situated on the farm some distance from the prison proper, but yet so close to both the prison and the village, as to be not only unsightly, but extremely offensive at times, and possibly injurious to health. In this connection it might be well for the prison authorities to consider the advisability of introducing a system similar to that in operation in other public institutions, whereby all this sewage could be utilized for the purpose of improving the farm.

OFFICERS.

There are on the disciplinary staff, 39 keepers and guards, a ratio of 1 to 9½ convicts. This number can be reduced without endangering the safe-keeping of the convicts, and should be reduced to a ratio not exceeding 1 to 12 of the convict population. In the state prisons of New York State the number of keepers and guards is limited by law to a ratio of 1 to 14 convicts. In some of the state prisons, notably the Auburn State Prison, the full number allowed is not employed. From this it would appear the provision made by law is ample for the administration of this class of persons. At the Dannemora, N.Y., State Prison the convicts are employed on the public roads, in some cases long distances from the prison, and also on the streets of the village of Dannemora, in maintaining a system of waterworks erected and operated by the prison. Such an employment of the convicts is similar to the employment of the convict on the farm and in the stone quarry at this penitentiary, and with a proper disposition of keepers and guards, and with judicious management, the number certainly should not exceed a ratio of 1 to 12 of the convicts.

Since the opening of the inquiry several officers have been retired or dismissed, thus facilitating the work of reduction and reorganization. In this latter work care should be taken not to employ any officer who is not sufficiently familiar with the English and French languages as to be able to give their commands and instructions intelligibly in both. We found several officers and a large number of prisoners who could speak but one language, and from the information received from reliable sources it was evident that much unnecessary friction arose between these officers and prisoners as a result. The difficulty becomes aggravated in the case of an instructor who is not able to impart to some of the convicts under his charge, the instructions necessary to enable him to learn the trade at which he is employed, or to carry out the orders given him. A case in point is that of the shoemaker instructor, who can speak scarcely any English, and in consequence cannot properly direct the work of several convicts under him who understand nothing of the French language. There is another matter of importance to which attention should be paid in making future appointments, namely, the education of the applicants. The Commissioners were surprised to find that no less than nine of the officers, some of whom held important positions, such as the engineer, a gate keeper and instructor, are unable to read and write notwithstanding that it is expressly required that all officers shall be able to do both, and that there are several others who can write but little and that

in a very indifferent fashion. The warden whose duty it was to see that these men were properly qualified, appears, upon his own admission, to have made no effort to learn what their qualifications in this respect were. He knew that two of them were illiterate but did not report them.

It is not necessary that subordinate officers be able to read and write both languages, although they should be able to speak both and write one intelligibly. In the case of superior officers a thorough knowledge of both ought to be a necessary qualification. Most of the superior officers have all that is required in this respect but some have not, and amongst the latter is the warden, who admits that he cannot carry on any correspondence in English and his ability to do so in French is very limited and imperfect.

In fact from an educational standpoint this officer is unfortunately almost entirely devoid of qualifications for his present office. It will be impossible to maintain the efficiency of the staff and carry on satisfactorily the work of the prison if this carelessness in the selection of employees is allowed to continue. One of the duties of the warden as well as the inspector is to see that all officers are sworn in, when finally appointed, but your Commissioners find that nearly forty officers, who were appointed since the present warden took office, have not been sworn in, and so far as we can learn, the warden himself has not taken the oath of office as warden. The warden knew these officers had not been sworn in yet made no effort to have them properly qualified.

DISCIPLINE.

While outwardly it would appear to the casual observer, that the discipline of this prison was of superior character, yet inquiry brought to light that most of the officers had but a very indifferent knowledge of their duties, and many of them, owing to their being illiterate, were unable of themselves to acquire any knowledge save what was picked up from time to time on their daily rounds. The rules providing for regular instructions were practically a dead letter, the practice latterly being to give an officer some instructions upon his first entering upon duties and leaving him afterwards to depend upon whatever he could learn from his fellow officers. The work of holding monthly musters was delegated by the warden to the deputy warden and chief keeper, but the warden took no precaution to see that this branch of the work was attended to, and, as a result, these meetings were of late years practically abandoned. That subordinate officers paid little heed to many of the rules and regulations laid down for their guidance, is not perhaps to be wondered at, when their superiors openly neglected their enforcement or condoned the violation of them by others. It is not surprising that dishonest practices were prevalent to a considerable extent when it is found that officers actually caught purloining goods which did not belong to them, were either allowed to go with the infliction of a small fine or with no punishment whatever; and even when one of their number who was forced to leave the prison because of his being detected in committing an unnatural crime with a convict, was recommended by the warden as entitled to a retiring allowance which he actually received. The evidence shows that much of the so-called instructions given by the warden to his subordinates, was given in such a harsh manner as to create fear of him rather than respect, and this harsh treatment meted out to them in the presence of convicts, as often occurred, could not but have the effect of destroying the influence of such subordinates over those in their charge. As is elsewhere set out in this report, the rules governing the issuing of requisitions and delivery notes and the keeping of books by the different instructors, were practically ignored, as were those relating to passes and generally governing the dealings of officials and others with the prison. Little or no precaution was taken to protect the prison property from the petty thieving and other loose dealings of many of the officers and convicts which had become a common complaint at the prison, and for the prevalence of which the relaxation of the foregoing rules were largely to blame. Then again the warden appears to have usurped the duties of very many of the officials, particularly of those who had most to do with the management of the more important departments, as the farm, engineer's and blacksmith's shops, stone-shed and quarry. All these things culminated in a blind obedience to the warden, whether that meant violating the rules or not, with the result above indicated.

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LOCKERS AND COOKING.

There is not any serious amount of trouble in this prison from the presence of the lockers and the cooking abuse, because these are not so prevalent at the present time as in other prisons. It is only a short time, however, since they were pretty generally in operation here. There should be no great difficulty in totally eliminating the locker system from the shops. The only excuse for its presence is that it gives the several convicts a means for protecting their particular tools or implements of trade from the rapaciousness of their fellow convicts. If there must be such protection it should be entirely under the control of the officer in charge of the shop or department, and in the absence of some better arrangement a large cupboard, with compartments if necessary, for each prisoner might be supplied in which these articles could be placed under lock and key during the time they are not in use, the key to be always in possession of the officer. There never was an excuse for permitting cooking outside of the kitchen, and no officer should be retained in the service who tolerates its continuance.

CONVICTS' CORRESPONDENCE, &c.

There is nothing perhaps to which the average convict, or at least the better class of them, attaches more importance than the correspondence, restricted though it be, which passes between them and the relatives or friends outside. It is the only legitimate mode of communication with the outer world, for those of them who have not relatives or friends near by who take advantage of the stringent rules permitting occasional visits to the prisoners. Even those who are so fortunately situated as to have those friends within visiting distance, have others—and perhaps the most valued of them—so far removed as to make the mails the only means of communication. Apart from the convict himself, only those who stand by and witness the eagerness with which he receives and peruses the message from the wife, the mother or the child, as the case may be, can fully realize all that such a message means to the unfortunate behind the bars, and only the convict can feel the loss which follows the break in the chain of correspondence which they strive to maintain. No one should be more impressed with this condition of convict life than those whose duty it is to inspect and deliver all the correspondence coming and going between the prisoners and those with whom they are in communication. Yet your Commissioners find that the prison officials directly responsible for the carrying out of this branch of the work have been as callous in their treatment of the unfortunates under their charge as they well could be. During the whole term of office of the present warden and his clerk, the negligence manifested in this connection has been nothing short of criminal. Early in 1895, just before the change in prison inspectors, the present warden caused to be burned in the prison furnaces huge quantities of documents and papers of various kinds pertaining to prison work and with them hundreds—and it is said thousands—of letters to and from the prisoners, many of them containing remittances, some of which were found and taken by those employed in the work of destruction—and most, if not all of them, containing that which was of more value—the news from home, or the kindly word of advice and encouragement from those who were in all probability in the best position to give it. Notwithstanding all that was consigned to the flames at that time there remained scattered in and about the warden's vault and other receptacles in his office, quantities of these letters—which had been added to until they now number hundreds—consisting of those written by convicts to their friends and from relatives and friends to the convicts—some of the latter had never been opened—almost all of them opened and passed as being of the proper character to reach those to whom they were addressed. Letters to and from all degrees of kindred—letters from wives and mothers since dead, to husbands and sons still in confinement—even sacred things as crucifixes, bibles and the like, thrown here and there instead of being permitted to reach their proper destination. Not only were these letters and various articles thrown to one side but numbers of petitions addressed to the Governor General, Minister of Justice and others were pigeon holed and never allowed to reach those to whom they were addressed. The same

negligence was manifested repeatedly when the Department of Justice requested certain reports concerning prisoners, and it was found that time and again the warden was reprimanded for this negligence. Occasionally a prisoner was found to have sufficient courage to complain of the non-delivery of the letters, petitions, &c., and more than one of these was severely punished for having done so. It is admitted by the warden that from time to time he saw numbers of convicts letters in and about the prison which required attention but he did nothing about them.

The warden admits that he allowed his clerk to keep the moneys of the prisoners and that received for admission of visitors mixed with his (the clerk's) own funds, but did not put a stop to it; that the work in his office was neglected or improperly done—that books which should have been kept were not kept—official letters not copied—that the vault in which should be the official records, was in a most ill-kept condition, the reports, vouchers, correspondence, contracts, tenders, and other official documents, being deposited without any regard for order, in the various pigeon holes, thrown upon the shelves or strewn upon the floor. Your Commissioners found that several tenders and contracts which they required were missing, and it is said in evidence by Papineau that these also had been destroyed by the warden, but the latter denies this although in his letter to the Commissioners, dated 5th May, 1897, speaking of these missing documents he says:—"As regards such contracts and tenders which are not now inclosed, or not among those already in your hands, they have presumably been, through an oversight, destroyed a couple of years ago along with some other old papers of prison routine."

The warden's clerk pleads nothing better than "carelessness" as the reason for this deplorable condition of things, while the warden himself tries to shift the blame entirely to the shoulders of his subordinate, but the fact is these things were going on under his eyes, and he must have known of it, if he were paying the least attention to the work of his subordinate, and besides this it is established that in many ways, and continually this condition of affairs was being brought to his attention and nothing was done to put a stop to it. These two officials are alike responsible for this worse than negligence which of itself is sufficient to justify their dismissal.

THE FARM.

The farm connected with the penitentiary consists of 201½ arpents of which 61½ arpents were under grain and root crops, 44 in meadow and 40 under pasturage and the remaining 52½ arpents are occupied by the warden's residence and garden, and the officers' cottages and grounds, the Protestant chaplain's residence, the inclosure of the penitentiary walls and the tram road and quarry. Included in the area under pasturage is the ravine which crosses the farm, having in some places a considerable breadth of bottom land, and also the portion of land formerly occupied as a brick-yard. The soil of the farm is generally of fair quality, although light in some places, of but little depth to the rock in others, and in some portions too wet for cultivation in a wet season. On the whole, however, it appears to be of fair average quality as compared with adjoining farms, and to be capable in ordinary seasons of producing fairly good crops, coarse grain and hay. With the exception of a few acres of land, lying between the prison and the ravine referred to, planted to root crops, the cultivation of the farm is neglected and not nearly as productive as it could be made under a proper system of cultivation. The management of the farm certainly does not show thrift and good husbandry as compared with many other farms in the locality. The growing crops are choked with wild mustard and other weeds, and there is an absence of careful attention to farm work observable over the whole farm.

On the portion of the farm formerly occupied as a brick-yard, (brick-making being abandoned) there remains standing a large dilapidated looking shed that adds to the general appearance of untidiness and neglect. The farm instructor admits the unsatisfactory condition of the farm, and explains it by saying that although he is a farm instructor, he is not permitted to have anything to do with its general management, this having been assumed by the warden, and that, therefore, he does not feel that he is responsible for its present condition.

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In this connection it is interesting to be reminded that Warden Ouimet at one time occupied the position of farm instructor on this farm, and was removed from it because of his incompetence. Now after many years, and after becoming warden, he practically ignored the farm instructor, and takes upon himself the responsibilities of the position in which he before failed, and to display in the present condition of the farm that passing years have added nothing to his capabilities as a farm manager. It may appear remarkable that for an institution having no stock to pasture, 40 arpents of the farm should be devoted to pasturage. It is also quite remarkable that an institution having 17 horses, an abundance of labour, and a farm of about 150 arpents available for cultivation, should find it necessary to purchase every year, at exorbitant prices, large quantities of feed and fodder to maintain these horses. Nearly all the land under pasturage is suitable for cultivation, for if it will yield pasture it can be made to produce hay and other crops. What more need be said to condemn the poor management? With capable management every part of the farm should be kept in a high state of cultivation, when there would be no need of expending large sums of money every year in the purchase of farm products for prison maintenance. The 40 acres of pasturage is used to pasture cows for the officers and others, at a charge of \$6 per cow for the season, and until recent years no charge was made at all for pasturage in many cases. Apart from the improvidence of selling pasture and buying feed and fodder which the land pastured could be made to produce more profitably, there accompanies it a most objectionable practice of children and others, who take the cattle to and from pasture, mingling with the convicts on the farm. In the interest of economy, and of good morals in the community, as well as of good order and discipline in the prison, the practice of pasturing cattle on the farm should be discontinued. Farm Instructor Kenny, while doubtless quite able to manage the farm if allowed to exercise his judgment and knowledge in carrying on the work, has not been giving his undivided attention to his duties. He is engaged in cultivating a market and fruit garden with the assistance of convict labour, by consent of the warden, and there is reason to believe that this has taken up a large share of the time and attention he should have given to his duties as farm instructor. He should be required to give up his market gardening business, as a first step towards placing him in his proper position. He should then be given the management of the farm, and if after having the opportunity, he is not able to improve its condition, he should be required to give way to a more capable and successful farmer.

Certain testimony given by the warden drew the attention of your Commissioners to the extraordinary prices paid for portions of the lands connected with the prison, and although these transactions are of a remote date they deemed it advisable to inquire briefly into one of them, which appears to be a fair sample of several such transactions. The testimony of Césaire Germain, Notary of Montreal, formerly of St. Vincent de Paul, and the exhibits filed herewith set forth the facts connected with the purchase of the prison quarry. This piece of land comprising some seventy-six or eighty arpents, was formerly owned by one François Xavier Auclair (now dead) who said he had tried to sell it to the Government for \$9,000 but did not succeed. He, however, negotiated with one Eustache Hugh Lemay, who appears by the deed and by the evidence of Mr. Germain to have paid \$9,000 to Auclair for the property on the 12th December, 1872, and sold it to the Government on the 21st October, 1873, for \$18,000. The sale made by Auclair to Lemay was considered at the time an extraordinary one, as the property at top value was worth about \$3,500. That Lemay made the purchase with the intention of selling to the Government is evidenced from the fact that he secured from the owners of lands intervening between this quarry land and the prison farm a right of way connecting these two parcels. In connection with this purchase we find the following extract in the 5th annual report of the directors of penitentiaries:—

"A valuable limestone quarry of large extent, with land in all about eighty acres, is situated about one mile from the penitentiary, whence the requisite supply of building and rubble stone for the new edifices can be readily obtained. As extension mason work such as bridges, culverts, &c., in connection with the railway projected on the north shore, between Quebec and Montreal must be undertaken at no distant day this quarry would be a source of great profit to the Government. The directors

have therefore recommended its purchase, and after a close valuation by competent and reliable judges have placed the sum of \$18,000 for that purpose in their estimates for St. Vincent de Paul. This sum it may be added is nearly \$10,000 under the lowest valuation price."

PURCHASING SUPPLIES.

Ostensibly the purchase of supplies is on the public tender plan, but as a fact large quantities of goods are purchased in the open market, and as the public tender system is accepted in theory as being most in accord with true economy, it is instructive to trace its workings in the transactions of this institution. Until recent years all tenders called for by public notice were addressed to the warden, and by him handed or transmitted them to the inspector, who, after opening them, submitted them to the Minister that he might by his initials on the tenders indicate the awarding of the contracts. Owing to the large numbers of tenders and contracts destroyed or missing during the last ten years, the Commissioners are not able to list each particular tender and contract, and therefore are not able to make as full and detailed a statement in this connection as is desirable in so important a feature of the inquiry. It is found in numerous instances contracts have been awarded for large quantities of supplies on a single tender, and therefore without competition. The supplies so purchased in the seven years ended 30th June, 1894, amount in the aggregate to \$26,171.82. In a number of instances where more than one tender has been received, the contract has been given to the highest tender, notwithstanding the initialing in some cases of the lowest tender by the Minister to indicate to whom the contract was to be awarded. No explanation is to be found on record as to why this course was taken, although the difference between the highest and the lowest tenders in some cases amounts to hundreds of dollars. The character and responsibility of the parties tendering do not appear to have been a factor to influence the awarding of the contracts. What appears remarkable, however, in this connection is that the tenders on which the contracts were awarded in most cases are not to be found. Again there were contracts for supplies in considerable quantities continued from year to year without calling for fresh tenders, and without any change being made in prices. There are also instances of contractors being permitted on the eve of the expiration of their contracts, when markets were falling to deliver large quantities of supplies to the institution, without being requisitioned for, and sufficient to last eight or ten months, that they might reap the advantage of the lower market rates on the goods furnished.

A notable case of this kind occurred in 1896 in the delivery of pork. The price of pork had depreciated \$3 per barrel, and the contract would expire on 30th June. The consumption of pork at the penitentiary is now 75 to 80 barrels per year; less in the spring and summer than in the fall and winter months. In the month of March the steward had six barrels in stock, and requisitioned for twelve more, making eighteen in all, or sufficient to last with the then rate of consumption to the end of June. The contractor induced the Department of Justice to allow him to deliver 75 barrels of pork to the penitentiary, which was done. The steward did not want it, being opposed to carrying a large stock through the summer months. The warden was also opposed to receiving it but on pressure from the department fifty out of the 75 barrels were accepted, making a total quantity sufficient to last to the end of the month of January of the following year. The contract made for pork in June, 1896, for the fiscal year 1896-97 was \$3 per barrel less than the contract of the previous year, so that the contractors by being permitted to force the fifty barrels of pork on the institution, made \$150, at the expense of the institution. This abuse of the penitentiary management by the Department of Justice is not limited to the wasteful expenditure in maintaining the institution, but is no less an abuse of the convicts who had cause to complain of having to eat pork that went off flavour before the last of it was consumed. The prices paid for supplies generally are much higher than similar goods could be bought by private purchase in the open market. Even in staple goods purchased in large quantities the prices paid in many cases are 15 per cent to 80 per cent above the fair market value of the goods. In some instances the public tender system has been

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abandoned because of combinations or other methods adopted to exact high prices, and in such cases the goods have been purchased in the open market at much lower rates than the tendered prices received for them. Every year there have been purchases in the open market of considerable quantities of supplies for this institution, and comparing prices and values, there appears to have been greater economy in those purchases than in the purchases of goods made by public tender.

LOSS RESULTING FROM SENDING OUT WORK WHICH SHOULD BE DONE IN THE PRISON.

In connection with both the Department of Justice and the Public Works there has been a considerable loss caused by sending out work to be done which should have been done in the prison, and by purchasing articles which should have been made there. Examples of this class of transactions are to be found in the Auditor General's Reports such as the payment out during the past ten years by the Department of Justice of \$381.67 for shoeing the warden's carriage horses; and by the Department of Public Works during the same period of \$5,310.30 for recutting and sharpening bush hammers and tools used in the stone-shed; and during the eight years from 1887-88 to 1894-95 of \$690 for hammer handles and stonecutters' mallets. The whole sum thus paid out for blacksmith work under the foregoing headings amounts to \$5,691.97, a sum almost equal to the salary of the blacksmith instructor during the same period.

There is no good reason why this work could not have been done at the prison, and the blacksmith instructor claims that, perhaps with the exception of the horse-shoeing, this blacksmith work could have been done at his shop had it been given an opportunity of doing it. There is no good reason, either, why such articles as hammer handles and stonecutters' mallets could not have been made in the carpenter's shop.

The Department of Public Works is, of course, mainly responsible for this loss, but the prison authorities should have made some effort to secure this additional work for the convicts.

TAILORING DEPARTMENT.

This has been apparently one of the most extravagant departments in this prison, but your Commissioners note that a change for the better has taken place, and with reasonable efforts at economy a still larger saving may be hoped for. The following statement will indicate more clearly what is referred to. These statements are based upon the returns to be found in the reports of the Minister of Justice covering the fiscal period 1888-89 to 1895-96, inclusive, and gives the average cost per capita for the whole period in the five penitentiaries.

Statement showing cost per capita per annum of prison clothing for above period :

St. Vincent de Paul	\$ 12 40
Kingston	11 13
Dorchester	10 69
Manitoba	16 51
British Columbia	32 43

showing the percentage of cost at St. Vincent de Paul

Over Kingston	11 p.c.
“ Dorchester	16 “
Under Manitoba	25 “
“ British Columbia	63 “

2. Statement showing cost per capita per annum of material for discharge clothing for same period :

St. Vincent de Paul	\$ 16 59
Kingston	11 35
Dorchester	7 83
Manitoba	18 22
British Columbia	15 02

showing the percentage of cost at St. Vincent de Paul

Over Kingston.....	46 p.c.
" Dorchester	112 "
Under Manitoba	9 "
Over British Columbia	9½ "

3. Statement showing cost per capita per annum of material for officers' uniforms for same period :

St. Vincent de Paul.....	8 44 46
Kingston.....	36 78
Dorchester	31 98
Manitoba	41 74
British Columbia	33 37

showing the percentage of cost at St. Vincent de Paul

Over Kingston	21 p.c.
" Dorchester	39 "
" Manitoba	6½ "
" British Columbia.....	33 "

It appears from the evidence that prior to 1896-97, the prices paid on all clothing supplies were excessive and no doubt much of the unusual expenditure may be attributed to that cause, but the evidence of general loose management, petty thieving, and the trafficking which was continually going on in this department and the change room amongst the convicts themselves, and with the officers, has had a great deal to do with it.

With the exercise of proper care in buying, limiting the number of uniforms supplied each officer to what is necessary for prison purposes, and putting an end to the abuses above referred to there is no reason why this department at St. Vincent de Paul should not be conducted more cheaply and satisfactorily than are any of the other prisons at the present time.

THE CHANGE ROOM.

The condition of this department at the time this investigation opened and its management previous thereto under Napoleon Plouffe, could not well have been worse. The stock of clothing was poorly kept and the distribution of it carried on without any proper record, so that it was impossible to tell what was on hand at the time without taking stock. Neither could it be shown what should be in stock, or what had become of that which was missing. It was from this department that the convict Denis procured the extra pants, coats, boots, &c., which were given by him to Assistant Engineer Trudeau, and of which there was no record. It is not to be wondered at that this state of affairs existed when we find that the instructor knew nothing whatever about bookkeeping and admitted that he could not prepare a balance sheet showing the stock under his charge.

In this department cooking appeared to have been carried to a considerable extent, and from the kitchen to the convicts in this room quantities of provisions were at all times finding their way without hinderance from this officer. Whether this resulted from carelessness or neglect on his part or from the fact that his trafficking with the convicts and dishonest dealings with prison property, had left him at their mercy, is not known, but it is safe to assume that a combination of these elements was the cause of these wrongful acts. This officer was recently found guilty of larceny and fined. The Commissioners are strongly of the opinion that not only should an officer so found guilty be immediately dismissed, but he should be prosecuted. If such offences on the part of officers are to be treated so lightly it will be difficult indeed to impress convicts with a sense of the justice of their incarceration for long periods for similar offences. The evidence taken at the time showed that the officer had secreted under his own clothes

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an undershirt belonging to a prisoner named Lee, who has been transferred to Kingston Penitentiary, and was detected in the act of carrying it away from the prison. The only justification offered for the leniency extended to him was that the property belonged to the prisoner and not to the prison, but this could not change the nature of the offence, and the very fact of his having hidden the goods, as he did, indicated his consciousness of acting dishonestly. He maintained that the articles were returned from Kingston Penitentiary with the clothing of the prisoner which was returned to St. Vincent de Paul, but there is the positive evidence of Guard Fitzgibbon who accompanied Lee to Kingston, that the prisoner did not take the article in question with him, and this he knew to be the fact because of his having searched Lee on that occasion, which statements are corroborated by the deputy warden. The evidence shows that Lee lost the garments some days prior to his departure, and this taken with what appears to the Commissioners to be the untrue statement of Plouffe, that the garment was returned from Kingston, indicates that the latter had possession of it before the prisoner left and had premeditated the dishonest act. There seems to have been many complaints regarding the dishonesty of this officer—that he was having various articles of clothing made at the prison for his family, and taking prison goods without paying for same, and his own evidence coupled with the finding in his department of various articles referred to in the evidence of Chief Keeper Contant and Keeper Gibson strengthen the suspicions which have been aroused, and led to the belief that they were well founded, and in fact he admitted having appropriated certain articles of prison property to which he had no claim. He continually trafficked with the convicts and his position gave him special facilities for so doing. He bought from them for money tobacco, &c., their discharge suits and various other articles of wearing apparel and received many things from them gratuitously.

The Commissioners would be disposed to recommend the dismissal of this officer were it not that some of his offences have already been dealt with, although not in a manner to reflect credit upon those who are responsible for the leniency extended to him. They, therefore, recommend his retirement.

TRAFFICKING WITH PRISONERS, &c.

It is recognized by leading authorities on penology that no more pernicious system can be introduced or permitted to exist in any prison than trafficking amongst prisoners, or amongst prisoners, officers and outsiders, and between officers and the prison. The practice of officers selling to the prison under their own name or that of some relative or friend, was admitted to be somewhat common and is said to be in force to some extent at the present time. There are many cases of this kind. Officers have sold horses, milk, vegetables, socks, &c., from time to time, but the most glaring case is that in which the warden himself is the principal. He had a horse which he says he purchased from his brother, the Hon. Justice Ouimet, but for which he says he did not pay. This animal he sold to the prison, using for that purpose the name of a young man Manseau, and receiving the price himself. The price paid by the prison was \$115, which according to the evidence given was much more than the animal was worth, it being unsound and broken winded at the time of the sale. At another time he attempted to sell to the prison another unsound horse procured from the Hon. Justice Ouimet, but this sale was prevented by the objection of the farmer that the horse was unsound and unfit for the prison. He was to get \$140 or \$150 for this horse, but the farmer says it was worth little or nothing in the condition it was. Last spring the warden tried to sell a third horse to the prison, but desisted when the farmer objected that such a purchase would be contrary to law. It is not only against the rules and regulations of all well organized penal institutions, but is subversive of good order and discipline and a menace to the safety of public property and the integrity of officials. It is indeed difficult to understand how this system could have been permitted to grow to the extent it has at this prison. The fact that this latter class of transactions is carried on under fictitious names leads to the conclusion such is being done or attempted to be done without the knowledge of the department. Nearly all the officers of this prison have either bought from or sold to this institution, contrary to well defined regulations forbidding them to do so.

It is true no one of these transactions involves any large sum of money, but in the aggregate they amount to considerable, and beget a familiarity with prison property which leads to very deplorable results, as has been shown in many cases during this inquiry.

It is admittedly difficult to entirely prevent the prevalence of this practice amongst the convicts themselves. More or less of it will be carried on under the most rigid discipline, but there can be no excuse whatever for the open and apparently unchecked intercourse of this kind carried on with the sanction of the warden, between the convicts and apparently any others who might wish to deal with them.

The prisoners were permitted to sell to officers and others, articles of various kinds made by them and in most cases so far as officers are concerned, to give these articles as presents. Officers, such as Demers and Kenny, were for a time permitted to sell fruit, &c., in considerable quantities to the convicts, in return for which they received money, as well as tobacco and fancy articles. It was quite a common practice for guards to sell and give tobacco to the prisoners, although the law provides heavy penalties for such offences and it is not a matter for great surprise to find these privileges followed by complaints that officers were actually supplying liquor to the convicts, and the finding of convicts on several occasions under the influence of intoxicants. Convicts at the pump house were able, with the knowledge of those in whose charge they were, to procure from grocers in the village anything they desired, including butter, ham, eggs, tobacco, &c., and generally speaking those of the prisoners, who had the means of purchasing, were able to procure pretty much what they wished, particularly if they were in the good graces of the officers in whose charge they happened to be. In the change room was found a small job printing office in operation, the plant in which was owned by the prisoner in charge. Some printing for the prison was done by him in return for the privilege of having the proceeds of all other printing done by him for outsiders placed to his credit. Your Commissioners have learned since leaving St. Vincent de Paul that this prisoner has been forced to make an assignment for the benefit of his creditors. At the stone-shed, convicts were allowed to make tomb stones and monuments and do general stonecutting, not only for officers, but for any one else who wished to deal with them. For tombstones, the prison received \$1 for the requisition and in the case of monuments, the fee was \$5. The balance was a matter for arrangement between the purchaser and the prisoner, the latter being paid in money, tobacco, &c., for his labour. Some of this money was paid into the accountant's office to the credit of the prisoner, but often to the prisoner himself. In this way, Clerk of Works Labelle, procured almost all the stone used in building his two houses for which he only paid the prison \$12. Quevillon and others got a considerable quantity of stone dressed for a similar purpose, and for this nothing was paid to the prison, although the money so earned should certainly have been so paid. Almost all the stone used by the prisoners in this work was supplied from the stone furnished by the contractor and paid for by the Public Works Department.

It appears from some of the evidence that a considerable quantity of good stone was made useless for prison purposes, by prisoners who had bargained with purchasers for the supply of certain stone and took this method of procuring the material.

Some prisoners were permitted to sell their discharge clothing to officers Plouffe, Prevost, Charlebois, Leblanc, and others for a money or other consideration, and officers, on the other hand sold their uniforms to prisoners. In almost every way possible it was permitted to deal thus between prisoners and others without any regard for prison rules and regulations or the propriety of the transaction.

Your Commissioners approve earnestly of any legitimate arrangement by which prisoners, in a systematic way and as a result of dealing directly with the prison management, can lay by something with which to enable them to face the necessities consequent upon liberation, but they cannot but condemn most strongly the pernicious system above referred, which they found in full operation at this prison.

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RULES REGULATING SALE OF ARTICLES AND WORK FOR OFFICERS.

Almost every rule, which has for its object the protection of public property and the prevention of dishonesty on the part of employees, has been openly and continually violated at this prison. Amongst the many such rules in force are the following :—

(228.) The gate-keeper shall permit no articles to be taken out without a pass authorizing it from the warden, or deputy warden, or accountant.

(332.) The chief keeper, the storekeeper and the steward, or such three officers as the inspector may name, shall form a board, whose duty it shall be to determine whether an article which has been in use is unserviceable or not.

(333.) Officers in charge of departments shall be held responsible for every article given to them, until it shall have been condemned by the board as unserviceable.

(334.) When articles in use become unserviceable, they shall be sent to the storekeeper with a description thereof in writing by the proper officer, and the storekeeper shall notify the other members of the board of a day and hour convenient for them to assemble to pronounce their judgment thereupon.

(335.) The board shall determine whether the articles should be repaired, used for any other purpose, sold, or declared condemned, and lay their decision before the warden.

(336.) They shall keep a record of all articles submitted to them, and of their proceedings with regard to them.

(14.) The warden may, if he see fit so to do, sell at a fair price to any officer for his own use only, any article manufactured in the penitentiary shops, or grown upon the penitentiary property, but not any other article the property of the penitentiary.

(15.) The warden may, if he see fit so to do, allow any officer for his own use only, at a fair value, to have any work done for him in the penitentiary shops.

(16.) Nothing shall be so sold, and no work shall be so done :—

(a.) Without an application in writing by the officer, stating that the article sought to be purchased, or the work to be done, is for his own use only ; and

(b.) Without a proper requisition, duly signed by the proper officers, according to the penitentiary rules in other cases in force.

(17.) Subject to revision as hereinafter provided, the fair price or value of any article sold or work done for the warden shall be fixed by the deputy warden and accountant jointly, and in order cases by the warden.

(18.) Any officer signing a false application shall be dismissed.

(20.) Any article so sold or work so done shall be paid for in cash on or before the last day of the month in which it is delivered or finished.

(21.) No officer who is in arrears in respect of an article so sold to him or work so done for him, shall be paid his monthly salary until such arrears are discharged by payment.

The neglect of rule 228 was apparently of daily occurrence, in fact little attention appears to have been paid to it, excepting in cases where goods were obtained upon requisition and not always then. Verbal orders were being constantly given by the warden and his deputy and under these there were carried from the prison, by prison employees and others, large quantities of stone, articles which had been brought for repairs, fuel, bread, meat, ice, &c., for the warden and deputy, and different articles at various times for these and other officers. The substitution of the verbal orders for written passes and the general relaxation of this rule naturally led to permitting much of the prison property to go out of the prison yard without any pass, written or verbal, and without the prison being in any way indemnified for the same. This abuse was intensified by placing in charge of the gate, as a relieving officer, one who could neither read or write, and who consequently could not tell what articles were to be permitted to go through on the pass which might be handed to him.

Rules 332 to 336, provided for the organization of a "Survey Board," consisting of the chief keeper, storekeeper and steward, or such three officers as the inspector may name, whose duty it is to decide, when articles have become unfit for prison use or not, and whether they should be repaired, sold or condemned.

These duties were to a large extent, assumed by the warden and no attention paid to the board, and consequently much of the prison property found its way out of the prison without their knowledge or consent. This was particularly the case in regard to property disposed of from the engineer's department and from the stables and farm, and is fully established by the evidence of these officers and those who should compose the Board of Survey.

Rules 14, 15, 16, 17, 18 and 20, are as plain and simple as they well can be and of the most imperative character, yet the evidence shows that scarcely a day passes upon which one or more of them was not broken.

The first of them requires that no article, save such as is made or grown upon prison premises, shall be sold to any officer, nevertheless it is found that the warden got fuel, meats, oil, stone, &c., the deputy warden meats, wood, oil, &c., Leblanc and Demers purchased the empty bags, flour barrels, pork barrels and syrup puncheons, at low figures, and horses, wagons, &c., &c., were sold to various other officers. These pork and flour barrels and bags were sold to the officers named in large quantities, without requisition properly made therefor, and without any authority save that of the warden, and were afterwards disposed of by these officers at a considerable profit to themselves, sometimes over 100 per cent, which should have gone to the prison. So it was in the case of several of the other articles mentioned. Many officers buying tombstones, monuments, horses, sleighs, buggies, stone, &c., &c., all of which is forbidden by these rules. The next rule (15) forbids any officer buying goods from the prison for any one other than himself, and then only under certain regulations and restrictions. This rule was repeatedly broken by officers with the warden's knowledge and sanction, and by himself, as for instance, in the case of the steam yacht furnished for his brother on the requisitions of the warden and Clerk of Works Labelle at the warden's request. So in the case of several subordinate officers who procured the making of furniture, refrigerators, &c., for persons not connected with the prison. Such of this work so procured, was, when charged for at all, only charged at the price at which officers are allowed to get it which is understood to be about half the amount to be charged non-officers. Subsec. (a) of the rule (16) was entirely ignored, your Commissioners not being able to find an instance in which its requirements had been complied with. From the rule laid down in subsec. (b) the deviations were very frequent. The great bulk of the prison stone was given without requisition or record of any kind; so for a long time with the scrap iron, which Daignault was given to sell and the proceeds of which went into his own pockets; so with all the bones, which, up to last year, were given to the keeper at the piggery and the proceeds of which he was allowed to keep; for the bread, meats, ice, fuel, oil, &c., regularly supplied to the warden and his deputy, requisitions were made at long intervals only, in most cases yearly, and after delivery of the goods; much work was done for various other officers and no requisition made until afterwards and in many cases only at the end of a month; requisition as between the various departments were made in the same way. It is also established that in most cases the requisitions and delivery notes were made at same time, and that in the interval between the giving of an order and the making of the requisition and delivery note, no proper record of the time and material was kept. There is ample evidence both of a general and specific character to warrant the belief that the general non-observance of this rule was a common practice, which led to much of the dishonest dealing with the prison property. To justify the great neglect of this rule the deputy warden, at the presentation of the warden's defence, alleged that it was impossible to enforce it. But from another witness (Nantel) heard upon the same occasion it was learned that while formerly it was the practice at his shop to do work for the farm, &c., and only make out requisitions monthly, he was now having the requisitions made out before the work was started. The deputy warden in defence of the same violation quoted from page 21 of the Supplementary Report of the Minister of Justice for 1886, being an extract from a memo. of the then Deputy Minister of Justice to the then inspector. The extract is as follows:—

"While accepting generally the views expressed by you, the Minister is of opinion that we cannot, by general rules and regulations, make provision for every case, and

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that much must be left to the good judgment and discretion of the warden, and that within certain limits each warden must be left to choose as to whether he will communicate verbally or by writing with his officer."

The context of this memo. clearly shows that it had no reference to or bearing upon the question of requisitions whatever, and in no way justified the slightest variations from the foregoing rules.

Rule 17 was totally ignored, the accountant and deputy warden never having been consulted in the matter, hence there was practically no check upon the quantity or price of what the warden got.

Rule 18 was totally ignored. Had this rule been enforced it would have required the dismissal of the warden, and many of his subordinates long ago.

Rules 20 and 21 were ignored in several instances, particularly in the case of those officers, such as the warden and deputy, who made their requisitions for several kinds of articles before referred to only yearly.

As has been before said these rules were especially framed for the purpose of preventing the loose and dishonest dealing which has actually occurred in this prison, and most of which, in the opinion of the Commissioners, would not have occurred had these regulations been strictly enforced. The only excuses offered for their non-enforcement is the saving of time, but it is submitted that this cannot be taken as a sufficient excuse in any such case. The attainment of the object which these rules have in view is of vastly more importance than the amount of time which might be lost in their enforcement, and under no circumstances should any deviations from them be permitted. It has been urged by way of justification for the carrying on of the practices forbidden by these rules, that it was the custom in former years, but it must be borne in mind that it was to put an end to these very practices that the rules were specially framed by Order in Council of 30th June, 1887, shortly after the present warden was appointed. It would appear from the conduct and testimony of the chief officers of the prison that they had little regard for these, and many of the other regulations laid down for their government, and this is not surprising when it is found that the ex-inspector looked upon them with contempt, and characterized them as the production of feather-headed people, and adds that they should have been abolished long ago.

DISHONEST PRACTICES.

In addition to the wastefulness which prevailed in the prison, which was the result of laxity of discipline and failure to enforce particular rules, there followed much in the way of petty thieving by officers, and by convicts at the instigation of officers. So prevalent had it become that the warden, at some of the musters of the officers, did not hesitate to tell them that there were robbers amongst them. Some of the offenders were dismissed, but others of them, such as Plouffe and Bertrand, were but lightly fined, and in the cases of Leclerc and Labelle no punishment was inflicted and no action taken. Why there should have been any distinction made in these cases, your Commissioners are at a loss to understand, and certainly no sufficient reason for discrimination has been advanced. It is this leniency, which has been too often extended, that has, no doubt, encouraged others to offend in the same respect, or in a way so much like it as scarcely to permit of any distinction, as, for instance, in the case of Trudeau, Champagne, Monette and Deloges, and your Commissioners are of opinion that, especially in an institution of this kind, summary and severe punishment should be meted out to any official detected in dishonest transactions, and nothing short of prompt dismissal should follow. It will be impossible to prevent the evil habit spreading among the officers themselves, where so many are employed, unless strict measures are adopted, and it can scarcely be hoped that any degree of reformation can be achieved among those undergoing punishment for theft and other crimes, if those who are placed over them as guardians are practically allowed to go unpunished when detected in the very offences for which the former are incarcerated. It has been said that this state of affairs was due in a measure to the failure to enforce particular rules and there can be no doubt of the correctness of this con-

clusion. Trafficking between officers and prisoners, and amongst the prisoners themselves, was the common practice; so also were the prisoners allowed to deal with outsiders on their own terms; officers were permitted to make purchases of prison property and to make profit out of it; officers were allowed to sell to the prison; goods were manufactured for outsiders on the requisitions of prison employees; prison property was given away to officers and others; those high in command appropriated large quantities of prison supplies to their use on the pretense that they were entitled to them as perquisites, and often times without even that pretext.

Permitting officers to take prison property free of charge and sell it for their own profit, as in the case of Teamster Cloutier who was given all the bones and some other articles such as lard; and public works Storekeeper Daignault, who received all the scrap iron and steel from the prison and Public Works Department, all of which articles were, up to a recent date, sold by such officers and the proceeds put in their own pockets, discloses another class of transactions closely akin to those just referred to. The same defence of "custom" was set up as in other cases and it is open to the same objection. It is no doubt true, as was urged that Daignault was an officer of the Public Works Department, and therefore not under the jurisdiction of the warden, but this only applied to so much of the material as belonged to that department, and even as to this, such improper dealing should, we think, have been reported, by the warden, to the proper authorities.

There is ample evidence that in addition to these already mentioned many of the friends of officers were in receipt of special favours and succeeded in procuring materials and labour from the prison for which no charge was made, an example of this being the gift to Calixte Bastien of a certain steam engine. The warden says he loaned it to Bastien, but the evidence does not bear him out in this contention. Briefly the facts are as follows:—There was an engine with pump attached at the quarry which cost \$500. Through carelessness the pumping attachment was allowed to freeze up and burst. It was taken to the prison, the pump detached, the engine thoroughly overhauled and made as good as new and given to Bastien, he paying \$6 for some labour and furnishing two or three small attachments which were placed upon it. The engineer says it was cheap at \$150, when Bastien got it from the prison. Considerable work has been done since upon the engine and no charge has been made therefor. This engine was supplied to Bastien about the time he purchased the old boiler out of the yacht of the Hon. Justice Ouimet.

All these acts were direct contraventions of well defined regulations, especially framed to guard against possible dishonesty in dealing with the property of the public, and it is the fact that nearly every, if not every, regulation of this kind has been violated here. It must be admitted that, from time to time, circumstances will arise which may justify a deviation from some rule or regulation governing prison organization or discipline, but your Commissioners are unable to conceive of any occasion upon which these rules which have for their object the safeguarding of the prison property and the honesty of the staff, can be departed from with propriety. If these regulations had been strictly adhered to, from the outset, no doubt many of those who now find themselves in an unpleasant predicament as a result of their failure to comply with them, would be saved the humiliation which necessarily follows an investigation of their acts.

OFFICERS BUYING AND APPROPRIATING PRISON SUPPLIES.

There are many instances to be found in the accounts of the officers of the purchases from the prison supplies for their own use contrary to the regulations. It is urged that no harm is done in such cases if the prison suffers no loss, but your Commissioners are of opinion that not only does the prison now suffer loss, but this practice opens the door to the more serious offences which unfortunately have occurred in the case of many of the officers of this prison. The warden following the illegal custom of his predecessors, but contrary to the laws expressly forbidding it, took from the prison supplies his ice, quantities of vegetables, &c., without paying therefor and allowed others to do the same. His bread, and that of the deputy warden, was made at the prison under an arrange-

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ment by which they supplied a quantity of flour and in return received all the bread that was produced from that quantity, that is to say for every 100 lbs. of flour they received 132 to 138 lbs. of bread—the prison losing the materials which went to make up the additional weight and the labour and fuel employed in its manufacture. This is not a very serious matter in itself, but is only an example showing how many matters of a similar character were managed. The evidence shows that much work was done for various officers for which no requisitions were made and nothing paid. In this way the warden got part of the stone used for flagging in front of his property at Ste. Rose, also certain blacksmith and tinsmith work used on his house, fencing and stables at the same place, and the prices that were paid for the flagging and woodwork about the same property which were charged for were ridiculously low. In addition to this, much of the carting of this and other materials were done by prison teams with prison officers without payment therefor. It was alleged that a large family monument erected at Ste. Rose had been cut in the prison and had not been paid for, and although the warden claims to have paid \$40 for the work, no entries of any kind are to be found in the prison books in connection with the transaction, and he was unable to produce any evidence to corroborate his statement as to the payment having been made. The work on this monument appears from the evidence to have been begun prior to the time the warden was appointed to his present position, but a large part of it was not delivered until after he had assumed the duties of warden. The witness Felix Labelle called by the warden and questioned with a view to showing that the work on the monument when placed in his hands to erect, was of an inferior character, says the work alone was worth \$75 to \$80, and the monument itself worth \$120. A considerable quantity of the engraving in silverware, &c., was done for him by a convict for which neither the convict nor the prison received any remuneration. For several years he and the deputy and other officers pastured their cows upon the prison property paying nothing therefor. The evidence goes to show that the prices paid for work done in the carpenter's department, such as making furniture &c., were out of all proportion to the value of the work done, and that much of the time employed by convicts in this work was not charged for at all. In addition to this there is ample evidence to establish that much of the materials used in making the warden's furniture such as black walnut, pine and other lumber, nails, screws, paint, varnish, &c., came from prison supplies and were neither charged nor paid for. The warden's answer to this is that he gave instructions to the officers in control of these departments to charge for all labour and materials, and if they did not do so it was no fault of his. But he knew what he was getting and ought to have known that the charges did not cover all, and in addition he knew that it was contrary to the rules to get any of these materials from the prison supplies whether he paid for them or not. It appeared in evidence that a considerable quantity of black walnut belonging to the prison had been used in making furniture for the warden. It also appeared from the prison accounts that some 2,523 feet of that kind of lumber had been purchased and paid for by the prison and about 500 feet by the Public Works Department, but only a small portion of it could be accounted for as having been used in prison work. The warden practically admits that the last lot of this lumber used for his work came from the prison stock and the requisitions made by the warden at the time indicate that this was so. The warden claims to have purchased 1,500 feet of black walnut from Bulmer & Co. at different times and calls Teamster Leblanc and Gilbert Chartrand and others, who, to some extent, corroborate his statement, but in a rather indefinite and unsatisfactory way. The man, Lefevre, employed by Bulmer & Co., from whom the purchase is said to have been made, died some time ago. Mr. John A. Bulmer says that no such purchases were made so far as he is aware, and there is no record of it to be found on the books of the firm. Assuming, however, that the warden's contention as to this quantity is correct, there can be no doubt that the last lot, before referred to, was supplied from the prison stock. An attempt was made to establish the subsequent delivery of black walnut, to the warden by the witness Napoleon Bastien but it failed, and it is significant that the warden in his evidence claims no such delivery to or purchase by him as is suggested by Bastien. Requisition No. 5868, dated 2nd December, 1896, and the delivery note of same date show that no material was furnished by the warden for the bed-room set made under

its authority—both this requisition and the delivery note were made on the same date and after the work was finished.

In 1887, the regulations which permitted the wardens of the various penitentiaries to have fuel and light, were repealed and the salaries of these officers were increased with a view to meeting the changed conditions, but the warden of this prison has, notwithstanding, been continuously in receipt of his fuel and latterly his light. The correspondence in connection with the matter is to be found in official file No. 129 of the Department of Justice, 1890, which file contains, as the warden admits, all the correspondence so far as he knows upon the subject. This correspondence shows that the first application of the warden was for fuel from 1st July, 1890, and says nothing of that which he had actually received from 1887 to that date but had not paid for. His request for fuel from 1890 was refused by the then Minister, Sir John S. D. Thompson, who in writing to the inspector says: "Am sorry this cannot be done. It is contrary to law. The deprivation has been considered in arranging the salaries." Another application was made in 1892 and whatever official answer (if any) may have been given to this is not on file.

In the evidence of the Honourable Justice Ouimet he says that at this time he had some conversation with the Minister of Justice, about the matter, which resulted in the Minister telling him that the law was imperative, and that he could not entertain the request of the warden. He said it was his (Ouimet's) intention to have the law altered, but it was then too late in the session to do so, and the Minister suggested that a fair solution of the question might be the following. The warden being told to continue to take his supply of coal (and coal oil he thinks was added, although not important) and to have the whole thing charged in the books of the institution, leaving the matter in abeyance in the meantime to be settled later on. This was communicated to the warden. The matter seems to have been dropped at that—no further consent having been given and the law not having been changed as suggested. Your Commissioners have no reason to doubt the truth of the Hon. Justice Ouimet's statement of what occurred as he remembered it, but they submit that having regard to the unqualified refusal in 1890, and the statement of the Minister of Justice in 1892 in answer to the application made at that time, that "the law was imperative and that he could not entertain the request of the warden," that he could only have intended at the most, to deal with the supply of fuel in the future—and the failure of himself and his successors to so deal with it was sufficient notice to the warden that the law was intended to remain as it was. The law was afterwards changed but not so as to effect the case of this warden and of this he had due notice. Such record of the amount of fuel so supplied without requisition and without charge to the warden during the period mentioned shows him to have received \$831.22 worth. He had in addition to this received in the way of lighting, materials to the value of \$31.36 for which application was at no time made and no authority given, and it appears in evidence that quantities of oil in addition to this were supplied to the warden's residence from the pump-house at the dock, which the warden does not deny but of which he says he knows nothing.

Since the passage of the amending Act in 1895 the deputy warden acting on instructions from the warden has been in receipt of supplies for lighting such as coal oil, lamps, chimneys, &c., to which he had no right.

Elsewhere throughout this report will be found instances where numbers of officers were detected actually stealing the prison property, but in addition to this scores of instances came to the notice of your Commissioners where subordinate officers with the knowledge and consent of their superiors were in receipt of supplies which appear to have been looked upon as perquisites but to which they had no shadow of claim save that which comes from following the illegal practice of some one else. The evil example set by the superior officers seems to have permeated almost the entire staff, and your Commissioners were convinced that these practices had become so general that the prison was necessarily a heavy loser thereby. As a matter of fact the revenue accruing to the prison from the amount paid into it by its employees is of so little moment as not to be longer worthy of serious consideration, and we fear is counterbalanced by the abuses consequent upon permitting them to deal with the prison in any way. The interests of

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both prison and staff seem to demand that an end be put to selling to officers as speedily as other employment can be arranged for the convicts, and that in the meantime it be permitted only upon the strictest compliance with the regulations.

DECEPTIVE STATEMENTS, &c.

Many attempts were, from time to time, made to mislead and deceive the Commissioners. Prior to their arrival at the prison the warden caused the engineer and clerk of works to prepare certain statements to put before the Commissioners, and at the request of the latter caused a report to be made as to the cost of maintaining the steam yachts. These statements, so far as your Commissioners could learn, were in almost every respect untrue, and most highly coloured in the interests of the officers effected by them with the evident object of misleading those who had charge of the investigation. For instance, the clerk of works in preparing the statement undertook to account for the large quantity of cement for which the prison paid, but which up to the present is unaccounted for, and it appears from the evidence that large quantities of this cement were charged in this statement to places where none whatever had been used, and that in other places the quantity charged was many times more than that which was actually used, and that the whole thing was prepared without any knowledge of the facts or a wanton disregard of them. So with the sand and stone and labour. So was it, also, in the engineer's statement, which was admittedly all mere guess work and unwarrantably exaggerated. On the other hand, the statement showing the cost of maintaining the steam yachts did not show a tithe of the actual expense as is shown beyond question by a comparison of this statement with the evidence of the engineer and the many witnesses who have testified as to the number of times the boats have been used, and the length of the trips taken as well as the costs of painting, repairing, and otherwise caring for said boats. The testimony of the warden, engineer, clerk of works, public works storekeeper, and some inferior officers, were in many cases apparently untruthful as was shown by the departmental and prison records and accounts, the evidence of several witnesses and their own admissions subsequently made. Who was responsible for the various attempts made to deceive the Commissioners in the warden's defence, they are not prepared to say—but that several such attempts were deliberately made—including the falsification of several books elsewhere referred to—your Commissioners have no doubt whatever, and it is difficult to believe that the warden knew nothing of them. We found, too, during the inquiry that many of the convicts from whom it was expected information was to be had, had been approached by some of the officials with a view to having them colour their testimony or refuse to give it, and in some cases there can be no doubt that those who sought to bring about these results succeeded, for some five of the convicts who were in the best position to testify, absolutely refused to do so, giving as their reasons that they were afraid of the consequences, and it was only with difficulty that from many of the others any information was obtained. It was proven that the Keepers Demers and Prevost and Guard Monette were transgressors in this respect. As has already been intimated there came to the knowledge of your Commissioners that an organized effort was being made by the guilty ones to screen each other, and it was only after the most persistent efforts accompanied by great delay that the Commissioners were able in some measure to get behind this and reach some of the truth.

It was not with the Commissioners alone that this deception was practised, for traces of its prevalence in the dealings in the earlier years of the present warden's reign and up to the present time are plentiful, as for instance in the case of the killing of the horse by Daignault; the discharge of the convict Hebert; the report in the case of Officer Breland; the dealings in reference to the yacht, and officers prerequisites; the engineer's bogus stock sheets, the selling to the prison and Department of Public Works under fictitious names and very many other instances which appear throughout the evidence.

STEAM YACHTS.

It appears from the correspondence filed that in 1888 the warden was negotiating with the inspector for the purchase of a yacht, but the then Minister of Justice declined to grant the request. In 1889 the attempt was again repeated but failed. The warden then seems to have abandoned the effort to secure a boat in the ordinary and proper way, but nevertheless continued to have the use of one which he had in his service occasionally from 1887 to 1892, and exclusively from that time to the commencement of this inquiry. From 1887 to 1892 the yacht "Iris" belonging to Mr. John H. Garth of Garth & Co., of Montreal, with whom the prison had extensive dealings at the time, was for a certain period during each year left to the prison for the use of the warden and his family, and from that time up to the fall of 1896 it was kept there altogether.

In 1893 Mr. Edouard O. Champagne, boiler inspector of Montreal, conceived the idea of making a present to the Hon. J. A. Ouimet, then Minister of Public Works for Canada, and brother of the warden, in return, as he says, for personal and political favours. He proposed to present the Minister with a yacht engine and to give his attention more or less to the completion of a boat which it was proposed to build for the Minister. The Minister intimates that he agreed to the proposition and was anxious to have such a boat at St. Vincent de Paul for the pleasure of his constituents.

In pursuance of arrangements between them a hull was procured from one Dumas, and this with the engine furnished by E. O. Champagne and some lumber for the cabin and wheel-house donated by Hurteau & Co., was brought to the prison from Montreal by Eugene Champagne, the prison engineer. The hull was then sent to one Limoges, to have some additional work done upon it and returned to the prison, completed as to the hull and decking, but with no other work done upon it. Some additional fittings and materials were furnished by the Minister or his friends, but all the additional labour and much of the materials required to complete this boat and her boiler and machinery, were furnished from the prison supplies and but a small portion of them paid for.

When the work upon the yacht was begun at the prison, there was but the bare hull and the separate parts of the engine; all the labour necessary to complete the engine and place it and the pump, build a tubular boiler and place same, together with smoke stack, wheel, shaft, &c., build and fit the cabin and three wheel-houses, (the first two built not being suitable) make cushions, tables, chairs, flag staffs, &c., make and fit all forgings and other iron and brass work; painting, glazing, &c., was supplied by the prison and in return for the same, there was paid but the sum of \$61.64.

The Commissioners are satisfied that all the material for the first boiler made for the yacht (excepting the dome) all paint, putty, varnish, oil, nails, screws, most (if not all) of the brass fittings for engine and boiler and cabins including steam whistle at \$11, and safety valve at \$30, bar iron used in keel, stem and guards, some lumber and the pump now upon the yacht, which cost the prison \$75, came from prison supplies, and for them was paid the sum of \$86.09 only, a sum about sufficient to pay for the piping used in the boiler.

Gabriel St. Onge, an expert yacht builder, says the labour on the wood work, done at the prison, including the two extra wheel-houses, is worth \$325. The painting including material is worth \$50. This is corroborated by the testimony of those who did the work.

Robert S. Weir, a marine engine builder of long experience says, it is worth \$50 to \$60 to place and connect the engine and boiler, and Edouard O. Champagne agreed with him in this. The boiler, after deducting the cost of placing and the price of the steam dome, is worth \$300, and both Edward and Eugene Champagne corroborate this estimate. The railings, brass posts, and cleats, rudder, shoe, steering gear and brass wheel, and bow forgings are valued by Weir at \$106.70, to this must be added some minor items mentioned in evidence but not referred to, aggregating some \$90.

Eugene Leclair, carriage maker instructor; Proscope Dumas, carpenter instructor; Tréfilé Nantel, blacksmith instructor; Eugene Champagne, engineer; and many other witnesses give testimony as to the quantities of material and time not charged at all or charged to the engineer's and carpenter departments.

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The above items give a total of \$921.50 for work and materials for which only \$147.73 has been paid. But this is only a part of the expenditure of prison funds in connection with these boats. We find from the evidence that some one of them was in use almost every day during the summer season of the year mentioned, and all the fuel, oil, waste, and labour required were supplied by the penitentiary as well as all the materials and labour for repairing woodwork and machinery, and painting the boats each season, and when it is remembered that the Garth yacht was almost entirely rebuilt during that time, it will be readily seen that the bill for repairs must have been large indeed. Apart from the authority for the expenditure of \$45 in repairs and permission given in 1894, to use prison coal while the boat was being used by officials only, no permission has been at any time given to expend any money or labour upon these yachts, and no requisitions were issued for the labour and the materials used. Fuel, oil, paint, lumber, &c., was taken from the supplies of the various departments in which they were kept, and no record whatever was made of them so that when a statement of the cost of maintaining the yachts was asked for, we could only get the result of the guess work of the engineer and other officers of the prison which proved quite unreliable. Then a boat-house, large enough to shelter the two yachts, had to be built at the cost of the Government of at least \$250 to which must be added the truck for moving boats, valued at \$18 or \$20. On being questioned about the building of this boat-house, the warden at first strenuously denied that it was built for the purpose of sheltering these two boats, but your Commissioners are satisfied that it was. He also alleged that only old lumber was used for the purpose, but it transpired that 4,000 feet at \$22 per M. were purchased for this purpose from Prevost by the Department of Public Works of which the owner of the yacht was then Minister.

While there can be no doubt that the yacht is the property of the Honourable Justice Ouimet, subject to such accounting as the department may deem fit to enforce, there was a studied effort to conceal this fact for we find that all requisitions for work were made in the name of Octave Labelle, who was clerk of works, or the warden, all charges on account of said yacht were made to them and as late as 17th May, 1895, the warden is found claiming it as his own property, as will be seen by the following letter:—

ST. VINCENT DE PAUL PENITENTIARY, 17th May, 1895.

DOUGLAS STEWART, Esq.,
Inspector of Penitentiaries,
Department of Justice, Ottawa.

SIR,—I beg to be authorized to be used for the yacht, coal purchased by the institution. The reason for such demand is this: The yacht, although my property, is at the disposal of the officers of the penitentiary, and is used by them evenings and Sundays, for a cruise round the bay, to relieve their bodies and minds of the toils of the day and breathe fresh air. The item is not much but would be a great boon for the staff.

Your obedient servant,

TEL OUIMET,
Warden.

The Commissioners experienced much difficulty in getting at the facts of this case, with the result that a great deal of evidence had to be taken and much time wasted. A comparison of the statements furnished by the warden and engineer before evidence was taken, indicate on their part a deliberate attempt to deceive the Commissioners or an utter disregard for the truthfulness of their statements. This is in keeping with their professed inability to give information concerning these things, which it is only reasonable to expect them to know.

All the evidence goes to show that the only use to which these boats were put, was to furnish pleasure to the warden and his friends and such officers of the prison as the

warden might select, with the exception, however, of the two occasions upon which it was used to carry people to political meetings.

The evidence of Prison Surgeon Gaudet corroborated by many others, indicates that the conduct of officers on many of the trips was not such as it should have been. Liquor was supplied plentifully, and at times the trip extended over several days, when many of the principal officers (sometimes nine at a time) were absent from their duty. The precaution seems to have been taken to see that no account of this lost time was kept or charged against any of them. On the short trips to Varennes, Boucherville, and other places, a convict invariably accompanied them, and the attempted escape of one of these came very near costing the life of the engineer.

The evils indirectly flowing from the introduction and continuance of these privileges, at an institution such as this are manifold, as are shown in this case. It has led to the violation of prison rules by almost every officer who has had anything to do with these boats and these violations have been followed up, in many instances, by false testimony given with the view of covering up the improper dealing with the prison property and labour and the falsification of books of account, mentioned elsewhere in the reference to the warden's defence.

Another transaction closely connected with the building of the new yacht, was the exchange with Calixte Bastien of the first boiler built for it, for materials for the new boiler at present in use. Bastien appears to have supplied materials for the new boiler and paid \$15 for making same.

It will be seen in evidence that the warden paid \$5 for making the first boiler, so that the net result of these transactions to the prison is the payment to it of \$20 for all the labour connected with the building of two boilers and the material furnished for the first of them.

It appears to your Commissioners that there can be no legitimate excuse for permitting a continuance of these abuses. Directly and indirectly this and similar extravagances have cost this prison thousands of dollars, with no result except supplying the warden with means of enjoyment for himself and his friends at the expense of the public, and it is again urged that prison officials have no more claim to special privileges of this kind than any other employees of the Government.

HORSES, VEHICLES, &C.

In addition to the high prices which appear to have been paid for the ordinary horses in use at the prison, of which there seems to be considerably more than is necessary, large sums of money have from time to time been expended in the purchase of expensive horses, harness and vehicles, which according to the warden are only used for the pleasure and convenience of himself and friends, and for driving the officials from Ottawa, who, from time to time, visit St. Vincent de Paul, to and from the station. Since the year 1880 the Canadian Pacific Railway, which runs through the penitentiary property, and whose station-house is within a few blocks of the prison proper, has been running several trains daily to and from Montreal stopping at St. Vincent de Paul, thus furnishing easy access to that city for all the purposes of the prison. Such being the case, your Commissioners do not see the necessity for supplying this prison, for the use of the warden and his family, with a team of horses at \$500; harness, one of which cost as high as \$200, ordered to match that of the Lieutenant Governor, silver mounted and bearing in various places the monogram of the warden; sleigh robes costing \$300, and all other appointments on a similarly expensive scale; a landau costing \$675, and three double seated carriages and a phaeton, with three family sleighs (one of which cost \$250) and one single sleigh; nor do they think it necessary to retain any horses or vehicles for the purpose of conveying Government officials from the station to the prison. There can be no more reason for supplying a warden of a prison and his family with luxuries of this description than there is for supplying the same to any other employee of the Government. It might be necessary to keep one or two conveyances of a common character for use in the emergency of attempted escapes, and these could be drawn by any of the ordinary prison horses, some of which are at any time available and are quite

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good enough for that purpose, or for any other legitimate purpose of the prison. This and the yachts are samples of the extravagances which go to make the expenses of maintaining this penitentiary more than they should be, entailing in addition to the original expenditure the yearly cost of the maintenance and repairs and the time of employees in caring for and accompanying them every time they are used. The warden claims to have had the authority of the department to build the various vehicles at the prison excepting one, which he began on his own account and upon which was expended some \$165 or \$175, but the building of which for some reason was abandoned. No record of such authority was to be found at the prison, but even though it were granted it makes the extravagance none the less. When the carriage team above referred to was purchased for some reason not satisfactorily explained, one of them was charged to the Department of Justice and the other to the Department of Public Works, and apparently both departments were being deceived in the matter.

In the opinion of your Commissioners the number of horses (17) and vehicles (which is quite large) in and about the prison, in addition to what has already been mentioned, is unnecessarily large, and a saving in this respect might well be made, particularly in view of the fact that the building of the wall is about completed. With proper management the business of the prison requiring the use of horses should be so conducted that, at most, ten animals would be sufficient for all purposes.

STONE AND MASON WORK.

From information which came to your Commissioners from various sources, they were satisfied that there were many matters, in connection with the erection of the prison wall, towers and gates, and other structures about the prison, and the supply of materials therefor, which warranted the strictest investigation, but they found it utterly impossible to procure any reliable information from those in charge of the work, and were forced to enlist the services of an independent and experienced person, who was thoroughly conversant with that class of work. Mr. George Crain, of Brockville, and formerly of Ottawa, a practical builder of wide experience, was called upon and a full report of the result of his investigation is filed herewith together with many valuable exhibits. It was found at the outset that much of the information we were being furnished with by the clerk of works, relating to his department, was such as could not be depended upon, and this necessitated an independent investigation involving complete and accurate measurements of all materials on hand, used and unused, with a thorough analysis of the various accounts, vouchers, estimates, reports, &c., connected with the various structures dealt with in the report, and a personal investigation of the quarries, and the workmanship upon the walls, and materials used therein. The unwillingness to give information shown by the clerk of works and others who were in a position to furnish it, made it necessary to devote much more time to this work than would otherwise have been required. The thoroughness with which Mr. Crain has performed his task is clearly demonstrated by the evidence of Contractor Bastien, Stonecutter Instructor Sigouin, Mason Instructors O'Borne and Labelle, Clerk of Works Labelle, Storekeeper Daignault and many other witnesses who, in their testimony, have corroborated almost every point touched upon by him.

The report established that having regard to the contracts for stone, the plans and specifications and the work as actually built, there has been a waste of some sixty per cent of material over and above the ordinary waste in preparing stone for laying. The chief excuse given for this is that the convicts destroyed it, but when the evidence is taken into consideration, other reasons present themselves. The laxity of business methods employed by Storekeeper Daignault whose duty it was to receive the stone and measure it, accounts in the opinion of your Commissioners, for some of it, they being of the opinion that all that was paid for was not received. The reason for the major part of the waste, however, is to be found in the fact that much of the stone sent to the prison and accepted was not fit for use for the purpose for which it was intended. The evidence shows beyond question that from the time a quarry was opened until a change was made everything that was taken out of it was sent to the prison, and for the most

part these were strippings, for five different quarries were opened and the whole output of each was delivered at the prison. Daignault says that he accepted everything sent to him and measured it as dimension stone, whether it was thick or thin, good or bad, and when dimension stone was actually ordered the contractor was allowed full measurement for all stone that was delivered no matter how much it overrun the dimensions, which as a rule was beyond all reason. Daignault practically kept Bastien's books and made out his accounts, and whatever was done in this way met Bastien's approval. Only a small quantity was ever refused and that was refused by the stonecutter instructor, or at his instigation, because it was so bad that he could not attempt to cut it. His evidence shows beyond question that anything that could be held together until it was shaped for the wall was put in the structure—much of it fell apart when being cut through no fault of any one—simply because the stone was full of dry shakes or shelly.

The stonecutter instructor's orders were to cut everything that could be put in the wall and in order to carry out these instructions, he was undoubtedly forced to cut the bulk of the stone on edge, as it came to him too thin to cut otherwise, or shelled off after cutting was started. The Commissioners are agreed that some of this extra waste was due to carelessness or other fault of the convicts, who were employed at cutting, but they are equally well satisfied that most of it was the result of the gross negligence in the checking and acceptance of the stone from the quarries, and the want of proper supervision of the work; for this the Storekeeper Daignault, Clerk of Works LeBelle, and Warden Ouimet are responsible.

Everything possible seemed to have been done to favour the contractor. Under the first contract, which called for 20,000 feet of stone, they were allowed to furnish 300,000 feet; after the expiration of the contract of 1892 they were allowed to continue two more years without calling for tenders; 20,000 feet of flagging was asked for under the contract of 1892 by the warden, when he knew that none was required, or was likely to be. This was made known to the successful tenderer and the conversation which took place between Labelle and the contractor (but which the latter now claims was a falsehood told by him) corroborates this, as does the fact that no flagging (as such) was used, but all the stone which came from the quarries in the shape of flagging was received and accepted at the prison as dimension stone. This same contractor, at least so far as the tenders called for about 1st August, 1896, are concerned, was able to find out in advance the prices fixed by other tenders, some of which information came from the warden's son-in-law; and Bastien was at the warden's house that day before time was up for filing tenders. He was also at Charbonneau's hotel, at which place he claims he got the information, and in this connection attention may be drawn to the fact that some of the bidders on the occasion of the last tendering for stone, complained of this and said that their prices had been given away to Bastien the former contractor and successful tenderer on this occasion. The facts are that Bastien admitted he did know all the prices excepting perhaps those of one Gallagher before he put in his own bid. The warden was asked for an explanation and his letter to the department speaks for itself. It fixes the time of the filing of the tender of Louis Labelle & Co., (in which name Calixte Bastien, the then contractor, was tendering) at 10.30, Desormeau at 10.45 and Gallagher at 11.15. When put upon his oath Bastien said the Labelle & Co. tender was not filed until 11.15 or 11.30 o'clock and of that he was certain, and not until after he had got all the information possible, and the warden on oath said the same time, until he was confronted with his letter, when he retraced his sworn statement.

There are many other circumstances indicating an anxiety and efforts to have Bastien get the contract and to favour him afterwards, and Bastien in return was a generous contributor to election funds, an active political co-worker with the warden, and in the habit of making gifts to the latter and other officers. It will be noticed that the Stonecutter Instructor Sigouin and other witnesses say that very little of the flagging actually paid for was wasted or destroyed in the cutting, yet one-half of it cannot be accounted for. The cement and sand with which the stonecutters had nothing to do and as to which it is not claimed that the convicts made any waste, is similarly unaccounted for in the main.

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It was, of course, necessary to dispose in some way of the large quantities of stone thus wasted, and a considerable quantity of it was given to build the convent and school at St. Vincent de Paul. Many persons used it for making walks and some for building cellars and other purposes. Large quantities of it were taken to the river bank and used for building up the shore in front of the warden's residence and adjoining properties not belonging to the Government. Very little of it brought any return to the prison, it was given away to whoever asked for it. Your Commissioners submit, however, that such of it as was used for building purposes and flagging should have brought a fair price, and no doubt would have done so had an effort been made to obtain it.

The result is that the Government paid \$107,796.25 for 539,435 feet of stone and that only 215,448 feet worth \$42,133.73 at contract prices are accounted for, as being used, leaving nearly sixty per cent wasted or unaccounted for, and the major portion of that which was used, instead of being first-class stone is of the poorest quality—not fit for the work for which it was used, and not worth, as the evidence shows, more than half as much as was paid for it, and in fact a large quantity of it was nothing more than the flagging which had been contracted for at 1½ and 2 cents per foot, but for which dimension stone prices were paid. In connection with this work it is also found that some 1,637 barrels of cement were paid for the Department of Public Works and only about 650 accounted for and so with the 5,687 loads of sand purchased for the same work. Add to this the fact that the stone was improperly prepared, most of its being cut upon its edge, having loose beds and slack joints which made the proper laying of it an impossibility, and you have a work which for extravagance and incompetence is difficult to surpass.

PUBLIC WORKS STORES.

Up to July of the past year there was located at this prison what was known as the Public Works Department store in which was kept the supplies of various kinds used in the construction of new buildings and the maintenance of those already erected. Formerly a larger portion of the prison staff was under the jurisdiction of this department. Large sums of money have been, from time to time, expended in and about the premises through this department, for stone, lumber, hardware, machinery and various other supplies, and the recklessness with which the property has been treated and the prices paid for it are proof that the waste, in comparison with the amount expended, has been enormous.

Up to the time of the first sitting of the Commission and for some time subsequently, this department had a storekeeper, one Elzéar Daignault, in charge of the general supplies and engaged in the work of receiving stone from the contractors. A reference to his past history and the methods employed in the performance of the duties assigned to him will suffice to show how the conclusions above set out have been arrived at.

Prior to the appointment of this officer to a place in the Department of Public Works, he had been engaged at the prison as accountant, and the affairs of his office were investigated by Messrs. Taché and Miall in 1880, and the following is an extract from their report referring to his work and conduct up to that time:

"It is further our painful duty to report that the present accountant has proved himself incompetent for his duties. Previous to his appointment in that capacity, he had acted as storekeeper of the institution, and it is only just to mention that he is reported by his superior officers to have performed his duties as such entirely to their satisfaction. Whatever were his qualifications, however, for other pursuits or functions, it is manifest from an examination of his books, as it is also from the intercourse we have had with him, in matters relating thereto, that his aptitudes and qualifications are not such as are required for the performance of the somewhat complicated duties of accountant to an institution of this nature. Without reporting to the same extent against the present storekeeper, we have nevertheless to point that he, in conjunction with the accountant, has certified as correct copies of invoices and statements of accounts in which quantities or prices had been erroneously transcribed; both having evidently contended themselves with ascertaining the correctness of the totals, although those documents were invariably certified as examined and found correct as

to prices, quantities and extensions; although the institution has not, as has been charged, been made to suffer any loss thereby. Still such offhand and negligent modes of conducting office business cannot be permitted to continue."

The following from the Minutes of the Treasury Board held on 3rd April, 1880, show the action taken by the department in this case:—

"The Board have had under consideration a report from the Department of Justice with reference to the proposed superannuation of Mr. E. Daignault.

"Mr. Daignault, who is 46 years of age, was appointed storekeeper at St. Vincent de Paul Penitentiary in 1873, and was promoted to the position of accountant in 1876 with a salary of \$1,000 per annum. His health, however, has become so much impaired that he is compelled to relinquish his position, and the Board considering all the circumstances recommend that under authority of Sec. 2 of 33 Vic., chap. 4, a period of three years be added to his term of actual service, and that he be superannuated from the first of May next with an annual allowance based upon a period of ten years service, and an average salary for the past three years of \$1,000 per annum, and amounting to \$188."

In 1881 he was appointed storekeeper for the Public Works Department at the prison and the evidence adduced during this investigation establishes that his methods, instead of improving, have retrograded. The stock in his department was kept in a most slip shod fashion, and at most times was so kept that any person about the prison could help himself without check of any kind, and as a matter of fact the practice was to do so. It was his duty to keep a record of all supplies furnished him and the disposal of them, but examination demonstrated that his bookkeeping was a farce, the result of incompetence or worse. His records of goods received was not to be relied upon, for we found upon comparing the accounts with the Auditor General's Reports that he had no record of large quantities of the goods actually received by him. This applied to the accounts for fuel, sand, cement, and almost every other account in his books. But where apparently the goods were properly entered as received and the account balanced by distribution, an even worse state of affairs presented itself. Instead of keeping check upon his stock as it was given out, he allowed things to run along for a considerable period and then charged up to some department of the prison, which was in the habit of using such goods whatever quantity was missing at the time he made his balance. When it is remembered that much of the time his store was in the custody of a convict, or left wide open with no one in charge, it can readily be surmised what this kind of bookkeeping meant. A short time before the Commissioners arrived at St. Vincent de Paul, Daignault balanced his books in the usual way as above described, but for some unexplained reason dated his balance of 12th January, 1897. It was established by his own testimony that many lines of goods had been exhausted long before the date of balancing, but no record had been kept of the disposition of them, nevertheless he made the accounts balance by charging all the missing carpenters' tools to "carpenter shop," the oils, paints, galvanized iron, &c., to "prison buildings," the shovels to "excavation" and so on. A quantity of brass screws charged to the carpenters were still in stock. Several brushes charged to same department were found hidden behind the books in Daignault's desk, and these instances are but examples of what the books disclosed.

Comparison of the Auditor General's Reports with his books indicated double payments for goods furnished this department, and there will be found there some work which ought to receive the attention of some reliable official of the prison or department. Your Commissioners were unable to follow up some cases which suggested themselves, but did investigate one with the result that one firm, which had dealings with the prison, has since refunded some \$603.59, being the amount paid to them twice in 1892, together with interest thereon, since the date of payment.

It is quite evident that some of the materials, used in the manufacture of the boiler, &c., for the Ouimet yacht came from this department and with Daignault's knowledge. He admits this in the case of the safety valve and whistle, which he says were purchased at the request of the engineer, and for which, so far as he knows, there could have been no other use. It is significant too that these items were never entered by Daignault in his books, and he offers no explanation of why he ordered them, when

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the Public Works Department had no need of them. The mysterious finding at his door by the prison engineer of the pipe and fittings used for making the boiler, and the various inconsistent stories told about it, coupled with the disreputable attempt by the warden to account for it later on in his defence, leaves no doubt in the minds of your Commissioners that all these materials came from the premises presided over by Daignault and the engineer, and that he knew of these as well as of the valve and whistle.

In addition to being grossly negligent, this officer proved to be untruthful in many instances, and he admitted his weakness in this respect when questioned about the horse loaned him from the prison some years ago, for the purpose of polling his votes in outlying districts, and which horse was apparently overdriven and killed. He was not asked to make this good, owing, perhaps, to the fact that he and the warden apparently succeeded in deceiving the Department of Justice as to the merits of the case.

His record in connection with prison work is not that of an honest man, as is shown by the evidence taken in the investigation of Messrs. Taché and Miall, as well as what has transpired since. We find from correspondence on file at the prison, that as far back as 1878, he was accused by one Léon Derome of obtaining from him a receipt for \$154, under false pretenses, which accusation was referred to Daignault by the then warden, Duchesneau, but of which Daignault now says he has no recollection. While he has had charge of the public works stores he has been taking for himself quantities of wood and coal yearly, which he says was granted him by Mr. Bowes, who has been dead some years, but for which he can produce no authority. But even if this were true—and it is doubtful—there never was, and it is not pretended that there was any right or authority to take more coal or wood than he needed for his own purposes and sell it to another. Yet this he did on more than one occasion, when he sold both coal and wood to his nephew Desloges. They do not agree exactly as to the quantities but do so as to the main facts. It is suggested before that the truth of the assertion that Mr. Bowes gave authority to Daignault to get fuel from the stores is doubtful and there are several reasons for this. It does not appear that Bowes had any authority to grant such perquisites, and no record of them having been granted by any one is found in the Department of Public Works or anywhere else—then too, there is shown by the books and the evidence that the purchase of the particular kinds of fuel used by those officers was covered up—it not appearing in the requisitions or invoices or entries anywhere. François Couvrette, who delivered the wood, explains the way in which this was managed. Each year there was delivered to Daignault five or six cords of hardwood and he would allow the contractor to charge to the department a quantity of soft wood equal to the value of hardwood he received, and thus the officials over him were deceived.

It was this officer who appropriated all the scrap iron, and sold it for his own profit. This he says was customary, but your Commissioners submit that it is contrary to all rules and not an honest way of dealing with property under his charge.

It was this officer's special duty to receive and measure the large quantities of stone coming to the prison and in connection with which there has been so much waste and loss, the blame for which he must share. His own testimony in connection with this work displays the utmost disregard for the interests of his employers and his negligence or carelessness is little, if any, less than criminal. He says his orders were to receive the stone supplied by the contractors and adds that he always took the warden's orders as he had been advised by the visiting architect to "always work easy with the warden." His duty was clearly under the warden to inspect the stone and properly measure, classify and cull it, and he says that prior to 1892 he did so, but since that date he received everything that the quarries produced, whether it was thick or thin, good or bad, and passed it as dimension stone, and it was only when some other officer, such as the warden or Labelle or Breland, refused some pieces (which was not often) that he deducted anything from his allowance to the contractors.

There are numerous other derelictions of duty chargeable to this officer, such as selling all the scrap iron belonging to his department and the prison, and pocketing the proceeds, but these given are sufficient to indicate the abuses which were made possible in the absence of other supervision, many of which would certainly have been avoided

had the work of keeping these books and stores been delegated to competent and trustworthy men such as the present accountant and storekeeper of the prison appears to be.

Mr. Daignault has been removed from office since the work of investigation begun, and your Commissioners recommend that no appointment be made to fill the vacancy thus created, but that the work formerly carried on by the Public Works Department, in connection with this prison, be carried on under arrangement similar to that in operation at Kingston Penitentiary.

CLERK OF WORKS.

Octave Labelle has held the office of clerk of works at this prison for about nine years. During that time he appears to have paid no attention whatever to the working of the various departments outside of what he may have done in connection with the erection of the boundary wall and buildings, and even in these cases he has done but little. The evidence of himself and the warden together with what came under the personal observation of the Commissioners fully justifies this conclusion. In fact the Commissioners are at a loss to know why his services were retained so long, when, as appears by the evidence, almost all the work he was employed to do, was done by the warden or some one else under the warden's instructions. Were the prison staff properly organized and the various officers permitted to perform the duties required of them by the regulations, there would be work for an efficient chief trade instructor, but for such a position Labelle has not the necessary qualifications, his knowledge being almost entirely confined to the building trade. In addition to the lack of that general knowledge required by a chief trade instructor, the clerk of works appears to be greatly wanting in energy and capacity for work, or as the warden expresses it in his evidence, "Labelle has ability, but lacks push and energy, and does not hurt himself working." He complains that his powers and duties were usurped by the warden and while this in a measure is no doubt true, yet the whole work over which he was supposed to exercise supervision has been done in such a careless and unworkmanlike manner as to leave no room for any other conclusion than that he took no interest whatever in the proper carrying out of the work entrusted to him. It was with great difficulty that any data could be obtained from him to enable the Commissioners to get the information necessary in connection with the erection of the various works undertaken during his employment, and in more than one instance he was detected in attempts to deceive the Commissioners. A notable case of that kind was the statement prepared by him for the Commissioners at the request of the warden. Almost from the beginning to the end it turned out to be mere guess work, and in scarcely an instance did his statement correspond with the facts as proven by the evidence of George Crain, Gedeon Labelle and Delphis O'Boone and the other witnesses who gave evidence bearing upon matters referred to in the statement. It showed conclusively that he either knew little or nothing about what he professed to report upon, or that he deliberately attempted to deceive the Commissioners, who are of the opinion that the latter is the correct conclusion. Not only did this officer prepare a statement intended to deceive, but he afterwards attempted to verify it on oath as will be seen on reference to his evidence concerning the enormous quantity of cement unaccounted for. The waste and extravagance practised in connection with building the boundary wall, &c., is chargeable to be warden, Clerk of Works Labelle and Storekeeper Daignault, and their conduct in connection with that work is sufficiently reprehensible to warrant the dismissal of all three of them. In addition to these matters there was evidence of questionable dealings by Labelle with prison materials and labour. He got almost all the stone which he used in building two houses owned by him, all the stonecutting being done by prison labour, and for this, he only paid the prison \$12, the balance going to the convicts in money, tobacco, &c. Large quantities of work for two houses were prepared for him at the prison at ridiculously low prices. There is evidence that much of it was not charged for at all. Work was done for him and some materials supplied in blacksmith and carpenter shops without proper requisitions, and he had work done for outsiders on his requisitions, and induced other officers of the prison to do the same. He was one of those directly responsible for the improper manner in which the

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work for the new yacht was carried on, all the requisitions for such work having been made in the name of himself or the warden. The evidence taken in reference to the work and material connected with the engine and pump built at the prison for himself shows that the interests of the prison were sacrificed in the transaction. He was one of those who persistently trafficked with prisoners—giving them money and tobacco—notwithstanding the regulations to the contrary. With the consent of the warden he took an active part in political affairs spending much of the time which should have been spent in the performance of his duties for the purpose of canvassing and otherwise assisting at parliamentary and other elections. The Commissioners are of the opinion that the office of the clerk of works as at present constituted should be abolished, and that in any event the present clerk of works should be dismissed.

ENGINEER'S DEPARTMENT.

This department appears to be in good condition so far as the keeping in order of the machinery and stock are concerned. High prices were paid for the various supplies furnished, but the officer in charge apparently had no hand in fixing those or in directing the place of purchase. Had the investigation not gone farther than this there would not be much to complain of, but it was found necessary to inquire into the qualifications and personal conduct of the two officers in charge, and this led to the exposure of certain serious irregularities upon which it is found necessary to report.

Eugène Champagne succeeded his brother as chief engineer at the prison in 1890. Your Commissioners are of the opinion that no man can properly fill this position unless he has a reasonable amount of education, and we were therefore astonished to find that this officer could neither read nor write. Apart from this fact there are many reasons why his services could not be retained. He was one of those responsible for much of the work done upon the new yacht and either not charged for at all or wrongfully charged to the engineer's department. He supplied both labour and material from prison for this and other work, such as the Bastien boiler and engine, and much of the labour and material which were charged for in this department were put at a price far below what was a fair value. He was partially responsible for the waste in connection with the running of both yachts, and allowed the material from his departments to be taken without requisition and without record of any kind being kept, and when asked for the statement showing the cost of running these boats, caused one to be prepared which was plainly intended to deceive the Commissioners. Such also was the character of the general statement prepared by him for the Commissioners, of work done in his department; and it was found that year after year instead of supplying his superior officers with a correct stock sheet, he was furnishing one which showed his stock on hand to be far in excess of what it actually was, the last stock sheet showing a balance of \$58,727.83 to the credit of his department when in reality the stock only amounted to \$27,949.57 as is shown by the statement now filed. There is evidence to show that this officer appropriated prison supplies such as oil, coal, and other articles for his own use without paying therefor and without any authority.

The Commissioners had much difficulty in procuring from the witness satisfactory information concerning many matters in his department, particularly was this the case in connection with the yachts. It seems unreasonable to suppose that a man so closely connected with the building of Judge Ouimet's yacht, should be unable to tell where most of the materials for the machinery and boiler came from, and more surprising still to find that the engineer who had charge of constructing these particular parts of the yacht, and who, likewise, had charge of such prison materials as are used in similar work, is unable to even attempt to establish that prison supplies were not used for the purpose. We find this officer untruthful in many of his statements and ridiculously so in some. An instance will show the character of many of them. The Commissioners had been informed that a brass cannon had been made at the engineer's shop, and on inquiry were told by the engineer that one had been made and broken up. Not satisfied with this they caused a search to be made, the result of which was that all the parts of quite a large and complete cannon, mounted on a carriage and supplied with ammunition

boxes, &c., were found distributed here and there about the premises where they had been hidden away. The workmanship was of a good class, and all the brass work was highly polished. The carriage was composed of brass wheels, steel or iron axle, and wooden body. When asked to explain his former answer and to say why, or for whom the cannon had been made, his answer was that two were made, one of which had been broken up on account of a flaw in the casting, that they had not been made for any person, nor were they intended for any purpose other than to prevent the convicts stealing the scrap brass, a statement which the Commissioners find it impossible to believe. Champagne, when charged with giving away or appropriating several articles of prison property, would not deny many of the accusations, and admitted several of them, and many of his statements regarding his work on the yacht, and the appropriating of property, were found to be contradictory and untrue. Like others, he tried to fasten the blame for some of his misdoings upon the late Mr. Bowes, but inasmuch as that gentleman had nothing whatever to do with his office or his department at the time the irregularities occurred, the Commissioners could not accept his statement. The dismissal of this officer is recommended.

Ephrem Trudeau, the assistant engineer, not only permitted those under him to violate the prison rules with his knowledge, but in several instances was a most flagrant transgressor himself. He allowed the grocer, Picard, to traffic with convict Denis, and other convicts, and sell them groceries, tobacco, and practically anything else they desired. There is evidence that he helped himself to prison oil and fuel, and he was actually found in possession of a quantity of prison clothing and other property, most of which was secured by the convict Denis for Trudeau from the prison supplies. Many of these articles which were discovered in his possession by Chief Keeper Contant and Guard Fatt, were secreted in various places about his quarters, and his own admissions and attempted explanations, coupled with those given by his wife, show beyond question that most of them were procured dishonestly with Trudeau's knowledge and connivance. The Commissioners recommend this officer's dismissal.

BOOKKEEPING.

The work done in the offices of Accountant Malépart and Storekeeper Lamarche appeared to be of a most satisfactory kind so far as it went. The former officer, however, appears to be doing more work than was intended, for not only does he keep the books required to be kept in his office, but all the shop blotters as well, which latter should be kept by the instructors in the various departments over which they have supervision. In the different trades departments the bookkeeping is most unsatisfactory and unreliable. It is only since July, 1896, that the engineer attempted to keep account of labour and materials in his department. In the carpenter's, blacksmith's and other departments the accounts of materials and labour used were not kept in a reliable way and often not at all, the sums charged being merely guessed at. When the time was kept it was on slips of paper from which delivery notes were afterwards made and the slips then thrown away. The tailor's books were managed in a similar way, and that officer admits that clothes were made of which no record was kept, yet strange to say the books balanced. The same state of affairs occurred in the steward's office, that officer admitting that his balances were forced, hence it is impossible to tell how much of the supplies were wasted either through the dishonesty of the convicts or otherwise. The bookkeeping of the Storekeeper Daignault and that required in the warden's office has already been referred to, and here as in many other places certain books required by the regulations were not kept. There should be a complete overhauling of the system of bookkeeping in vogue here, and the method of carrying out the system, or it will be impossible to tell at any time the true condition of the prison affairs. All the prison supplies should be directly under the supervision of the storekeeper, who should keep the general stock book provided for by the regulations so that at any time it might be seen at a glance how much of any class of supplies has been purchased, sold, and is still in stock. A register should be kept at the gate which would indicate each by the hours of arrival of each officer and the time of leaving. It appears from the

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evidence that quite a number of books have, from time to time, been destroyed by the convicts, or used by them in the manufacturing of various articles. Many of these books were given to the convicts by officers, not with any improper motive as has been suggested, but apparently under the impression that they were of no further use. It was found also that for no good reason, leaves were, from time to time, torn out of some of the books. These practices should be stopped or their repetition made severely punishable. All books including requisition and delivery note books should be paged so that it would not be difficult to discover the tearing out of leaves whenever it occurred.

POLITICS.

That the affairs of this prison as regards appointments, purchases and general management, have as a rule been so conducted, as to bring the greatest aid to the political party in power for the time being, is, of course, the natural sequence of party government. It is, however, much to be regretted that the management of institutions of this kind, which are part and parcel of our system of administration of justice cannot be raised to the same level as to the other portions of that same system. It is quite apparent that the chief consideration in making these appointments is the party claim of the applicant, or of those who urge his being employed, and that in too many cases the appointee's education, probity and knowledge of the particular duties assigned him, are of but secondary importance. Hence it is that we find that most of the officials so appointed, fail to leave their politics behind them when entering upon their duties, and fail to remember that they are servants of the people, paid by the latter to do their work, and that they have no right to devote any portion of their time to party purposes nor allow the prison interest to suffer for the party's advantage.

Much of the time of the officers of this prison has been devoted to advancing the interests of those political friends through whom they received their appointment, and for similar reasons the property of the institution has been allowed to be wasted and rules have been violated continually to the detriment of the prison's interests and the injury of the discipline.

It is established quite clearly and admitted by the warden that he took an active part in the various political contests in his district and authorized and induced other officers to do the same. The prison yachts and vehicles were used for political purposes, the warden's residence was frequently the place of meeting for organization purposes and for revising and checking of voters' lists; voters' lists for the use of the scrutineers were printed at the prison free of charge; notices for political meetings were printed and issued from them; the warden took charge of nomination papers for his constituency; the prison was closed before the regular hours on several occasions to permit the officers to attend political meetings; various officers were sent out at different times on political errands, and to bring voters to the polls, and Clerk of Works Labelle spent weeks at a time canvassing and working in elections, with the consent of the warden; Storekeeper Daignault at the request of the warden collected subscriptions from prison officials and others for use in the by-election in Verchères and handed such subscriptions to the warden, and the evidence of the prison surgeon shows that on another occasion a similar attempt was made but failed as a result of the refusal of some of the officers to subscribe; three officers of the prison were allowed to resign to vote in a provincial election in which federal officers were not entitled to vote, and were on the following day again appointed to their former positions on the authority of the warden alone and without reporting to his superiors. These and several similar instances show conclusively that the warden and several of his subordinates were quite constantly and actively engaged in political work, although the subordinates seem to have acted at the request of the chief officer.

Some evidence of a negative character was introduced to show that the warden took no active part in the last federal election, but the warden himself has not said that he did not do so.

Whoever may be fortunate enough to devise some means by which the management of the prisons will be removed from the pernicious environment of party politics, will

confer an incalculable benefit on the community, and especially on those who are charged with their management and honestly desire to perform their duties conscientiously.

TELL TALE CLOCKS.

The Auditor General's Report for 1894-95 shows that there was supplied about that time to each of the penitentiaries in Canada, an Eco magneto clock of the capacities and at the prices following:—

Kingston.....	20 Stations.....	\$796 00
St. Vincent de Paul	16 "	725 00
British Columbia.....	10 "	695 00
Dorchester	6 "	625 00
Manitoba	10 "	695 00

The price paid for these clocks struck the Commissioners as being excessive and led to the taking of sufficient evidence to warrant their arrival at the conclusion that the Department of Justice had been defrauded out of hundreds of dollars in each of these transactions. A complete investigation of the matter meant a journey by the Commissioners to New York and elsewhere, which would entail considerable expense, and it was decided to leave any further inquiry to the discretion of the department.

The evidence of John Shaw, manager of the Montreal Electric Company, and copies of correspondence (the originals of which had been inspected by the Commissioners) filed by him indicates that there was considerable friction between this company and the clock manufacturers owing to the intervention of one C. D. Bernsee in the Canadian business supposed to be controlled by the former.

The correspondence affecting this case speaks for itself.

MONTREAL, 28th February, 1894.

CHAS. A. WHITE, Esq.,
Eco Magneto Clock Co.,
Boston.

DEAR SIR,—We are just in receipt of a communication from our traveller, dated at Kingston, Ontario, yesterday, which causes us not a little surprise and annoyance and which demands an explanation.

Some time ago we told you that we were putting a man on the road to exclusively attend to selling your dictators. Amongst the first he struck was Kingston Penitentiary, who we have been working quietly for some weeks, our actual outlay on their account being \$30.40. At their request we left them to think over the matter, and not hearing from them as they had promised we this week again sent our representative to call upon them with the result that he reports: "they have just accepted the tender of Mr. C. D. Bernsee, Room 817, Vanderbilt Building, New York, for a 35 station Eco Magneto Clock." This accounts for hitch in the one we sold at Ottawa, as both going through the Department of Public Works there and this Bernsee's figures being probably under ours we can safely count ourselves out of it altogether at Ottawa and other points he had interfered with.

We are quite aware that our territory was originally Quebec Province, but before going beyond that we wrote and asked and got your permission to do so, and now after an expenditure of over \$200 and talking up your clock all over the country, another party steps in and reaps all the benefits, nay more, actually takes the bite out of our mouth in the shape of the Government order.

We shall be pleased to know just who is authorized to sell your clocks in Canada, and who recoups our expenses in connection with Kingston sale for which we take whole credit in beginning and working up. If this man Bernsee had no authority from you when you do not require to fill his orders; if he had, then it is well that we should have

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a clear understanding, as, of course, paying no rent, taxes or expenses further than his railway fares in Canada, it stands to reason he can walk in at any time if he chooses and undersell us, awaiting reply.

Yours truly,

MONTREAL ELECTRIC COMPANY.

Dictated by C.A.W.,
Montreal Electric Co.,
Montreal, P.Q.

Boston, 2nd March, 1894.

GENTLEMEN,—We are much exercised at the tone of your letter, as we should have told you had we supposed that you were going to Kingston, that Mr. Bernsee had been working this matter up for the penitentiary job for over two years. The man that he employs in New York came to him from Kingston some three years ago and has been in his employ ever since, and this man worked up this trade. If we had thought that you were going to send your representative to Kingston, we would have told you that that matter had been worked on so long, but it is only recently that the trade was closed. Every time the writer has been in New York, for the last two years, this job has been talked about. We would say, however, right here, that situated as Mr. Bernsee is, and with the prices he gets, he cannot compete with you unless he gets it through some political pull with the Dominion Government, and there is no reason why you should not get all of the other jobs.

We do not wish this to come from us, or to be repeated, but we know that Bernsee got over \$1,000 for the clock, &c., installed. This we wish you to consider confidential, as far as we are concerned.

We want you to get all the business you can, and between us we would prefer you to get it to Mr. Bernsee, although he is our sole agent in New York City, and a hustler and sells a great many clocks. He has been our agent since 1888. We do not think there is the slightest danger, as we said before, of his competing with you, outside of this particular job; but this job was promised to him, faithfully, a long time ago, and I guess he went through all of the formula of getting Government jobs to get it.

Your truly,

THE ECO MAGNETO CLOCK CO.

MONTREAL, 3rd March, 1894.

CHARLES A. WHITE, Esq.,
Eco Magneto Clock Co.,
Boston.

DEAR SIR,—We are in receipt of your favour of yesterday's date, re Bernsee transaction with Kingston Penitentiary, which satisfactorily accounts for what appeared to us a most inexplicable transaction.

The warden at Kingston has lied enough to us to sink a ship about this clock, our figures were certainly away below those at which you mention order was taken by Bernsee.

The only comfort we have in the matter is that we notice from newspapers the warden of Kingston Penitentiary is likely to be suspended for alleged "irregularities," at which we are not surprised.

We presume it is clearly understood that outside of Kingston, Bernsee cannot sell your clocks in Canada.

Your truly,

MONTREAL ELECTRIC CO.

Boston, 7th November, 1894.

Dictated by C.A.W.,
Montreal Electric Co.,
Montreal, P.Q.

GENTLEMEN,—Since our conversation with Mr. Bernsee about the Government business in Ontario, we are convinced that it would be simply a waste of time and money for you to undertake to get the Government business. He worked nearly three years to get started with the Canadian Government, and his efforts were successful with the Kingston Penitentiary. In doing all this he made acquaintances and friends all along the line, and he now tells us that he can get all of these Government orders at fair prices for himself, but that he will in no way interfere with you outside the Government business, and, as he expresses it, "wishes you to keep your hands off, and not be giving lower prices," as it will only interfere with him and you will not get the business.

We think, under the circumstances, that if Mr. Bernsee will keep his hands off the business outside of the public buildings, that it would be better to take it that way.

The point he claims is that in going for the Government business in Canada he antedates your connection with us some two years or more, and he thinks this two years labour and expense should not be wasted.

Yours truly,

THE ECO MAGNETO CLOCK CO.

MONTREAL, 8th November, 1894.

Messrs. The Eco Magneto Clock Co.,
Boston.

GENTLEMEN,—We are in receipt of your favour of the 7th instant.

So far as Bernsee's statement regarding his being successful in getting Kingston Penitentiary clock is concerned, he is correct, but as to reason of his getting it being owing to three years hard work in endeavouring to get it, we happen to know the true reason (so does the party who assisted him, for a consideration, to his sorrow).

As to his being the first to approach the Government about your clocks, he states a deliberate untruth, and he knows it, in saying so. When we first approached Commissioner Sherwood at Ottawa, he had never even heard of your clock, nor had the Public Works Department, or if they had it had been totally forgotten. Our talk interested Commissioner Sherwood so much that on our invitation he came down to Montreal, and we drove him out to Belding, Paul & Co., and showed him their clock, with which he felt so satisfied that he promised to try and get one into the Printing Bureau at Ottawa, and work them into the other departments by degrees; a month ago he stated he had

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not lost sight of the matter and did not appear to have seen or heard of Bernsee, at least he never mentioned him

As to Brockville Asylum we were again first in the field, and as we can prove by more reliable authority than we consider Bernsee's statements, or rather misstatements, it was only after we had given plans, &c., that this piratical party appeared on the scene in his usual character of trying to reap where we had sowed.

As to our ever having given lower prices than he, we can prove the reverse to be the case.

As to the "friends" he has made in Canada, we think we can count five hundred to his one.

We do not know whether he is the individual who by underquoting did us out of the Grand Trunk Railway, Singer Manufacturing Co., &c., but we rather suspect he is, possibly he includes them under the heading of "public buildings."

Finally, gentlemen, we do not interfere with Bernsee in the United States, or conflict with Starr in lower provinces but we either are or are not your agents here, with or without Mr. Bernsee's permission, and after latter's condensed essence of meanness towards us we decline to be dictated to by or enter into any arrangement with him, and are,

Yours truly,

MONTREAL ELECTRIC CO.

Boston, 10th November, 1894.

Dictated by C.A.W.,
Montreal Electric Co.,
Montreal, P.Q.

GENTLEMEN,—We have your's of the 8th instant, and are much impressed with your facts and logic. This matter has annoyed us a great deal, from the fact of conflicting interests, and we sum the whole case up to this result, that we shall accept any and all orders that you may send us. If they happen to be for the Canadian Government, all is we do not care to know who your customer is for some time after the shipment and installation. All is, go ahead and we will say nothing. However, in the matter of the Kingston Penitentiary, Bernsee told us of his prospects and hopes in the matter at least two years before he got the order. He writes us under date of the 9th:—

"In the meantime you can assure your Montreal agents that I am not in any way interfering with any business that they could get, and that I have not made one bid for any business but the Government."

Yours truly,

THE ECO MAGNETO CLOCK CO.

Montreal Electric Co.,
Montreal, Canada.

Boston, 23rd January, 1895.

GENTLEMEN,—The writer has been in New York this week and has had a long talk with Mr. Bernsee regarding the Government business for Canada, and we went over the entire matter, commencing in 1890, and the correspondence and work done since that time

has been very extensive. Mr. Bernsee says that he is in a condition to secure, in addition to what he has had, all of the Government business at fair prices, and he begs that you will not interfere with that particular business. He also says that he will not under any circumstances interfere with you in any other business in Canada, commercial or otherwise, but will furnish you with any information or points that he may have, or will get, as to commercial or other business. Mr. Bernsee's experience is getting the Government contracts has been very interesting and has cost him a large amount of time, money, nerve and fine figuring. The facts of the case are that he has "powerful friends at court" and that by your bids you might make him trouble or oblige him to change his figure, you would not secure the orders. This, of course, would be very annoying to him, as it is the dollars we are all after, and would do you no good.

He has already equipped the penitentiaries throughout the Dominion from Nova Scotia to Vancouver. Mr. Bernsee thinks he can be of considerable use to you in furnishing you information as to business in Canada. He said he was asked to bid on E. P. Eddy's plant, but declined to do so. We think you can secure Eddy's order very soon. Possibly not before spring, however, but we feel sure it will come to you before the mill starts up.

If you will kindly instruct your people not to interfere with the Government business, you will greatly oblige us. This is only right. We never fully understood this situation until we went over the entire business with Mr. Bernsee.

Yours truly,

THE ECO MAGNETO CLOCK CO.

MONTREAL, 24th January, 1895.

CHARLES A. WHITE, Esq.,
Eco Magneto Clock Co.,
Boston.

DEAR SIR,—We have your favour of yesterday's date, *re* Bernsee.

Whilst you have gone into the matter of his correspondence with Government, this has only shown you his side of the question. Ours we do not intend repeating further than that neither Bernsee nor your clock were known at Ottawa until we went there; after first obtaining your permission, talked it up, got Commissioner Sherwood down here, took him around, made him quotation, showed him clock working, and then Mr. Pirate Bernsee appears upon the scene. So with Brockville Asylum, where we had a man especially on the ground for ten days, made drawing and plans, got written promise that we would be notified when it was to be installed, &c., &c., and again this vulture appears to prey upon other people's brains, with his misstatements that he was your agent; he could (and did quote ———). We could go on, but this is a sore subject with us, and we might happen to use unparliamentary language, so we forbear.

If he says we underquoted him he simply lies, and to prove our statement we are prepared to show our figures in our letter book, if he will do likewise. It is not a question merely of allowing him to take Government business, what we object to is his misrepresenting himself as your Canadian representative and trying to make us out liars in stating that we are. Put yourself in our place; state that you are Canadian agents and sole representatives, and then have another one come and undersell the very goods of which you claim to have monopoly. As to his powerful friends at court, we have only his word, and it we do not trust.

At your request we will drop Government business, but certainly think we are entitled to commission on any orders for Ottawa Government Building or Brockville Asylum, although we will not ask Bernsee for it.

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Eddy we have worked for all he is worth and can only wait until he is ready now.
(Rowley, Eddy's manager, has been a personal friend of ours for years.)

Yours truly,

MONTREAL ELECTRIC CO.

It appears from File No. 84 of the Department of Justice for 1893, that the first official document connected with these transactions is the following letter from James Devlin, then engineer at Kingston Penitentiary, who, Deputy Warden McCarthy says, is related by marriage to J. P. Ryan, the agent of Bernsec, elsewhere referred to.

KINGSTON PENITENTIARY, 6th January, 1893.

M. LAVELL, Esq., M.D.,
Warden.

SIR,—I have the honour to call attention to the absolute necessity for a watchman's clock. I would suggest that one be obtained on trial, and retained if found satisfactory. I have carefully examined the various devices and would suggest the Eco Magneto as the best and most modern.

I am led to urge most strongly this matter, as I have reason to believe that there has been inattention at night due to sleepiness. On Friday morning last, the fires were found drawn from one of the boilers, the water having got low.

We run as many as three large steam boilers at night, one of them carrying a pressure of 100 lbs. per square inch, and, as I feel the real responsibility for such plant rests with me, I am concerned deeply that all proper precautions be taken to avoid, possibly, very lamentable consequences.

Were, say, a 20 station clock obtained and placed in the keepers' hall, it would serve as a very presentable time piece, and would prevent what is considered a weak point in penitentiary safety, viz., absence of the night keeper from the main building frequently during the night—as before him would be recorded the attention to duty of the guards on various posts, as well as the officer running engines and dynamos and the stoker in boiler-house.

I have the honour to be, sir,
Your obedient servant,

(Sgd.) JAMES DEVLIN,
Engineer.

This was followed by the recommendation of purchase by ex-Inspector Moylan, which was approved by the Minister. This was followed by a protest on the part of ex-Warden Lavell on the ground that it would tend to lessen personal vigilance, and that it was too expensive—the cost for clock being quoted at \$600 for 20 stations, and \$20 each for additional stations. It appears that these objections, on the part of the warden, were overcome, and on 4th January, 1894, the following letter is received by the inspector:—

KINGSTON PENITENTIARY, 4th January, 1894.

J. G. MOYLAN, Esq.,
Inspector, &c.,
Ottawa.

The agent of the Eco Magneto clock has been here and spent some time with me in determining location and the stations. He submits the inclosed tender (\$796) for the entire work, we to furnish labour as stated in his tender and admission duty free. It will be cheaper for us to furnish the labour than have charged to us outside prices. We

can easily furnish the few men. If duty is to be paid then that would be required in addition to \$796. The clock is in operation at Peterborough, Ont., at the electric works there, with about the same number of stations. I wrote them for information as to its efficiency but so far I have not received any word from them.

(Sgd.) M. LAVEILL,
Warden.

From this it appears not only had there been a large increase in the price quoted, but in addition there was a demand for remission of duty and free labour, which demand was afterwards granted. This was followed on the 10th January, 1894, by another letter calling attention to the increased price, nevertheless, without further investigation the purchase was made, and the clock duly installed on these terms.

Then after some further correspondence, some of which appears on the departmental files and some of which is apparently missing, clocks were ordered on 7th July, 1894, for each of the other prisons as follows:—St. Vincent de Paul, 16 stations; Dorchester, 16 stations; Manitoba, 11 stations; British Columbia, 12. Mr. Bernsee then advises the following increased capacities:—St. Vincent de Paul, 20 stations; Dorchester, 10 stations; Manitoba, 15 stations; British Columbia, 15 stations; which change was approved and orders given accordingly, but although these clocks may be capable of holding the necessary apparatus for the number of stations mentioned, the fact is the stations are not in existence, Dorchester having but six, St. Vincent de Paul, thirteen, and so on. The files do not indicate that any prices were quoted in advance for these clocks latterly ordered. In a letter dated 23rd August, 1894, Mr. Bernsee asks to be furnished with "convict labour, carpenter work such as labour and material for boxing the wires, poles with fixtures for holding the wires for outside work, and admission of all instruments and materials, duty free," and the wardens of the various prisons were instructed to grant these requests. The work being completed on these terms there followed a rendering of accounts referred to by the wardens of Dorchester and St. Vincent de Paul Penitentiaries in the following letters:—

ST. VINCENT DE PAUL PENITENTIARY, 2nd November, 1894.

JAS. G. MOYLAN, Esq.,
Inspector of Penitentiaries,
Ottawa.

SIR,—On 19th September I receive account amounting to \$381.14, from C. D. Bernsee, of New York, for one Eco Magneto clock manufactured by the same firm, which account was included in our September schedule but struck out by Mr. Lane. On the 23rd of October I received from the same firm another account amounting to \$715 for the same clock. Seeing the large difference between the accounts we wrote for explanation and received answer under same date 25th October, copy of which I inclose, I now desire to know from you which account I am to include in my next schedule.

An early reply will greatly oblige,
Your obedient servant,

TEL. OUIMET.
Warden.

Department of Justice.

(Copy.)

DORCHESTER, N.B., 24th October, 1894.

J. C. MOYLAN, Esq.,
Inspector.

Inclose please find two bills for the electric watchman's clock. One for \$272.35, the other for \$625; which one is right? I thought the first one was an extravagant price, but when I got the one for \$625 I thought there must be some mistake. It struck me as something outrageous.

JOHN B. FORSTER,
Warden.

When the attention of Mr. Bernsee is called to these discrepancies he answers the warden of St. Vincent de Paul in the following letter, and sent a similar explanation to the then inspector in reference to a letter from him:—

NEW YORK, 25th October, 1894.

TEL. OUMET, Esq., Warden,
St. Vincent de Paul Penitentiary.

DEAR SIR,—I am just in receipt of your favour of the 23rd instant, relative to the bills I sent you for the Eco Magneto watchman's clock. The account sent you on 19th September for \$381.44 was simply to charge the clock for customs duties and represented the actual costs of the instruments sent. The account sent you in October was for the completed work.

On the 19th September account I could not include the expenses of travel of my superintendent nor his wages (which is an expense to be added to the cost of the system) nor could I add my own profits, &c., also wire, &c., purchased in Montreal.

These make up the difference between the first bill sent for customs and the bill of 18th October.

I trust you will find the explanations satisfactory and remain,

Yours truly,

(Sd.) C. D. BERNSEE.

That the explanation is flimsy will readily be seen when attention is drawn to the fact that the warden asked for duplicate invoices for the department and the prison; that inasmuch as he was getting the goods in duty free the amount of the invoice made no difference to him, and further the wire he speaks of having been ordered in Montreal was charged in the detail bill rendered. But the correspondence between the Eco Magneto Clock Co., and the Montreal Electric Co., suggests other reasons, which suggestions are strengthened by the fact that the latter have supplied and installed clocks to the following places, of the capacity and for the price opposite each:—

Montreal Board of Trade.—15 station clock complete, installed 22nd September, 1894, for \$250.

Thomas Davidson & Co., Ste. Cunegonde.—20 station clock with 10 generators, 30th November, 1894, for \$220.

Beauharnois Woollen Co.—14 station clock with 9 generators, 4th January, 1894, for \$225.

Montreal Rolling Mills.—18 station clock, 15 generators, 31st December, 1895, for \$210.

Watson, Foster & Co.—6 station clock, 6 generators, 30th January, 1897, for \$140.

Protestant Insane Asylum, Verdun.—20 station clock, 15 generators, March, 1897, for \$440.

Your Commissioners submit that a fair comparison may be made between this latter clock and the one at St. Vincent de Paul, because they are of about the same size and equally difficult to install. The manager of the Montreal Electric Co. says this was a fair price, and he was not in competition with any one. He supplied all the materials necessary, paid the duty on the goods, and furnished all the labour. At St. Vincent de Paul they paid \$285 more, to which is to be added the duty, all the labour (save that of the agent sent to install the instrument) and the posts and lumber which the deputy warden, in his statement of the 11th August, 1897, estimates at \$47.25, allowing only 25 cents per day for labour and without regard to the time of instructors and other officers, making over 100 per cent excess charge for this one clock. The other clocks, as has been before stated, were supplied on the same terms.

It appears further from the files that the department would not pay these accounts without some further explanation than that already given through the ex-inspector. The latter was informed by Mr. Berosee, that it would be necessary to give his agent, Mr. Ryan, a personal interview, but the result of that interview, beyond the fact that the accounts were paid in full, does not appear.

Who is responsible for all this is not established, but your Commissioners cannot but conclude that the officers who had charge of these transactions were sufficiently put upon their guard to have prevented the perpetration of what is undoubtedly a fraud upon the public revenue.

THE REVOLT OF 1886.

The revolt of the convicts on the 24th of April, 1886, during the wardenship of Godfroi Laviolette, is an event so remote as not to have called for inquiry, were it not that the effects of it still remain as an element of controversy, and of discord to some extent amongst the officers of the penitentiary, and that a complaint based upon the occurrence had been made to the Department of Justice and referred to the Commissioners for investigation. Before touching on Warden Laviolette's administration it may very properly be stated that his predecessor, Dr. Duchesneau, had been removed from the wardenship in 1880, for the principal reason, as alleged that order and discipline were not well maintained, and that H. B. Mackay became acting warden until his (Duchesneau's) successor was appointed. It appears the misfortune of this penitentiary to have been in a condition of turbulence and of disorder for a considerable period prior to November, 1881, when Warden Laviolette first assumed the duties of warden. This was brought about and became a public scandal through contending factions on the disciplinary staff during a seventeen months contest of rival applicants to be appointed as Duchesneau's successor. Amongst the known applicants were G. Laviolette, H. B. Mackay, then deputy warden, and T. Ouimet, then clerk of works, the contest finally resulting in the superannuation of Mackay, the appointment of Laviolette as warden, and Ouimet as deputy warden. Although this was the action taken, it did not end the contest, for in 1883, it appears on the records that an Ottawa newspaper gave publicity to the rumour that Warden Laviolette was to be superannuated, and that T. Ouimet, the deputy warden, was to be his successor.

It was made an objection to Warden Duchesneau as one of the reasons for his removal, that the discipline was lax. During the time Mackay was acting warden it was objected that the discipline was not sufficiently improved and this no doubt operated against his permanent appointment to the position of warden. If, therefore, a lack of discipline had assisted to depose one warden, (Duchesneau) and barred the advancement of an acting warden (Mackay) to the position of warden, it is not unlikely to have occurred to the deputy warden, who had failed to obtain the wardenship, and who was still continuing his efforts to secure it, that a low state of discipline might have the effect of removing his rival and open the way to his securing the coveted position.

The then deputy warden, T. Ouimet, first became connected with the St. Vincent de Paul Penitentiary in 1870 as farm instructor, was removed in 1873 for incompetency, and offered a position as guard which he declined to accept and left the service. In 1879 he again became connected with the institution as chief trade instructor and clerk of works. It is not for the purpose of personal disparagement that reference is made

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to the fact that he is illiterate, is without skill as a tradesman, and has no knowledge of accounts, but as evidence that there were strong influences behind him by which he attained to positions in the institution he had not the qualifications to fill, and that some of those influences were at work is evidenced by the letter of Storekeeper Lamarche to Warden Laviolette which appears hereafter. He continued to act as clerk of works until the removal of Warden Duchesneau in 1881, when the then deputy warden, H. B. Mackay, became acting warden and T. Ouimet, clerk of works, was made acting deputy warden. The then chief keeper, Thomas McCarthy entered the service of the Kingston Penitentiary in 1856, afterwards became chief keeper and was afterwards transferred, in 1881, to St. Vincent de Paul Penitentiary as chief keeper in that institution. At the outset of Warden Laviolette's administration in the early part of 1882, he had a serious controversy with the inspector of penitentiaries because of his refusal to purchase upwards of 6,000 yards of cloth for convicts clothing which was not required during the current fiscal year, and which the inspector insisted he should order. The dispute was acrimonious and led, with possibly other causes superadded, to the breaking off of cordial relations between the warden and the inspector. This incident is referred to, merely for the purpose of setting out the position of the warden in the struggle upon which he was about to enter, in maintaining himself against those who were seeking to have him removed as an obstacle to their ambition. By the penitentiary regulations the deputy warden is made responsible for the police and discipline of the prison, and the duty of the chief keeper is to assist that officer in the duty of general supervision, and in the maintenance of discipline, order and general good conduct among officers and convicts. Those two officers being responsible for good order and discipline, the warden alleges in his letters to the department that they, while assuring him the discipline was good, were at the same time reporting to the inspector that it was lax and could not be maintained because the warden was too lenient in punishing convicts when reported. The warden when making his rounds of the prison can know little or nothing of the conduct of convicts because all are on their good behaviour the moment he makes his approach. If the two chief disciplinary officers are not perfectly frank and loyal to the warden, he can only have a scanty knowledge of what is going on among the convicts. The position of the warden as may well be imagined was one of extreme difficulty. His deputy was openly compassing his removal to secure the wardenship for himself. His chief keeper expected to be made deputy if the deputy warden succeeded to the wardenship. Those two officers were commenting adversely on his administration to the inspector, who, to say the least, was not friendly to the warden, and lent a willing ear to their statements. The deputy and chief keeper likewise had it in their power, to allow disorder among the convicts to become rampant. That this was the position of the warden in the early part of 1883 does not admit of doubt, and such being the case it is not difficult to see what must be the ultimate result. The warden alleges in his correspondence with the department that he was counselled by the Department of Justice when entering upon his duties, to treat the convicts with fairness and leniency and to secure their good-will and obedience to prison rules by kindness rather than by severity, that he endeavoured to act upon this principle, that the discipline after he first entered upon his duties improved, and that the industrial operations and economy of management very much improved, is in evidence.

It soon began to be charged by the deputy warden and chief keeper to the inspector that the warden was too lenient in his punishments, and that disorder in consequence prevailed. While these reports were being made the inspector wrote this entry in the inspector's minute book in October, 1882: "I observe that the corporal punishment has been inflicted by the warden rather frequently since my last inspection (April, 1882)." The warden alleged that the deputy warden and chief keeper were representing to him that the order and discipline were good, while representing the reverse to the inspector, and that there might be a record made he required these two officers to make written reports daily of any lack of order and discipline that might come under their notice. This order it was alleged had a very good effect upon both officers and convicts. The practice after being kept up two weeks was abandoned because the two officers refused longer to continue it. In this refusal they were sustained by the inspector giving as his reasons therefor that "the warden is acting *ultra vires* by making rules and imposing

duties upon the deputy and chief keeper not enjoined by the authorized rules and regulations." The 96th rule defining the duties of deputy warden reads, and it shall be his duty to report to the "warden in writing, strictly and promptly every neglect of duty or of impropriety or misconduct on the part of any officer, and verbally whatever is not of importance." This ruling of the inspector was brought under the attention of the Minister of Justice, Sir John Thompson, by the warden, who decided, "that much must be left to the good judgment and discretion of the warden, and that within certain limits each warden must be left to choose as to whether he will communicate verbally or in writing with his officers. The officers should understand that they must obey the warden, if the orders are improper or unreasonable, they may, of course, through him appeal to you the inspector and, if necessary, through you to the Minister, but pending such an appeal they must obey the warden's orders, leaving the responsibility with him." It was most important to the warden in the position in which he was placed, that there should be written reports on the state of discipline to avoid future misrepresentations to the inspector, and it was a proper and reasonable exercise of his authority, to require it of his officers. The act of the inspector in upholding the insubordination of the deputy warden and chief keeper, necessarily had the effect of breaking down the warden's authority over the disciplinary staff, and of inspiring among the staff the belief that the warden must eventually yield his position to the deputy, who would then be their warden. Whether rightly or wrongly it also conveyed the belief that the inspector was with the deputy warden and chief keeper in their contest with the warden, and that with such a combination against him he must certainly be overthrown. The warden has to rely on the deputy warden and chief keeper to see that his orders in the management of the prison are carried out. This was done generally in a very indifferent way, in some cases not done at all, and in other cases orders given by the warden to other officers were countermanded by the deputy warden. The officers on the staff were divided, some favouring the warden and some the deputy, but a significant circumstance is, that the officers who were not on the disciplinary staff and therefore not under the supervision of the deputy and chief keeper, were favourable to the warden, and had confidence in his ability, if properly supported, to efficiently administer the prison.

Some indication of the undermining influences that were being employed against the warden and those officers who were loyal to him, is given in the following letter written by the storekeeper to the warden after meeting Mr. Alderic Ouimet, while in Montreal on the business of the penitentiary.

ST. VINCENT DE PAUL PENITENTIARY.

(Translation.)

St. VINCENT DE PAUL, 22nd February, 1885.

To GODEFROY LAVIOLETTE, Esq.,
Warden of the Penitentiary.

I think it my duty to inform you of the fact of my meeting J. Ald. Ouimet, Esq., M.P., for Laval, at Montreal in the shop of J. B. & N. Bourassa, our contractor, yesterday, Saturday. I had gone there on business connected with the institution. Mr. Ouimet, on seeing me, without bowing or any acknowledgment of his presence on my part, called out, "Say, Lamarche, when are you going to stop your noise over there? It must be put a stop to." "What do you mean?" I answered quite surprised. "You must understand it," he said "better than any other." The thing has lasted too long, it must be put a stop to. You know that I do not speak for nothing, you know the English proverb "a dog has always his last days" (or something of that kind), well that is what will happen to you fellows, you are gone coons. More surprised than ever I said to him, "But my dear Alderic you are forgetting yourself, you should not speak so

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before so many people. (There were about ten persons present.) You should have called me aside and spoken to me as is customary among well bred persons." "No," said he, "I am not afraid to speak to you and you will perceive it before long." "Is that a threat," I inquired. "No," said he, "but you are gone coons." I was so surprised and annoyed that I could not help telling him that he spoke like a rough. On this he reddened up and left me.

I cannot conceive what Mr. Ouimet intended by this unseemly attack, but I think he would have done better to attack the head than the subordinates, the latter, after all, having no responsibility in the establishment. I will express no opinion as to the conduct of Mr. Ouimet on that occasion. Every just and honest person will be able to draw conclusions.

I have called your attention to the fact because I thought it my duty to warn you. I am under the impression that Mr. Ouimet is primed and pushed on by certain officers of the establishment, as up to that time I had nothing to complain of in his way of treating me, and would not have lost his friendship had he not been deceived concerning me.

I have the honour to be, sir,
Your obedient servant,

G. B. LAMARCHE.

Storekeeper.

The fact that the officers of the institution had become divided into two contending factions, the one seeking to overthrow, and the other to support the warden, was of itself enough to destroy all discipline even if the warden in command were possessed of the highest qualifications. Acting Warden H. B. Mackay, in his annual report of 1881 on the St. Vincent de Paul Penitentiary foreseeing the troubles, writes:

"When the management of the affairs of the penitentiary was entrusted to me, the officers of the institution were divided into factions, one of which had espoused the interests of Dr. Duchesneau whilst the other had opposed them. After the late warden was relieved of the cares of his office these two parties continued to exist. Now it requires but a slight knowledge of the difficulties of maintaining discipline in a penal institution to perceive that it is absolutely necessary that there should be no asperity of feeling between the officers in order that they may always be ready to act in concert, and to obey orders promptly. When there is no united action on the part of the officers, vigilance and discipline are relaxed. Next escapes and even mutinies are planned for convicts quickly perceive the existence of contentions between those placed on guard over them, and are not slow to turn such quarrels to their own account." These words have a special application to what happened in 1886 as a result of the quarrel between the deputy warden, chief keeper and warden. It appears by the evidence that the deputy warden and chief keeper took little or no interest in maintaining discipline, their personal aims and objects leading them to allow the discipline to fall into disorder.

This it continued to do until the convicts became uncontrollable and broke into open revolt in April of that year. The ex-inspector says he foresaw it. There were premonitions of the outbreak before it took place. It had been spoken of among the convicts and mentioned by some of the guards as an event likely to happen. The convicts became more and more excited and less attentive to their work. The time for the revolt had been arranged to take place at different dates only to be given up, to wait a more opportune moment. The deputy warden was absent without leave several days before as well as on the day of the revolt. Illness is given as the cause of his absence, but he had not notified the warden of his illness as required by rule 255 of the regulations. This case of illness of the deputy warden was unlike his other periods of illness, as in almost every other case he had obtained from the prison surgeon medical prescriptions for his recovery, but in this case he had not. He was seen about the village the days he was absent, and supposed to be ill before the revolt and on the day of the revolt. When the revolt occurred he was in the church adjoining the prison and on hearing the firing left the church. That he could have been in the

prison in four or five minutes, had he desired to go to the rescue of the warden, is beyond doubt. From twenty to thirty minutes elapsed from the time the firing commenced till the revolt was over, and during this time he was not seen as taking any part to suppress it. While the revolt was not yet entirely over and while the guards were calling for some one to lead them, he was seen walking leisurely in front of the prison apparently unconcerned in what was going on. A large number of guards who were in the service of the penitentiary at the time of the revolt, as well as some persons living in the neighbourhood of the prison were examined, and although the lapse of time might be expected to obscure the memory as to minor details, there was very great clearness of recollection among all as to the general facts. The event was a terrible one in the experience of all, and happening in a small and peaceful community, it has never ceased to be talked about, so that the principal events were readily recalled.

There is a general agreement among all who were examined that the deputy warden and chief keeper made no efforts to carry out the warden's orders in the management of the prison. That in many cases they openly ridiculed him, saying they would not take orders from him, and that he would not long be warden. That out of this grew the revolt, all concur. It was known among the officers, according to the testimony, that the convicts were planning a revolt, and that it was believed by some of the convicts that it was the desire of some of the officers that it should occur. Nothing was done to prevent such an event. The generally expressed belief of those testifying, is, that the deputy warden was absent from duty before and on the day of the revolt without cause, even if not intentionally absent in the expectation of trouble. It is also testified to, that on the first shots being fired, which warned the deputy warden of the revolt, he did not display energy and courage in going to the rescue of the warden and in assisting to quell the outbreak. The chief keeper, according to the general testimony, did not possess the coolness and bravery to take command of the guards, who were waiting for some one to lead them to the assistance of the warden, and to restore order. No investigation was ever ordered into the causes which led to the revolt, and no searching inquiry was ever made to ascertain them. There was a coroner's inquest on the body of the convict Corriveau, shot and killed during the revolt, which was accepted as sufficient, and there the matter was allowed to rest. The verdict of the coroner's jury nowhere appears in any of the reports made to the Department of Justice, or in the correspondence with the department, regarding the revolt. The Commissioners desiring to see the records of the inquest applied at the office of the Clerk of Peace for permission to examine them and then learned that all papers relating thereto had been abstracted from the office, and no trace of them could be found. They then made search for the records of the criminal proceedings taken against some of the convicts implicated in the outbreak, and these also were missing, but these circumstances are no more surprising than the suppression of the report made by Warden Laviolette after he had sufficiently recovered from his wounds to be able to write. The original report is produced and bears the stamp of the Department of Justice, 8th January, 1887, and an endorsement in the handwriting of Warden Laviolette in these words: "The Deputy Minister of Justice, Mr. Burbidge, being at my residence on the 11th January, 1887, in the evening returned me this document." The following is a translation of Warden Laviolette's report to the Minister of Justice, being referred to as Exhibit B in the evidence of Senator Bellerose.

ST. VINCENT DE PAUL, 3rd November, 1886.

To the Hon. J. S. D. THOMPSON,
Minister of Justice.
Ottawa.

SIR,—I have the honour to submit my report on the revolt of the convicts at St. Vincent de Paul Penitentiary, which took place on the 24th April last, report which I should have made immediately after that serious occurrence, but which I was prevented from doing by the wounds I received on that occasion, and which I have great difficulty in doing to-day.

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On the 24th of April last at 4 o'clock p. m. I left my office to inspect the prison. I visited the tailor's and shoemaker's shops situated in the same department. I did not remark that the convicts were more excited and turbulent than usual; the instructor and guard in charge of both shops made no complaint or remark against them. From thence I crossed the yard and entered the western dormitory. I was inspecting the cells of the second row when Guard Boyer, who was in charge of the dormitory, called me in all haste. I descended and he informed me that there was trouble in the yard among the convicts. The convicts of his dormitory told me that convict Kinsaler had just been beaten before the stone-shed by other convicts and more especially by convict J. B. Durocher. As I was going out I met Steward Mazurette and Chief Keeper McCarthy. The latter announced to me of an uprising of the convicts. I ordered the convicts in their dormitories back to their cells. In leaving the chief keeper who was returning into the penitentiary, I told him in such case to call together several guards armed with rifles and to meet me in the yard.

I then proceeded accompanied by the steward to the eastern extremity of the yard. On reaching the end of the stone-shed, I saw that a heavy ladder had been raised against the outer wall near the bakery and that a number of convicts were coming from that spot in my direction. These were convicts Viau, Lavesque, Durocher alias Mc-Edrigan, Peters, Mentil, Corriveau, Cadieux, and perhaps a few others. On seeing me they ran and surrounded me. Several had revolvers in their hands and threatened me with them. They appeared very much excited and I perceived by their actions that it was not a fight among themselves, but really a revolt. I did not lose my presence of mind but endeavoured to reason with them, asking them what they wanted and what was their object. They would hear nothing but dragged me into the stone-shed and placed me in the "stand" of the officers in charge of the stonecutters shed. They several times threatened me with their revolvers. They pushed me inside while Cadieux and Durocher pointed their revolvers at my head; I seized my own revolver to defend myself, but at the same moment, at the command of Viau, the rebels wrenched it from me, injuring the weapon in so doing. Viau took it up, but could not use it as it would not work.

On being pushed into the guard "stand," I saw officers Therrien, McIlwaine, Couvrette, A. Plouffe and Lablanc seated on the floor and securely bound. The rebels had taken their revolvers from them. Some convicts were beginning to bind my legs when their chief, Viau, saying to his companions, "let us bring Mr. Warden with us, we will want him, let no one hurt him." They carried me with them, yelling and threatening me with their revolvers to the western extremity of the yard, near the wooden fence; then convict Corriveau having in his hands a crowbar, made repeated attempts to detach one of the boards of the fence. The other convicts held me securely in front of them to shield themselves and prevent Guard Paré from firing at them. Paré was posted on tower No. 6, on the wall seven or eight yards from the gate and about fifty yards from the spot where I was held by the convicts. Paré held his rifle ready to take advantage of the first opportunity to fire on the convicts, but the rebels constantly kept me before them with seven or eight revolvers aimed at me ready to fire if Paré fired. The rebels continuing to threaten cried out that they wanted liberty and called upon me to have the gate opened. I replied that I would not do it, that they might if they were able, break through the boards of the fence and get out in that way. They cried that they did not want that, that they wanted to get out by the gate and called upon me to order the guard to open it. I replied once more that I would not do so, and remarking that Paré aimed principally at convict Corriveau who was near the fence, five or six feet from me, I signalled to him with my hand and called out to him to fire without minding me. At the same moment I heard a report and had just time to see by the bloody hole in his shirt that convict Corriveau, who was almost facing me, had been hit in the region of the heart. He was still on his feet; before he fell I received myself at close range (I was facing the fence) a ball in the back of the neck that broke my lower jaw into several fragments, knocked out four teeth from the upper jaw and came out from the cheek. Copious bleeding followed. I picked up my stick which the shock had caused me to drop and walked the distance of a few yards when I received two other bullets, one entering the muscle of

the upper part of the thigh, behind and coming out by the groin, the other ploughing deeply into the right wrist. Several convicts whom I recognized raised me and carried me to the hospital where the penitentiary physician, Dr. Pominville, gave me the necessary care. He succeeded after repeated efforts in stopping the terrible hemorrhage which had continued from the time I was struck in the yard by the first bullet.

Surgeon Brosseau, of Montreal, who had been sent for, arrived in the evening and spent the rest of the night with Dr. Pominville at my bedside. I owe to their skill and care and to my strong constitution that my life was preserved during that terrible night. During all the time I was in the yard at the mercy of the insurgent convicts, I remained alone with Steward Mazurette also retained by them, and with this exception I saw no officer or subaltern. The deputy warden had been absent from his post since four or five days, I do not know why, as he sent me no notice that he would be absent.

Such, sir, are the facts which took place during the revolt to my personal knowledge.

I now give from information handed to me, an account of the acting of the insurgent convicts during the few minutes preceding my entering the yard.

I stated above that I had visited the tailor's and cobbler's shops where I had noted nothing irregular, and that from them I had gone to inspect the cells of the western dormitory. It was during my inspection of the cells that convict Kinsaler was assaulted by convict Durocher and others either to disguise their intention or to give the signal for the revolt. After I had left the shop the convicts surprised the two instructors, Beauparlant and Mazurette, Instructor Leduc, who happened to be there, and Guard Bostock, bound them securely, took their revolvers and brutally illtreated Instructor Beauparlant. They locked the outer door took the key from the store of Instructor Mazurette and laid hands on some spare clothing.

Meanwhile the insurgents, convicts in the stone-shed made prisoners Instructor Therrien, yard Guard McIlwaine and Guards Couvrette, A. Plouffe and Leblanc, appropriated their revolvers and bound them hand and foot. They removed two rafters from the shed and built a strong ladder which they carried outside and raised against the outer wall at the eastern extremity of the yard near the bakery. Some of the insurgents, the leaders, mounted the ladder with the intention of jumping into the garden beyond, but luckily farmer and gardener Kenny with Guards N. Chartrand and Fred. Chartrand were watching over a gang of convicts in the garden under the wall. Mr. Kenny warned by Guard Saunders, posted on tower No. 2, seeing convicts at the top of the ladder fired on them with his revolver, Guard F. Chartrand also fired with his rifle.

The insurgents came down from the ladder and immediately attempted to scale the wall once more, but were finally obliged to give up the idea; they, however, wounded Guard Chartrand in the thigh.

The convicts thereupon abandoned the ladder and moved towards the other end of the yard, when seeing me near the stone-shed they came upon me and made me prisoner as above related. Farmer Kenny was then informed by Guard Saunders of No. 3 tower that the insurgents were moving towards the western extremity of the yard bringing the warden with them. Mr. Kenny hastened with Guard M. Chartrand to lead back his convicts to the penitentiary. Guard F. Chartrand was carried home.

The deputy warden, who was during the firing in the vestry of the parish church situated near the walls of the penitentiary, while returning home was informed while standing before the Bertrand Hotel by a guard who was passing, of what was taking place in the penitentiary; he went into the garden which Kenny had just left. Guard Saunders informed the deputy that the insurgent convicts were masters of the yard and of the warden and were going to illtreat him.

It did not appear to me that a large number of convicts took part in this revolt; there is no doubt, however, that had the insurgents succeeded in their plan of escape all the others would have taken advantage of it.

As to the cause which led to the uprising, I attribute it to the severe discipline enforced which precluded all chance of isolated escape; to the love of liberty cherished even by the most hardened criminal several times condemned. Several of the latter have also the ambition of acquiring notoriety and become famous in the opinion of other convicts. Viau is one of them; he proved it on that occasion by acting as leader

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of the revolt; he has also the menia of working continually at some scheme for his own escape. In February or March this same Viau declared to some of his friends that the convicts had no chance of making isolated escapes in consequence of the constant watch kept over them by the officers; that a revolt alone might give them a chance during the disorder and confusion it would cause among the officers. I had on that occasion warned the officers to keep a constant watch in the yard and during my visits to the shops I recommended that the movements of the convicts be closely watched lest such an event should occur. Nothing came to my knowledge, however, to induce me to believe that the plot was being concocted, still less that it would be carried out that day, the 24th April, 1886.

I am not in a position to judge of the conduct of each of the officers who occupied posts during this unfortunate affair, but I have reason to be astonished, nor can I even to-day understand why, during the revolt in the yard, and while I was alone facing these insurgent malefactors of whom eight or ten were around me with revolvers; why, I say a superior officer did not enter the yard at the head of a detachment of ten or twelve guards armed with rifles and revolvers. A considerable number of officers remained inactive in the keeper's hall; it is only late during the revolt it appears that eighteen or twenty guards were placed outside the yard near the wooden fence under the orders of two superior officers, where five or six would have been sufficient. The appearance of this detachment in the yard and the shooting of some of the insurgents had they refused to surrender, would certainly have cornered them all and would have caused the terrible and durable influence on the convict population.

Instead of that, they hastened the Montreal police to recall order, but a few moments after the insurgents had dispersed and returned to their posts of labour. As stated above a counter order was dispatched to the chief of police.

Can it be true that certain officers knew of this revolt five or six weeks before it broke out? I hesitated to believe that officers of superior rank especially, knew of the revolt projected by convicts, and concealed the fact.

Excuse, sir, this long report dealing at length with the facts especially concerning myself, but I thought that in view of the gravity of the occurrence which I had to relate, I should give you minute and truthful account of this unfortunate affair, the revolt of the convicts, which might have had much more terrible consequences without my intervention. It is true that my conduct exposed me to great danger, because it disturbed the plans of the insurgents, delayed their action, dispersed and drove them back to their posts of labour. Guard Paré in obeying my order in firing on the insurgents displayed great address and presence of mind. Farmer Kenny and his guards also deserve praise for their attitude in the face of the convicts.

Leaving you, sir, to judge of the consequences, had I abstained from doing what I did on this occasion in the absence of the two superior officers, to whom was entrusted the command of the prison, I most respectfully submit the present report which I certify to be true, to your favourable consideration.

I have the honour to be, sir,
Your most obedient servant,

(Signed) GODF. LAVIOLETTE.

In a letter of ex-Warden Laviolette to Senator Bellerose of 22nd March, 1888, (original produced) referred to his speech in the Senate on the revolt, he used these words:—

"I received your two inclosures of the Senate Debate containing your speech against Moylan, &c. I perused it with pleasure and distributed copies to persons in a position to appreciate it. It is impossible for the Government to refute your factum, and I am sure they will not attempt to do so."

In a second letter to the Senator dated 26th March, 1888, are these words:—"I distributed your factum, and those who have read it agree in saying that everything indicates an infamy; yes, and I do not hesitate to declare that all you advance is perfectly true, that I have a personal knowledge of all the facts, correspondence, &c."

In still another letter to the Senator dated 28th April, 1889, are the following words:—"Without producing my report on the revolt you might refer to it, bringing out the fact that the deputy minister, Mr. Burbidge, the 12th January, 1887, in the evening obtained the resignation of Dr. Pominville as penitentiary physician, that that gentleman passed the night at my house with a view of obtaining also my resignation; which I refused to do unless a serious and honest investigation was ordered. That the deputy minister handed me back my report of the revolt to correct it. That some days afterwards, and still under the influence of the excitement caused by my interview with the deputy minister, I told you of my refusal of his proposition and gave you communication of my report on the revolt of the convicts which he had handed back to me—or that I gave you communication of it after distribution of T. Ouimet's which you called a false report, &c., with reason."

Senator Bellerose in his place in the Senate in the session of 1886 brought the matter of the revolt before the House and urged a thorough investigation to fix the responsibility on the men who were the cause of it. The following is an extract from his speech on that occasion.

"The investigation I asked for was a natural consequence of the revolt. It commended itself to the common sense of every honest man. Why, in every case when something extraordinary happens in such institution, an inquiry is ordered, even in the case of a single escape. Yet after such a sad event as the revolt, nothing was done to find out what was at the bottom. Why was nothing done? Because, answered the good inspector at page 310 of the blue book, the coroner's investigation was considered sufficient. Not so, gentlemen, quite the contrary, the coroner's jury having sufficient evidence to report on the death of the convict shot dead, stopped their proceedings, gave their verdict and recommended a minute investigation to be made in the following words:—

"Considering the evidence given by Guard Bostock, who states that he heard it spoken, and that he then believed in a rising of convicts, and that he reported the facts to the authorities of the penitentiary on the Thursday preceding the day the revolt broke out. The coroner's jury in the investigation as to the death of convict Corriveau, having given their verdict, particularly recommends:—

"That a minute investigation be made into the details of the revolt, so that the responsibility may be put on the proper man.

"A few days after, on the 31st of May, the Minister of Justice stated in the Commons, as I have already read from his speech:—

"There was an investigation in the ordinary course of justice by the coroner's inquest, and subsequently there was an investigation made by the inspector. I may call that a preliminary investigation, because it is not intended that it should be a final one * * * I do stand committed as the head of the department, to having a full and thorough investigation."

That there was an evident disinclination on the part of the then inspector of penitentiaries and of the Department of Justice to having a full and thorough investigation made into the revolt is manifest from the fact of the suppression of Warden Laviolette's report on the revolt and the further fact that the promise of the First Minister that there should be one, has never been acted upon. It is likewise apparent that the motive in abstracting the records of the coroner's inquest; and of the trial of the convicts in the Court of Queen's Bench from the office of the clerk of the peace was to prevent them from being used in the investigation it had been promised should be made.

From the evidence, and from reading the correspondence and the proceedings at the investigations held from time to time into the conduct of the officers during Warden Laviolette's management of the penitentiary, your Commissioners are of the opinion that the direct cause of the revolt of the convicts on 24th April, 1886, was the breaking down of the authority of the warden and the destruction of the prison discipline resulting from the persistent opposition of the then deputy warden, T. Ouimet, and the then chief keeper, Thomas McCarthy, to the authority of Warden Laviolette, in which they had the countenance and support of the then inspector of penitentiaries, J. G. Moylan; and that the consequences of the revolt to Warden Laviolette might have been

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avoided had the said deputy warden and chief keeper exhibited the energy and courage to take command of the guards armed with rifles and lead them into the prison yard at the moment of the outbreak to suppress the revolt. Had this been done with resolute courage it is quite unlikely any serious harm would have befallen the warden.

THE WARDEN.

Telesphore Ouimet after having filled several offices in the St. Vincent de Paul Penitentiary was appointed acting warden after the revolt of the convicts in 1886, and shortly afterwards was made warden. He entered the prison in 1870, and from that time until 1873 he acted as farmer, and not being successful in that position was reduced to guard after two and a half years' service. He then left the prison but returned in 1879 as clerk of works, for which position, according to his own testimony, he had little if any qualifications. In 1881 he was made deputy warden; in 1886 acting warden, and a year later became warden. The evidence taken in reference to the revolt leads your Commissioners to the conclusion it was largely the result of insubordination and intriguing on the part of this officer, who was then deputy warden, and other officers of the prison, and his conduct was not what ought to be expected from a loyal and courageous subordinate. One of the chief results of that revolt was the deposing of Warden Laviolette and the promotion to his place of the present warden. Since his accession to office he has ruled with what may be termed a strong hand, and has thus compelled obedience to his orders whether they were right or wrong, and without much regard to the rules and regulations laid down for the management of the institution. In the opinion of your Commissioners he was not at the time of his appointment qualified for such position nor is he so qualified at the present time.

The examination into the conduct of this officer has taken considerable time and the report of the Commissioners would have been delivered at a much earlier date were it not for the repeated delays consequent upon allowing him to be heard by counsel, and to produce testimony to show that he was not responsible for many of the breaches of prison rules and discipline which the evidence indicates were chargeable to him, and to justify those which he admitted; to show among other things that certain prison materials and labour which it was said in evidence had been used in building a yacht, in making furniture for the warden, and otherwise supplied to him were not so supplied; and to make his defence generally to other matters which came to the knowledge of your Commissioners, and which were not in keeping with honest administration and good management. Everything possible was done to aid those in charge of the warden's case in preparing and presenting their defence—copies of all depositions were furnished—he was represented by four advocates—access to all exhibits and official files and documents and anything in relation to the case was allowed, adjournments from time to time were granted, the Commissioners held sittings both in Montreal and Ottawa for this purpose, he was permitted to recall all the witnesses already examined, to produce any additional witnesses he might deem necessary and he had already been examined on all points which affected him, and unusual latitude was permitted in the examination of such witnesses as were called, and in order to further facilitate their work the Commissioners, although in no way bound to do so, caused to be prepared and furnished to the warden's counsel a list of infractions of the prison rules and regulations which were either admitted by the warden or prepared to be established by the evidence, and for which they considered the warden either wholly or in part responsible. These delays were not altogether fruitless for the nature of the defence set up in almost every case showed the justice of the conclusions which were based upon the testimony already taken. A few matters were explained satisfactorily, but much of the evidence offered was a repetition of what had already been given, or merely matters of opinion or hearsay, and some of that which was new not only served to weaken the warden's case, but the presentation of it is, in the opinion of your Commissioners, sufficient in itself to condemn the one on whose behalf it was offered. This is especially the case with reference to the production of the books of one David Ouimet and certain entries therein. The Commissioners were of opinion that certain materials

used in the construction of the boiler of the yacht of the Hon. Justice Ouimet had come from prison supplies, and so informed the warden. The first witness called to disprove this was Edouard Octave Champagne who had already sworn in his earlier examination that he knew nothing about these materials or where they came from, but who, when called upon this occasion said he thought he had been spoken to by David Ouimet, a plumber and steamfitter in Montreal, about the matter, and that he had told Ouimet it would take 432 feet of $\frac{3}{4}$ -inch pipe for the boiler. The Commissioners were strongly impressed with the belief that much of this witness's evidence was not true, judging from the manner in which it was given, and their conclusion in this respect was confirmed by what occurred in reference to this matter later on. On the following day the defence called on Zéphirin Turgeon who produced a statement of an account which he was asked to swear was "an exact copy of the books" (of David Ouimet). The Commissioners objected to this evidence and insisted upon the production of the books, and of David Ouimet, as the witness then present had no knowledge of the transaction having only been in the employ of Ouimet since March last. It was said that Ouimet could not be got as he was then out of the city and would not be back in time, but the fact was as afterwards appeared in evidence that he was not out of the city and had not been for several days. It was quite evident up to this time that it was the intention to rest the warden's case, as to these materials, on the evidence of these two witnesses. Counsel then insisted that they were not bound to bring the books as Mr. Ouimet was the best evidence and they would wait for him. But the Commissioners persisted in having both and on the evening of the following day David Ouimet appeared but without the books. The Commissioners were informed, however, that the books were down stairs in the hotel, and would be forthcoming if their production was still insisted upon, and this being the case they were brought forward. It was only then the Commissioners were able to account for the very apparent reluctance to furnish these books, for the account for materials said to have been used in making the boiler, and which appeared upon page 98 of Ledger "A," had every indication upon the face of it of being but a clumsy forgery. It had every appearance of being recently written by the one person, with the same pen and ink, (excepting one line in red ink) and at the same time although it covered a period of twelve months not another page in the book of 600 pages appeared to have been written with similar ink, and these pages immediately surrounding it were clearly different ink and written with a different pen. The dates on the preceding pages indicated the inscribing of the account on this page at a subsequent time and there was every facility for doing this on any one of several blank pages scattered here and there throughout the book. What was still more striking was that the person who had made the entry had, in starting the account, very naturally written "1897" in quite plain figures, and upon discovering this had corrected his mistake by writing a "4" over the "7," so that the year date would be that in which the boiler was built. Then we have the evidence of Mr. Ouimet that Mr. Lalonde kept his books in 1894, and the evidence of Zéphirin Turgeon, his present bookkeeper, that this account in question, is, he believes, in the handwriting of Mr. Caron, who is still in his employ, and this is to some extent corroborated by the testimony of the same witness that the statement of account first produced by Turgeon was made from a copy given him by Caron. Many other peculiarities are apparent in the writing of this account. The bookkeeper of 1894 made a practice of opening his accounts with a heading in large letters, which is not done in this case. No where else in the book is to be found an entry of "Par Caisse P & P," ("By Cash, Profit and Loss"), and so with other details.

These circumstances lead your Commissioners to the firm conclusion that all the evidence produced to establish the furnishing of this material is a fabrication. The attention of the warden's counsel was called to this, and it was open to the warden to produce both Caron and Lalonde, but they were not brought forward. Neither did the warden himself attempt to corroborate any part of this evidence. This account as it appears in the book was submitted to the well known expert Dr. J. Baker Edwards, the Dominion Official Analyst and Expert on handwriting, together with photographs of the same, and his opinion which is filed herewith fully coincides with that of the Commissioners. The same witness Champagne was asked by warden's counsel to state

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where the steam whistle and safety valves which were used upon this same boiler came from, and he said he had begged of Mr. John Garth to give them and he believed he had done so, but Mr. Garth was not called to corroborate this. The fact is, however, that the Auditor General's Report for 1894 shows that a steam whistle and safety valve were sold by Garth & Co., to the prison, and the prison engineer, who is a brother of this witness, Edouard Octave Champagne, after much hesitation admitted that these were used upon the yacht, as did Elzéar Daignault. Who is responsible for the concoction of this class of evidence your Commissioners are not able to say, but it was offered on behalf of the warden, and he must abide by the consequences. It is only fair to assume that he knew the nature of the evidence, as he took an active part in the preparation of his own defence, and knew these witnesses were to be called on his behalf. Almost all of these infractions, a list of which had already been furnished the warden and many of which have been set forth at greater length in different sections of this report, remain unexplained and unjustified. It is established that it was with his knowledge and consent that (1) he and other officers sold to the prison under their own and fictitious names; (2) that he and other officers bought from the prison goods, the purchase of which was expressly forbidden; (3) that officers were permitted to take and sell prison property for their own profit; (4) that prison property and labour was given away without authority and without remuneration; (5) that to a great extent the Board of Survey was ignored, and he usurped their powers; (6) that the accountant and deputy warden were not permitted to fix the prices of goods purchased from the prison by the warden; (7) that officers were permitted to requisition for prison work for other persons not officers, and that he did so; (8) that prison property was continually being allowed to leave the prison without proper passes; (9) that the rules as to requisitions and delivery notes were either not enforced at all or very indifferently enforced; (10) that he appropriated to his own use quantities of prison property without authority and without requisition; (11) that he made no genuine effort to see that proper prices were being charged for prison work, but allowed his subordinates to do about as they please in this respect; (12) that he had a great deal of work done for himself at ridiculously low prices. His justification for all these irregularities is that it was the custom in the time of his predecessors, but the complete answer to that defence is that in 1887, after he had assumed charge of the prison, a set of rules were put in force for the express purpose of doing away with these abuses, and although he was supplied with those rules he paid no attention whatever to them, and did not require his staff to do so. Even if these rules had not been in existence, these practices were not in keeping with proper and honest administration, and should not have been tolerated. It will be noticed in the defence of the warden that he attempts to justify himself having had considerable quantities of furniture made for his son-in-law by the assertion that these were given to the latter or his wife as a present, but this is a direct violation of the following rules, which apply with equal force to the work done on the yacht, &c. :

"Rule 16. Nothing shall be so sold, and no work shall be so done :—

"(a.) Without an application in writing by the officer stating that the article sought to be purchased, or the work to be done is for his own use only.

"Rule 18. Any officer signing a false application shall be dismissed."

He admits retaining the services of officers convicted of theft and not investigating charges of theft which were brought to his notice, and it is proven that he recommended Guard Breland for a gratuity after it was known that the latter was forced to leave the prison service as a result of being detected in the commission of a most heinous crime; it was with his knowledge that some forty officers have been installed at the prison without being sworn in, and he is largely responsible for the employment of the many illiterate officers who are there and for placing one of them as gate keeper. He is chiefly responsible for the failure to properly instruct the officers and enforce the rules and regulations, and for much of the lack of proper discipline and management in the various departments consequent upon his usurpation of the functions of the subordinate officers in charge and frequently reprimanding them in the presence of convicts and with unnecessary harshness. He is in a great measure responsible for that interpretation

of the law which permits officers to have annually a certain number of suits of clothing and of the various other articles of uniform whether these uniforms are necessary for prison service or not, and in this way several officers who did not require these clothes were permitted to take their value in material which they gave to their families or sold to others. Some officers profited to a considerable extent in this way, among them the tailor who used but one uniform in five years, and therefore had nine uniforms or their equivalent to sell or give away.

For the extravagance manifest in the management of this prison the warden is largely if not altogether responsible. It was at his urgent and repeated demands that there was made the altogether unnecessary and excessive expenditure for purchase of horses, harness and vehicles used almost exclusively for the pleasure of the warden's family and friends, and which together with the yacht occupied most of the time of the Teamster Leblanc; he is responsible for all the loss of time of the officers, labour of convicts and loss of material in connection with the building, repairing and maintaining of the two steam yachts and boat-house, and he cannot be exempted from the responsibility for these things on the ground of his having had the sanction of the department—for it was upon his demand and recommendation that the expenditure for horses, &c., was incurred, and the great bulk of that connected with the yachts was neither asked for nor in any way authorized—the fact being that the only expenditure ever authorized in connection with the yachts aggregated \$45, while hundreds of dollars were spent upon them, and as to the coal used upon the boats there was no authority for use of it prior to 1894, although the yacht "Iris" had been at the penitentiary some five or six years before, and had been coaled, repaired and maintained and almost rebuilt at the expense of the prison. No authority was given for the use of prison coal at any time, excepting when the boats were being used to give recreation to officers, nevertheless the prison furnished all the fuel and other supplies that were consumed upon these boats no matter who was using them. For the high prices paid for materials used in ordinary prison maintenance and purchased on the open market, he is largely responsible and seems to have made little or no effort to prevent the abuse. He is responsible for the condition in which the affairs of his office were permitted to be conducted by his clerk Papineau and for all that is referred to else in that connection, including the unjustifiable treatment of the convicts' correspondence and the destruction of prison documents; for the wide spread prevalence of that worst of prison evils, the fraternizing and trafficking between convicts and officers; for the improper practices before referred to under the heading "Politics."

He is likewise responsible (with Labelle and Daignault) for the gross waste practised in connection with the building of the new boundary wall and other erections in and about the prison, and the very bad workmanship displayed in same which are elsewhere referred to in this report and the report of George Crain, Esq. The warden attempts to escape responsibility for this worse than negligence in this matter by saying that the Department of Public Works is responsible, and he was not an officer of that department. But the evidence shows most conclusively that he assumed full control of the work, and was recognized by the Department of Public Works as controlling it; requisitions for public works supplies were countersigned by him; and the contract for stone, expressly made deliveries of same subject to his inspection—that he did so inspect—that he ordered and directed how the work should be done—instructed not only the clerk of works, but the stonecutters, masons, and all others engaged upon the work, and these men took orders from him. He endeavoured, contrary to the wishes of the department, to have the stone contracts continued instead of working the quarries with prison labour, as is now being successfully done. It was upon his order that the plans were repeatedly changed, each change of the gate plans involving considerable loss to the prison. It was the warden who disposed of all the stone which was wasted or destroyed. In a word he had full control of this work, which control was either assumed by or delegated to him.

Many other matters which have appeared in evidence chargeable to the warden, such as allowing one Quevillon to use the prison scales for weighing for various people for which service he made a charge which he (Quevillon) pocketed; allowing the Teamster Leblanc to take a contract for placing buoys in the river, such contract being taken

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under a fictitious name, and with the warden's knowledge; allowing convicts to go beyond prison limits on steam yachts and to work outside of prison for various persons free of charge; discharging convict Louis Jules Hebert instead of convict Victor Eugene Hebert, and afterwards making a misleading statement to the department about it; receiving gifts from contractors who were supplying the prison; returning lowest tenders to tenderers for supplies; are not here dealt with at any length, as it is not considered necessary to deal with them further. What is already set out is, in the opinion of your Commissioners, sufficient to warrant the dismissal of the warden, and they so recommend.

THE PRISON SURGEON.

Prison Surgeon Gaudet, owing to his age and consequent infirmities, is, in the opinion of your Commissioners, no longer able to perform such duties as are constantly required of him. The surgeon himself feels this to be the case, and has asked to be retired, and your Commissioners are of opinion that this request should be complied with and that in view of the fact that Dr. Gaudet and his family have nothing upon which to depend save what may come to him in the way of superannuation allowance, and that his age and condition will prevent his entering into active practice of his profession, he should be liberally dealt with by the Government.

THE DEPUTY WARDEN.

Deputy Warden McCarthy has been in the prison service some 41 years, 16 of which have been spent at St. Vincent de Paul. His conduct, as well as that of other officials, during the revolt of 1886, did not commend itself to the Commissioners as that of a prudent and loyal officer, and from time to time he has been guilty of some infractions of the prison rules which although blameworthy are not, perhaps, to be wondered at considering the influences by which he was surrounded, and are not of sufficient seriousness to call for his dismissal. He is now well advanced in years, and his physical condition is such as to unfit him for the arduous duties of his office, and we therefore recommend that his request to be retired, which has been filed with the Commission, be complied with.

THE WARDEN'S CLERK.

Gordon B. Papineau has occupied the office of warden's clerk about 12 years. During that time some most serious irregularities have characterized the conduct of the business in the warden's office. The correspondence, official documents and books were kept in an extremely careless manner. Many of the books required by the regulations have been abandoned without any authority. Hundreds of business letters have not been copied, and most of these received are not to be found. The reason given for this neglect of the ordinary official duties was "to save time," but the Commissioners have reason to know that the clerk had ample time for the work had he been disposed to properly attend to it. Until very recently, the clerk, with the warden's knowledge, mixed the money of the prisoners and the gate money with his own, but although this method of doing business is most reprehensible, the Commissioners are of opinion that he did not knowingly benefit by it. On the other hand the carelessness displayed in the handling of the moneys belonging to the prisoners undoubtedly led to many losses, as was indicated on the search of the vault and at the burning of the convict's letters, &c., in 1895. To the charge of this officer was confided the examination and mailing of all letters from convicts to their relatives and friends and the proper and prompt distributing of the letters and mail matter coming from outside to the convicts. The treatment accorded the prisoners in this connection was cruel, and in the mind of the Commissioners unpardonable. Perhaps the worst feature of Mr. Papineau's conduct of his office is the utter indifference apparently shown by him for the welfare of the prisoners. It is true he was but following the example of his chief, but that cannot excuse him.

Officers who have so little regard for those under their charge should not be retained in the prison service. They should be made to understand that even convicts have rights which must be respected, otherwise the influence for good is lost. Mr. Papineau's usefulness as a prison official is certainly gone, and his conduct merits dismissal.

KEEPERS AND GUARDS.

Edouard Provost was a keeper at the prison a short time ago, when he was reduced to the rank of guard as the result of carelessness which led to the escape of a prisoner who was afterwards recaptured. He is one of those officers who can neither read nor write, yet was selected to relieve the gate keeper when that officer was regularly performing night duty or otherwise absent. When it is considered that it is the gate-keeper's duty to permit the passage of goods on written passes, it is not difficult to understand how much of the prison property may have been passed from the prison without proper authority when the gate was in charge of one not capable of telling what the pass called for or whether the document, if any, presented, was in reality a pass. Several infractions of the regulations on the part of this officer came out in the evidence of various witnesses, but almost all were denied by him. The Commissioners were of the belief that the testimony given by him as to these infractions was in the main untrue, and they were convinced of this when they discovered that he had been tampering with the prisoner Denis, who, for a considerable time, was with him at the gate, with a view to having him suppress certain evidence which he was called upon to give. He also denied positively that he had in any way tried to influence this witness, but the testimony of the prisoner on this point was too well corroborated to admit of any doubt. The Commissioners consider that an officer who is not only untruthful himself, but would try to induce a convict to assist him in his falsehoods is not a fit person to have the supervision of prisoners, and for this and the other reasons disclosed by various depositions, recommend his retirement.

Jérémie Leblanc, teamster, has devoted the greater portion of his time during recent years to the care of the steam yachts and the warden's horses and carriages, and acting generally as a servant to the warden. If the recommendations of the Commissioners with regard to these luxuries are carried out, there will be no further need of the services of this officer. During his term of office some rather serious infractions of the rules are chargeable to him, although he seems to have had the consent and encouragement of the warden in most of these cases. He trafficked to a considerable extent with prisoners and furnished them with tobacco and other articles, bought from the prison large quantities of bags and pork barrels, at a low price, which he re-sold at a profit of from 50 to 125 per cent; a short time ago, while still employed by the prison, he, under a fictitious name, entered into a contract with the Government for placing buoys in the river, and although the inspector notified the warden that Leblanc should be dismissed for this offence, the warden insisted upon retaining his services. Leblanc attempts to justify his action by saying that he had the consent of the late Sir John Thompson for what he did, but the evidence does not bear him out. No doubt the fact that Leblanc was so closely connected with the warden, and his household had much to do with the special treatment which was meted out to him. The retirement of this officer is recommended.

Guard Monette, has been guilty of frequent violations of certain of the prison rules. He was continually getting food of various kinds from the kitchen, appropriating to himself quantities of stone supplied to stone-shed, and trafficked more or less with the prisoners. He was one of those who interfered with at least one prisoner with a view to influencing his testimony before the Commissioners. His flat denial on oath of ever having received any food from the kitchen in face of the testimony of the steward and warden and several convicts to the contrary, satisfied the Commissioners that his testimony was untrue, and for this and unlawfully taking prison property they recommend his dismissal.

Joseph Desloges has been employed as a guard at this prison for several years. He is a nephew of Elzéar Daignault who had charge of the stores of the Department of

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Public Works at the penitentiary. Daignault claims to have received permission to take from these stores his supply of coal and wood. Desloges knew that Daignault was being so supplied. Nevertheless he received from the latter at different times, quantities of this coal and wood for his own use. These articles were brought to him by the persons who were delivering the coal and wood to the prison under contract. Desloges says he agreed to pay Daignault for the wood and coal, Daignault says he did not. It makes no difference which of these statements is correct. Desloges knew he was getting from Daignault property of the institution, which the latter had no right to give or sell him. Holding, as your Commissioners do, the opinion that these practices should not be tolerated under any circumstances, they recommend that the services of this officer be dispensed with.

CONVICT TESTIMONY.

Considerable comment on the propriety of taking convict testimony having been indulged in, your Commissioners deem it advisable to say that in no case have conclusions been based upon this class of evidence alone—but in every case substantial corroboration was required. It is a remarkable fact that the great bulk of such evidence was borne out by independent testimony of books, documents, free witnesses, and what was actually seen by the Commissioners. Having regard to the fact that so many of the officers of this prison had a common interest in covering up the misdoings of each other, it would have been practically impossible to procure evidence of many reprehensible transactions which are here reported, were it not for the information first obtained from some of the prisoners.

YOUTHFUL PRISONERS.

From a return handed the Commissioners on the 21st of August last, it is found that on that date there were incarcerated in this penitentiary the following number of convicts at the various ages under 21 years, most of whom had already spent several years at the prison :

2 convicts at.....	16 years.
10 "	17 "
7 "	18 "
12 "	19 "
8 "	20 "
24 "	21 "

The evil effects flowing from this enforced mingling of young boys convicted of a first offence, and perhaps not instinctively criminal, with the oldest and most hardened criminals has been so often discussed that nothing remains to be said about the matter further than to call the attention of the department to the extent to which the evil is here prevalent, and to urge that some steps be taken to overcome the difficulty in the hope that in future these youths may be consigned to a more suitable place of confinement and thus escape the baneful influences at work in an institution of this kind.

RECOMMENDATIONS.

In addition to such other improvements as the foregoing report may suggest, your Commissioners beg, as the result of their investigation into the affairs of this prison, to make the following recommendations, in the hope that they may meet with your approval and aid in improving the condition of the institution.

1. Steps should at once be taken to thoroughly revise the prison rules and regulations with a view to removing many inconsistencies which appear therein, and every officer should be provided with a copy thereof and required to make himself familiar with them.

The rule requiring instructions to be regularly given subordinates by superior officers should be enforced.

2. The keeping of all maintenance supplies under the supervision of the storekeeper, to be distributed by him on proper requisition made before delivery, and to be delivered from time to time as required for consumption; a proper ledger to be kept which will at all times show what has been received, what issued and the balance on hand.

3. An annual stock taking on business principles, and a checking of such stock taking with the storekeepers stock ledger to see that the latter has on hand such stock as the ledger calls for.

4. A thorough overhauling of the present system of bookkeeping, and a proper distribution of work in connection therewith; a renovation of the warden's office with special attention to the proper filing of all official documents and correspondence, the copying of all letters, proper indexing of all letter books, convicts registers, &c., the keeping of proper records of all moneys, &c., coming to convicts, and the daily return of same together with all gate moneys, to the accountant, and generally such other matters as are necessary for the proper conduct of the business of this office.

5. The strict enforcement of all rules relating to requisitions, delivery notes, and passes for goods going out at the gates, and generally such rules as have been framed for the protection of the prison property.

6. The purchasing of fuel, fresh meat, flour, oatmeal, pot barley, split pease and potatoes only by tender, the balance of prison supplies to be bought in the open market.

7. The rules permitting officers to purchase supplies from the prison stores or to have work done for them in prison shops should be rescinded as speedily as possible.

8. The furnishing to officers only such uniform clothing as may be necessary to enable them to present a respectable appearance while on duty.

9. The abolition of the Public Works stores and the adoption in connection with this branch of a system such as is now in operation at the Kingston Penitentiary.

10. The quarrying by prison labour from prison quarries of such stone as may be, from time to time, required for the purposes of the institution, or for any other purpose to which it can be advantageously applied.

11. The trafficking amongst convicts, and between them and officers or outsiders; the purchasing by officers for convicts of food or other articles, the buying by officers or others of articles from the prisoners, or taking same as gifts, the manufacturing by prisoners for sale or other purposes of fancy articles, &c., and the selling to the prison by officers or any one on their behalf of any articles or merchandise, to be totally abolished.

12. Steps should be taken to provide ways and means for suitably employing the convicts during working hours, either in the way before suggested in this report, or in some other way which will properly employ the prisoners and fairly remunerate the prison.

13. The adoption of proper regulations as to the admission of mere sightseers to visit and inspect the prison, with a view to avoid the too frequent disturbances of the prison work and management and to prevent intrusion at unreasonable hours.

14. Such addition to the fire apparatus at present in use at the prison as will render it efficient for fire duty, and is necessary to give a reasonable amount of protection to the prison buildings.

15. The introduction of a properly regulated system, whereby as a result of direct dealing with the prison authorities, the convicts may be enabled by extra labour performed during working hours, to earn some money for themselves, which money is to be given to them upon leaving the prison, or under their direction sent to any needy relations.

16. The same kind of clothing should be used for all convicts, the different grades being designated by a distinctive mark, such as strips, and the greatest care and fairness should be exercised in the distribution of good conduct marks and promotion.

17. That the horses, carriages, sleighs, &c., now at the prison and in excess of what is actually necessary in carrying on the work of the prison be promptly disposed

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of to the best advantage ; and that the maintenance of yachts and other similar luxuries be forbidden in future.

18. The making of some arrangement by which young prisoners may escape the contamination of the older and more hardened class of prisoners.

19. The rearrangement of the methods of disposing of the prison sewage in such a way as to abate the present unsafe and unpleasant conditions, consideration being given to the possibility of utilizing it for the purpose of improving the farm and garden.

20. The employing of a competent and experienced man of business to act as chief trade instructor, who shall have supervision of the various workshops and trade departments ; and who shall, under proper regulations, be given authority to purchase all manufacturing and engineering supplies and to sell all prison products.

21. That the farm management be conducted with closer and more intelligent attention so as to produce as far as possible the supplies necessary for prison maintenance, and that to this end the farm instructor be required to give his undivided attention to his duties.

22. The prison inspection should be so conducted in future as to discover many, if not all, such irregularities as are herein revealed, should such exist ; and the inspector should not be content with investigating only such matters as are brought to his notice, but ought to make such inquiries from time to time as will be sufficient to ascertain whether or not the work of the prison is being in all respects properly carried out.

23. The reduction of the staff of keepers and guards so that the work of the prison may be conducted with the smallest possible number of officers consistent with safety and good management, which number in the opinion of your Commissioners, should not exceed one officer to twelve prisoners.

24. Married officers should not be allowed to reside within the prison walls.

25. Officers closely related to each other should not be employed in prison at same time.

26. The summary dismissal of any officer detected stealing or appropriating to his own use prison property of any kind, or any property for the time being in the custody of the prison or belonging to the convicts.

27. That no officers be hereafter employed who are unable to read and write either the English or French language, and to speak both languages sufficiently well to give orders and instructions therein, and make themselves readily understood in either language ; and that superior officers such as warden, deputy warden, accountant, storekeeper and clerk of works be required to be able to read and write both languages intelligibly.

28. For the reasons given in the foregoing references to the various officers, your Commissioners recommend the retirement and superannuation of Deputy Warden McCarthy, and Prison Surgeon Gaudet ; the retirement of Keeper Napoléon Plouffe, and Guards Edouard Provost, Godfroi Monette, and Joseph Desloges, and Teamster Jérémie Leblanc ; and the dismissal of Téléphore Ouimet, warden ; Gordon B. Papineau, warden's clerk ; Louis Octave Labelle, clerk of works ; Eugène Champagne, engineer ; and Ephrem Trudeau, assistant engineer.

All of which is respectfully submitted.

JAMES NOXON,
O. K. FRASER,
D. A. LAFORTUNE,
Commissioners.

Dated at Ottawa, this 27th day of January, 1898.