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The Chamberlain Case.

Report on Charge No 5 of the Charges
against Warden James's adminis-
tration of Stony Mountain Peni-
tentiary File No 42 - 1897, Department
of Justice - Penitentiary Branch,
concerning Counsel No 78 Charles
Chamberlain.

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5. "That Ironic reported in favour of Charles Chamberlain's release for a vice rendered in lowering the roof of the Warden's house, in which report the Warden attempted to show a raving dog in accord with the facts of the case. One of the worst political jobs ever perpetrated on a suffering public"

This charge is set out in detail in Schedule D of file No 42-1897-

The Warden's house at Stony Mountain Penitentiary was constructed under the supervision of the Public Works Department according to Plan No 3103 on file in the Department at Ottawa.

It was started in April 1885 & finished about 4 mos 1886. (See diagram p 426) It was all done by day work (427, 472) An addition 11 feet by 38 feet was afterwards made on the South side. The surface area of the main building with this addition is 44 by 36 by 44 feet front, by 36 in depth, with a wing 37 by 13' 6 inches. The foundation is stone and the superstructure brick. The main building consisted of three stories and a basement & the wing of two stories - Over all was a cottage

roof (D Smith hp 436-7)

This house had been occupied by Warden Bedson in his lifetime & afterwards by Mrs Foster (1838) or rather part of it was occupied by Mrs Foster (1830). The present Warden was gazetted on the 13th Oct 1872 by Foulk Change of his name on the 1st Nov of the same year. Before he had been gazetted the question of pulling it down, the Warden's house, or Warden's Castle as it was called, had already been considered. The discussion given above shows on what an elaborate scale the house had been constructed. The late Warden, Mr Bedson, appears to have been a man of much extravagant taste. The Warden's residence built under his instructions, was magnificent both in size and in costliness of exterior & interior finishing and overlooks the brow of Holywell Mountain & is exposed to all winds and weather, the exposure in fact alone in keeping up such a mansion can easily be imagined. This fact seems to have been realized by Mr Foster, Acting Warden, in 1872 before the present Warden had

been appointed according
to the "Corporation Instructions" in 1892 it
was decided to have a story off by
New York, the chief murder
to cut the expense of the coal
in winter. (Langman p 107)
On the minute of Inspector
Moylan in the Inspector's book,
dated Sept. 16. 1892 the foll'g
appears: "The Warden informs
me that the Warden's house is
regarded as unsafe. I think
it advisable to take it down
& reconstruct on a better & a
smaller plan. It would furnish
brick enough & other material
to build the kitchen & com-
mended along with a suitable
residence for the Warden."
Exhibit 5 of all this as I
now pointed out occurred
before the present Warden was
appointed.

The present Warden is almost
certain the fact to have no
doubt that when he came
like New York told him that
the house was unsafe (p 30. 1921)
at any rate, he saw Mr. Moylan's
report just referred to (p 30) Subse-
quently he occupied a room in
the house for about a year,
for part of the winter & the
preceding summer. He also

lived in the prison for a while
& in a portion of the house assigned
to the American Catholic Chaplain,
part of which he occupied at
present. He lived in the prison
part of last winter as well,
as the warden's house was not
fit for habitation (Nov. 831)

The Warden also states that
the Carpenter Justice W. Purgason,
reported to him that the
building was unsafe and added,
"the reason I was led to believe
it was unsafe was on account
of the upper story, that the
suspical place was that it was
to be like it is now, but that I
was led to believe that, I cannot
tell you how, but that is why
I was alarmed in the
suppression the roof should be
lowered & I remember this
matter in the wall being
pointed out to me". The
question of lowering, altering
or taking the building down
did not originate with the present
warden but was in the Inspector's
book before he came here
(831 2)

While Col. Irvine was Warden
the matter of home accommodation
again came to Mr. Purgason's
attention. On the 16 Oct 1894 Mr.

Mr. [unclear] wrote a minute in
the Inspector's book as follows:

The Warden is accommodated
by the Roman Catholic Chaplain
with rooms in his home. They
are not comfortable, being a
woman's aspect, and are
consequently very cold in
winter. Something should be
done and soon, to provide
suitable quarters for the
warden. The house formerly
occupied for this purpose
could be remodelled at a
comparatively small outlay.

I would suggest that the attic
kitchen may be taken away
& a mansard substituted, which
would give sufficient storage
space; also that the drawing
& dining rooms be converted
into three rooms; also that
the whole building be strengthened,
where necessary, with girders
upright, or in whatever other
way may be required, as
the Carpenter's Instructor pro-
poses it to be unsafe. If
he was employed upon the
building, the work having
been built by the P.W.D. I
recommend that the Minister
of Public Works be asked to
have the alterations and repairs

required to put it in habitable condition would. His agent at Winnipeg, who superintended the construction would furnish the approximate estimate.

I regret that the work cannot be done by Purson labor. There are no Carpenters capable of doing it. The Carpenter instructed estimates the cost of putting the house in proper shape & order at \$2625. details later on" (Exhibit 61 pages 2-3) "The following is an approximate estimate made by Carpenter instructed of the expenditure necessary to make the alterations & improvements to the murderer's house:

Lumber.	500	500
Shingles.		200
Plastering		600
Painting		750
Galvanized iron roof		780
Front porch		180
Bricklaying		100
Carpenter work		500
Plumbing		250
Hot water pipes		200
		<u>Total \$3500</u>

(Exhibit S. p. 2. 861. p. 6. h 8311)

The Carpenter instructed referred to is Eli Husgren who occupies the same position

at present (1831)

The Warden thinks the Minute of October 1894 due to the fact that the building was unsafe. He says: "The Inspector Mr. Hoyle was here & I fancy he acted more on the Carpenter's report. Though he went & inspected the building himself. He says in the Minute here" as the Carpenter pronounced it to be unsafe & he was employed on the building." (403)

There was nothing done, however, until Mr Douglas Stewart, the new Inspector came in 1895. He Stewart went all over the building.

He had looked at the memorandum of the previous Inspector & besides that he had special reasons for examining the building because the garden had no place to live in, and besides that, it had been reported to him that the building was unsafe (404)

It was reported to the Warden that the building was very dangerous but he risked that & lived in it for a short time (408)
John Parish, now gardener, but formerly Carpenter instructed, says

"The idea in learning that frame
was I was given to understand,
was because it was not close the
safe on top, they considered the
walls would not carry." (448)
Letter on the Warden's report:

I don't know any thing
about it being ^{well} built. I only
know that I was told by
the carpenter instructor and
other people, they told me
that the frame was not safe.
(451) "I was told of it by Mr
Porter, the late acting warden,
& I saw it in those minutes,
& when I came here every-
one told me that it was
not safe." (460) The only
source of danger seems to
have been the settling of the
floor because of the Sprinkling
of the lumber (433) & a few
years ago there was a big
crack in the rear end of the
top story, but that was fixed
in 1887 or 1888. (See report 434)

In answer to a question whether
the building was unsafe to
live in or not, Ferguson
replied: It was unsafe to keep
in good order because the
plaster was cracking (434)

Wm D Smith, agent of the
Public Works Dept, at Minneapolis,

also remembers a crack in the rear wall of the building. There is an archway, he says, between the dining & drawing rooms, the carrying beam & the timber shrank to a certain extent & allowed this to settle & caused the crack. It was not a large crack & had nothing to do with the foundation.

The crack appeared in the second story. The wall above the dining room rested upon a beam of the staircase as the beam allowed this wall to crack. & after the shrinkage was done the cracking ceased & the wall was pointed up.

Further particulars on this point are given in my grandfather's evidence (445).

When the Inspector Mr D Stewart, visited the prison in 1895, Ernest Charles Chamberlain (No 787) was serving out a sentence of three years for burglary. Chamberlain was sentenced on March 24th & received at the prison on March 29-1894 & discharged on Dec 21-1895 (402). He was indicted & tried on the charge that at an election of a member for the House of Commons for Warrington, he applied

for a ballot paper in the name
of Matthew Leggett & being there
duly sworn before the Deputy
Returning officer; that falsely,
willfully and corruptly swore
that he was the person named
on the voters list for the polling
district by the name of Matthew
Leggett (Report of the Justice Comm.
in Parliamentary Session).

When the Douglas Stewart
visited the prison in 1885
the question of covering the
roof was again taken up.

Previous to his arrival
Chamberlain, who was in the
Compton Shop & probably aware
of the nature of the estimate
made by Resigney had a
conversation with the Warden
in which he spoke of covering
the roof for a small sum. (406)

This was in the autumn of
1895. (406) It is quite probable
the Warden thought that he reported
their conversation to the Inspector
during his visit (406). When the
Inspector came Chamberlain
asked to see him (404) The
Warden was present during part
of the conversation between the
Inspector & Chamberlain. According
to the Warden "he said he could
cover the roof for £25. He described

the way he would do it. I told
him that he had lowered & raised
roofs in Toronto. He listened to
the story of all the carpentering
work he had done. His steward
asked me about what I thought
of allowing him to go to work
at it & I said I did not know
anything about the man. (405)
Chamberlain gave me reasons
for wanting to do the work (406)
& nothing was said about
protesting his sentence or any-
thing of that kind (405-6) He
(the Inspector) said it would
be done we would try it.
He said he would stay over
in Toronto, & if he found out
that the man was all right he
would telegraph me, which he
did. (405) The telegram referred
to is dated at Ottawa on Sept 18th
1895. "Munster concerns in
regulation regarding Warden's
house" & is signed by D Stewart
The Inspector (Exhibit 5. P. 405)

On receipt of this telegram
the Warden at Chamberlain
at work lowering the roof. An
architect was employed because
"it was a simple piece of business,
just lowering the roof." The
Carpenter Instructor was not
consulted (406) nor was the agent

of the Public Works Dept. at Winnipeg, any way referred to (439) Chamberlain was given full charge of the work with Councils to assist him (406) & the Mason Institute bundled the back Home work (407) The Wardens got Chamberlain to work because of the telegram this former communication with the Inspector. It was understood between him & the Inspector that the latter wd telegraph when he got down East as to whether Chamberlain was to go on with the work or not (832) The claim that in turning over the work to Chamberlain he was acting under command in the Inspector's telegram (407)

The Warden was abstracting under orders, he says, in getting Chamberlain to build the veranda. He thinks the Carpenter Institute wd have done that work a good deal better, but adds: "I was wd instructed to let Chamberlain go on with the whole thing, that is, the covering of the roof & the work on the veranda." There is no documentary evidence of this. He rec'd a verbal order from the Inspector (407) Later on he says: - "As to the veranda, Chamberlain had covered the roof on well that I thought I could

left him so on with the Warden.
(835) In this work also the
 Carpenter Instructor was not
consulted at all by the Warden
(418)

The work of preparing the
soy of the prison was also turned
over to Carver Chamberlain.

The Carpenter Instructor had
turned the roof once or twice a
year ever since the Warden
took office, but it continued to
leak. In the autumn of 1885
the Warden asked a dunnoman
to repair the roof again -
but he refused to do so. Con-
tending that it was too late
in the year. Chamberlain
who was in the Carpenter
Shop, with dunnoman probably
heard what was said or knew
what was going on. At any
rate, he stated that it was
not too late for him to
do the work. (The Warden p. 835)

He was also given the work
of lowering the building over
the weigh scales "because the
Carpenter Instructor was busy
at the time" (Warden paper 411. 42)

He also, by order of the Warden,
placed strips of wood & of
blankets around the windows
of the prison to keep out the cold
(412)

The two reasons assigned for taking a story off the Mercers' house are:

1. The foundation was not sufficient to carry the superstructure and,

2. To lessen the cost of building.

He claims that the house was in a very way dangerous & undoubtedly groundless. The foundation wall is of limestone, rock-faced & dressed. It would be described as Roman work, is built with a core of rubble (Pergubus p 472)

It is on a foundation of hard pan, in fact it was hard pan all the way down. It is about 20 inches thick, & Contractor Paryulis, who did the stone work upon it, calls it a first class job in every respect. -

Paryulis (471) Both the foundation & the walls generally & the supports inside are ample to support the house (Paryulis p 475)

Gov. Carr, who called us down over the brickwork under the Government Inspector's eye Smith - describes the foundation as first class in character, & away above the average, & ample to support the building.

The character of the brick

work in the work of the building
is good. There is no inferior
work in it. It is of good
material, well put together
by good mechanics (See Camp, 1877,
p. 100). Mr. D. Smith, Inspector of Public
Works Dept., Winnipeg, under
whose supervision the building
was constructed, considers the
foundation one of the best in
the Province. It is a first-class
job in respect to carrying a building
double the weight. (438)

See Chas. Wheeler, Architect,
Burr & Galt's report upon
the building, considers it a
good substantial building capable
of bearing a much heavier
weight than it now sustains,
although it presently sustains

"No cross timbering walls
are also strong." He does not
think "there is a single weak
point in the building" 588.

After making a careful
examination of all portions
of the building I most
unhesitatingly agree that it is
most substantially constructed.

It is quite impossible to
discover any heavy squaring
the removal of the top story
or the lightening in any way
of the weight of the building.

on the foundation. A more
solid foundation & superstructure
could not be obtained.

It was unnecessary to
remove a story of the building
in order to economize fuel.
Mr Wheeler says: They could
have stripped off both the plumbing
& the masonry. I have done so
in many cases in the City,
where we have plastered after
the pipes around & they
did not want them, and we
have simply locked the steam door.

He could simply have put
stop cocks on the service pipes.

The house was so splendidly
built with good ceilings. It shows
that scarcely any heat would
go up there. (Mr Wheeler 597)

Accountant Mustard, who
is a Mechanical Engineer by
profession, is of the same opinion
(960) Mr. Harrison, Carpenter
Instructor, is also of the same
opinion (427) Mr D Smith
says that all that was necessary
was to close the steam door,
shut off the coils & drain the
water from them, so that they
would not come to any harm
(443-4) It is quite impossible
to justify the removal of the
upper portion of the building

on the ground that a racing
would be effected in fact.

The Carpenter Instructor
states that if the necessary
precautions had been taken
a skillful man had super-
intended the work \$149.00
might have been saved, which
was both in damage caused
by cornice during the work.
(p. 449 & Exhibit V) Great
damage was done, too, by
the careless ~~work~~ way in which
the roof was taken down. He
gave his opinion as to how
the work should have been
performed. (Exhibit VI) If
John Crute instead of me (there
were two) had been in to let
down lumber, bracks, lathes,
studying, joists, carriages, base
boards, both worn fittings &c
a great deal of material
could have been saved that
was destroyed under
Chamberlain's manage-
ment - 24,000 bricks were
littered down. Lots of them
were thrown from the height
of the plate on top of the wall
(450 ft) of the brick chimney
had twelve loads of rebar
carried away - Ten of them
were not fit for any thing

Two, or more were half bricks, some quarter, & some whole, were used for inside work.

He used lots of the brick not fit for anything to fill in his cell was a post office (1854-5) He adds: "I saw lots of furniture lumber, base boards, casing & corner blocks & bed blocks - Every thing was in pretty bad order, very few pieces left to be used" (1855)

He recollects that the covering of the roof was completed in a satisfactory manner, so far as he is able to judge (411, 417) Later on he says: "I think he covered the roof very well aided the carpenter. The latter told me that he had made a very good job of it. I know I was surprised at the carpenter's telling me that because he was very jealous of Chamberlain." (1837-3)

As long as the staves the more covering of the roof was "not such a bad job" he does not believe much will be said in final, because the roof is more open than it was (429) He thinks he

could have made a much better
job of it, but on the whole he
concludes: "Well, as far as the
roof is concerned, I say the
job is not so bad" (p. 30) Mr. Smith,
Inspector of Public Works, and
his three employees at Chamberlain
is also on the work. He would have
had no one but the best man
available (443) nor would he have
made me of James T. Lator 443

It is very difficult to do
that kind of work and to
do it satisfactorily strong
pressure as it was in the first
construction (D Smith 440)

Linton would not have
approved of the covering
of the roof in the way it was
done. The wall plate is
only 2 x 10 and the rafters
2 x 6 so that, he thinks,
it could not be made a good
job (428) I had a careful
examination made of the

work by Mr. Wheeler, architect,
who did not find the roof
satisfactory - He reports: "The
wall plate seems pretty light;
the rafters are fixed upon
this plate & they join at the
top with a sort of deck, there
is nothing to prevent the
rafters sliding out but this

plates & this further; this further
is really the rafters main support,
they come but in patched further,
the further is put in part of the
way fit stops and in another
piece is put in part of the
way & that stops; these further
~~are~~ at present fixed are almost
useless. If that wall plate
took a moleen fit for the
wind was too heavy, or any
thing like that, there is nothing
at all to prevent part of the
side of the roof from shaking
off; it simply depends upon
the strength of the nails at the
top of the rafters & the firmness
of the plate in the wall & there
is nothing actually to prevent
it from being bodily lifted: it
is not so. (1593-4) I speak
enough, for work by Carpenter
Instructor, who was present
as Guard when the roof was
covered, than he. He says he could
not have been done better. He
says: the roof came down
level and ~~filled where it is~~
in its proper position where
it is resting at the present time
without any shifting in it at all,
it came down level & filled
where it is now. (7445) But
the wind falling straight of the

roof are all that keep it in its place" (745) General Pugh proceeded to say that the roof had been well put on, (after examination, admitted that he did not know whether there was any plate on top of the brickwork or not; he had nothing to do with the beam jelling, and did not believe that the roofers had been nailed to any plate in the brickwork (745) Under the roof are two large beams which should have been properly set in the wall when the roof was lowered - one appears to be properly set, but the other one was "shot" and they have simply dropped it down & left it there." (C. K. Muler, 5941) The Inspector, Inspector has mis-cured this defect to some extent by a plate of iron bolted on the beam & ran into the chimney. Without this plate Chamberlain's work in the chimney's opinion would "not be any job at all."

What the building ought to have done was to have enabled out this brickwork"

(5941)

known familiar with the passage of the
residence on the roof of Emily Mountain must have known that it
is one of the most exposed spots in the Province of Canada
& for years was the site of the small structure between
the Indian's dwelling and the stable was blown off in 1790
In rebuilding this roof, he fastened it on with rois to the
joists 1790 L

I cannot see what there is to prevent this same
accident overhanging the roof of the Indian's house that
befell the roof of the small badly built storehouse just
in the rear of it.

In any case, it is impossible to see why the Inspector
adopted the course he did and placed such an important work
in the hands of a convict. Even had Chamberlain been an
exceptional mechanical genius, he should have been compelled
to work under some one responsible to the Department and
to the people of Canada for the proper preservation of
public buildings. But he was in no sense a successful
mechanic. Mr. Mustard, accountant, who was once a
mechanical engineer says: "I don't think he was even a
first class carpenter." (782). The Carpenter instructor
says: "He is only what you would call a handy man." (402)
The Inspector of Public Works, Mr. Smith, who has seen
some of Chamberlain's current work, when asked "What do
you think of his work?" replied, "Not much." (443).
Langdon further says of Chamberlain did not understand
carpentering but only "some little patching," and when
asked "What is a handy man, a jack and a carpenter?"
replied, "Well, sometimes a watchman is a very handy
man. . . . A handy man is only what you want to help

~~carpenter~~ If left by himself he might spoil anything. A carpenter, a good mechanic, he must fix his own tools. Chamberlain did not know how to file a saw: it took him all his time to fix a jack plane out of order." (459). It is only necessary to examine the construction of the verandah and other supposed improvements by Chamberlain to conclude that he was utterly unfit to be assigned work that required more than the most rudimentary skill. As Mr. Wheeler says: "a man that built that verandah, judging from the work, I know nothing else, but judging from the work, I should think that man was a poor carpenter and a bad workman." If it had been built that way for him he would have "chopped it down or caused it to be pulled down." (508).

I have not ascertained the cost of building the Warden's residence. It is certainly one of the most handsome and elaborate residences in the whole Canadian North-West. The fact that a man like Chamberlain was allowed to tear down a temple with such a building, without anyone to supervise his work, shows great lack of judgment somewhere in the management of the prison. The Inspector of Public Works who constructed the building was in Winnipeg and could have been consulted. The Carpenter instructor was immediately at hand so that his services could have been made use of. Great risk was assumed in placing such work in the hands of an irresponsible wood butcher like Chamberlain, and the sequel, as will further appear, is what might have been expected.

The chief folly, however, was in taking off the upper portion of the building at all. As has been shown it was unnecessary to do this in order to economize in the use of fuel, or because the building was in any way dangerous.

Argument that it certainly ~~is~~ is the house looks better than it did before the story was taken off (760). The Warden also thinks it looks better, and that as a public building it is better adapted for any purpose than it was before (851). Having seen the building both before and since the removal of the top story, I am not prepared to dispute the statement that it looks better than it did before, nor can I say that its appearance has been improved, but certainly I fail to realize how a public building can be improved for all purposes by having more than one third of the accommodation afforded by it cut away. Not only has one full story of this building disappeared, but the attic itself is left in such a condition that it cannot be used. When the roof was lowered, the trusses were not resaddled. At present as they are only three feet six inches from the floor the attic is nearly unservicable. They ought to be made in the shape of trusses with collar ties if the attic space is to be utilized again. There is a large amount of floor space in the centre of the attic between the trusses, but this can only be reached by crawling under the trusses, and the corner windows are such too high, and ought to be lowered. (Mr. Wheeler, p.p. 595-6). The Carpenter Instructor estimates the original cost of constructing that portion which has been taken down at \$1780.00. (p. 440 and Exhibit II). To put that portion of the building which is in the attic and roof in proper shape and render it habitable again will cost a large amount. Mr. Wheeler estimates roughly, that the plastering, plumbing, new truss, purlins, studding, repairing the flooring and the heating will cost from \$1500 to \$1700 before the attic can be restored to usefulness.

... but it does not include plumbing, heating and plastering. (p. 601, and Exhibit I I).

But even when the attic is restored the building is less valuable by reason of the removal of accommodation which might have been made useful for many public purposes. At present prices, Mr. Wheeler thinks the damage done to the building is about \$3000,00, but at the former prices when the building was constructed it would be more. He adds "I should say that it would have paid the Government to have paid him (Chamberlain) to have stepped away from all connection with the work my strong opinion is that if the Government have paid him anything, they have put on a premium for destroying valuable public property." (508). Again he says:- "I think, sir, it was madness. I cannot understand it. As I told the Colonel, it is puzzling. I don't know the reason why it was done." (601).

Mr. Wheeler's remarks no doubt refer more particularly to the verandah built by Chamberlain and the felt roofing placed by him on the prison. Of his handiwork as evinced by the verandah and prison roof, there can be no two opinions. The Gordon refers to this verandah as "a sort of a one" and considers it a pretty poor affair (416). Mr. Smith, Inspector of the Public Works Department, thinks a six foot verandah too narrow for such a building; it "is only the width you put on an ordinary small cottage." (445). The Carpenter Instructor says:- "There is not one piece in the roof in its place. The pilasters are too small and the rails too small, and he has the polls away up from the fl and the spindles are too small, and he has no provision made for a cornice." He does not think that it could

completed according to the original idea, or brought into a proper state of repair (434). It is a very poor job right through. The woodwork is bad, looking shabby and neglected. floor poor: "the flooring is cut too short, there is a nosing three or four inches wide and it is open there so that all the water from the floor goes over the timber instead of being carried off, so that it would be wet all the time." (431).

Mr. Wheeler's indictment of the verandah is very severe, but I cannot say that it is in any too strong. "The roof of the verandah" he says, "is of the poorest possible kind, and the turned posts rest upon clips of wrought iron, which in course of time would rust. The iron would rust and sag and the beam of the verandah would drop and pull the roof away from the building." The joints of the verandah floor are very loosely fitted; they are not properly wedged (431). The remedy he suggests is to "strip it away bodily; rebuild the present brick piers used in the old pillars; put on an entirely new straight roof, not a bent roof, because they are not lasting, they are always twisting; the curved wood always twists and you cannot depend upon it. put a straight roof upon it and shingle properly and put on a better finish that is more in character with the residence itself." (432). Finally, if the verandah had been built for him, Mr. Wheeler says, he would have "chopped it down, or caused it to be pulled down." (433).

The architect's efforts were next devoted to changing the main entrance to the front hall. The main door was previously through the basement and the steps were from the to the first floor. Chamberlain brought the old st

(Mr. Wheeler, p. 281), ... of the building--the stone floor. (Mr. Wheeler, p. 281). The steps are solid enough, they are capital steps, but the sides ought to be finished in brickwork. Instead of this, they have taken the old panelling from the inside vestibule and inserted it in the outside stone work, where it cannot last any length of time. (Mr. Wheeler, 592). Of the same thing, the Carpenter Instructor says "it is not a very good job, because the stone work does not look right; and the panelling that has been on the sides, it is only what you call veneer panelling, so that it will not last outside" (Linsignan, 431).

The portion of the roof of the prison treated by Chamberlain was about 66 feet by 65 feet 6 inches in size. (Linsignan, 450). I was much surprised when Instructor Linsignan produced three samples of this gravel taken from the roof by himself. While for a first class job a half inch mesh would be required to screen gravel of a suitable size, the three pieces of gravel produced would require meshes of two inches and three eights, two and a quarter and two and a half inches. (p. 45). See three samples, Exhibit Y). This gravel, according to Mr. Linsignan, was too coarse and too big. It was dirty also, and the work was bad. Besides this, the paper in some places is loose and not covered with tar (Linsignan, p. 451). I could hardly believe the evidence of Linsignan with regard to the size of the gravel on the roof, and at once made a personal examination. The three samples of gravel, Exhibit Z, I found to be a fair sample of many to be found on the roof. Some interesting evidence by Mr. Linsignan will be found on p.

450-8. Mr. Wheeler, Architect, says of this work, "I am emphatic in condemning it, most emphatic. I say it is the worst roof I have inspected during many years. That appears to be a gravel roof; there appears to be a couple of layers of felt paper underneath, but the gravel ought to have been screened of one size through a half inch mesh. The gravel ought to have been thoroughly incorporated with tar and neatly spread all over the roof by wooden floats gauged to a proper thickness. But instead of that, the gravel is very irregular, some of the pieces average from half an inch up to an inch and a half, and in place of the gravel being incorporated with tar, the tar has been spread over the surface and the gravel has been thrown upon it, and the consequence is the roof is simply a spread of pebbles with hardly any cohesion. The flashings are very rotten. The tar paper instead of being run over the edge of the roof and well nailed, is fixed on by a common plasterers lath, consequently, that stops the water from running off, unless where the laths are loose owing to bad nailing." (Mr. Wheeler p. 657). "It is an unworkmanlike job . . . the roof will soon want renewing, or else, in the wet weather, the water will go through there; and it is a dangerous roof for fire. The tar paper is actually rotten. . . The tar paper is considerably exposed in places where the pebbles have been blown away, and there is nothing to prevent the greater portion of the pebbles from washing away as the tar has dried up and the bulk of the pebbles are loose." Mr. Wheeler p. 660).

I certainly concur with the conclusions of Mr. Wheeler and Mr. Insignan, that the gravel roofing done by Cha

Chamberlain also repaired the windows of the prison putting strips of wood and blanket around the sides as a protection against the weather. As appears from the evidence of the Carpenter Instructor (402), this work was very poorly done. A glance at the windows as they have been left by Chamberlain will show that what he did in connection was of the simplest and most primitive character.

Chamberlain cut a portion off the base of the weighing scales house. This is only a trifling matter and I did not see fit to examine the building or have it examined. The references to it in the evidence are contained on pages 411 and 431.

Having accomplished so much for the penitentiary and the Government, Chamberlain, on October 12th., 1895, wrote the following letter addressed to Douglas Stewart, Inspector of Penitentiaries, Ottawa:--

Manitoba Penitentiary, Oct. 12th. 1895.

Dear Sir

I take the liberty of writing you a few lines to see if you would be so kind as to let me know if there is a possibility of getting the Hon. Minister of Justice to grant me a remission of my sentence as I have saved your department since I came here about thirty five hundred dollars. Do you not think that ought to be taken in consideration? I lowered the roof of the Warden's house in five days with six men and Mr. Puigh as guard and instead of it costing the department twenty eight hundred dollars the carpenter Instructor estimate it only cost thirteen dollars and five cents (13.05.) So when I told you it would only

only five dollars and fifty cents were five years
ago, in the Penitentiary I felt sure of what I was saying,
and then I lowered the building over the weigh-scales that
to cut off the bottom in one day and a half with three
men which the carpenter instructor did not know how to do,
so it did not cost three dollars and fifty cents besides
labour and then Dept. Warden Park told me last spring that
I saved the department one hundred ten of cost by fixing
the windows of the main building. I also put a new felt roof
on the main building that would have cost one hundred and
twenty dollars if it was done by contract but it cost only
about thirty dollars, so I hope that in your kindness you
will urge the Hon. Minister of Justice to temper Justice
with mercy in granting me the remission of the balance of
my sentence, and I will ever pray

(Signed) Chas. Chamberlain

See Parliamentary return to address to Governor
General of 10th. Februry 1867.

And on October 18th. 1866 the Warden wrote the follow-
ing letter, also addressed to the Inspector of Penitentiaries
:-

Manitoba Penitentiary.

Stony Mountain.

Oct. 18th., 1866.

Sir

I have the honour to report that convict Chamber-
lain has completed the lowering of the roof of the Warden's
quarters. There was no hitch in the work, and there was
expense beyond the rent of the six jack screws, 14,50,

... He is now raising the front door to the level of the first floor, and if weather remains fine he hopes to complete the veranda for which I have ordered the lumber. Other convicts are rebuilding the chimneys and doing the little bricking required under the eaves. Of course there was lumber needed in lowering the roof, but, as it can all be used again, elsewhere, I do not reckon that as an "expense" on the roof.

I may add that our weigh-scales roof being extremely high, giving such an extensive surface to the wind, I had Chamberlin lower this also. In justice to this man's valuable services I think it only right to report these facts to the Department. He could not have shown more interest in the work, than he did, even if it had been performed under more favourable circumstances.

I have the honor to be, Sir,

Your obedient servant

(Sgd) J. G. Irvine,

Warden.

(See Parliamentary return and exhibit S.)

Mr. Gardin, Warden's clerk, thinks that both these letters were mailed on the same day. He says:- " I recollect the Warden writing the letter of October 15th. and that letter going; there was a letter from the convict, and if that was a mail day, they would both go that day. But I don't see any connection between these two letters. It was written by me and signed by the Warden." (918).

Following closely upon these letters a memorandum dated October 21st. 1895. appears to have been submitted to the Deputy Minister. I take this copy of it from the

Memorandum, which is here referred to :-

• Referred to Mr. Power's recommendation as to the raising of sentence if any to which Chamberlin may be entitled.

(Sd) B. O. H.
W. L. H.

Major, War Office,

(Sd) A. P.

Office of the
INSPECTOR OF PENITENTIARIES,
Ottawa 21st Oct. 1906.

Memorandum for the Deputy Minister.

With the building known as the "Garden's Castle" was erected at Stony Mountain, it was carried up one story higher than was intended when the working plans were prepared.

The result was that the building incurred an enormous cost for heating, and, in addition, was top-heavy and dangerous.

Various Irvin's secured other quarters and the building has been unused for several years.

During the late visit of my predecessor to Stony Mountain he had the carpenter instructor prepare an estimate of the cost which would be involved in lowering the building one story. The instructor's estimate amounted to \$3,500, which Mr. Moylan approved. The work was, however, not done, and during my recent visit I enquired fully into the matter. The carpenter instructor adhered to his former estimate. The matter having been mentioned in the presence of convict Chamberlin he volunteered to carry out the work at a cost not to exceed \$25,- He explained that he proposed to lower the roof by means of interior supports and jackscrews. His plan seemed feasible, but in view of the responsibility

... I should
have an opportunity of enquiring as to Chamberlain's activities
in this work. On no way have I made enquiry of reliable
persons who have had and seen several that he was an expert
builder.

The work was then authorized and had been carried out
at a cost of \$12 - as shown in the accompanying reports.

The improvements not only render the building safe, but
add materially to its value and appearance. I strongly
recommend that the valuable service that has been performed
by this section, be recognized in some tangible manner.

(Sgd) B. Stewart,

Supt.

The prisoner was sentenced to three years in the
Penitentiary, on conviction of burglary in connection with person-
ation at an election for the H. of C. in 1884. I should
learn from Mr. Justice Blair's report that the sentence was to be
executed immediately. About a year ago, Sir John Thompson con-
sidered that it was too soon to consider the question of
remission. In March last, the present Minister of Justice,
(the Hon. Charles Hibbert Tupper) thought it too soon to
consider a remission, but informed Mr. Clarke Wallace that
he would take the case when the prisoner should have
served 18 months. The case was brought before
the Council by the Minister (Mr. Wallace having again
requested a remission) and it was not deemed proper to con-
sider any interference then. More than 18 months having now
elapsed, I think the case might now be considered with a view
to mitigation of the sentence - which is certainly severe.
According to the Minister's opinion, I should be inclined to

recommended a special remission of one year for the services rendered by prisoner to the penitentiary--leaving him also the benefit of his good conduct time.

(Sgd) A. P.

Al. H. 100.

I quite concur.

(Sgd) Charles Hibbert Tupper,

Minister of Justice.

Nov. 1, 1905.

On October 31st, 1905, the then Deputy Minister of Justice to have recommended "a special remission of one year for the services rendered by prisoner to the penitentiary--leaving him also the benefit of his good conduct time."

(Parliamentary return) This was concurred in by Hon. Charles Hibbert Tupper, Minister of Justice, on November 1st, 1905, with the result that Chamberlain, who was sentenced to a term of three years, and received in the prison on the 20th. of March 1904, was discharged on 21st. December 1905, having served about two years, less three months of remission. (422).

From the foregoing facts, it is evident that Chamberlain secured the commutation of one year in his sentence through the representations contained in his letter dated October 15th, 1905, and addressed to the Inspector of Penitentiaries, and through the commendations contained in the letter of the Warden of October 15th, 1905, also addressed to the Inspector, and the recommendation for the Deputy Minister of Justice dated 21st. 1905, signed by the Inspector.

In view of the evidence it is plain that nearly

... Carpenter, is false. The promise that he had set
the penitentiary through \$2000, is ridiculous. Mr. Wheeler
testifies that he did \$2000, damage. He certainly did a
great deal of harm and occasioned serious loss to the peni-
tentiary. He proceeded to lower the roof of the Warden's
house in five days with six men and Mr. Paigh as gard and
instead of it costing the department twenty eight hundred
dollars the Carpenter Instructor's estimate it only cost
thirteen dollars and five cents (\$13, 05). This also is
ridiculously false. The Carpenter Instructor's estimate
is given in Mr. Hoyle's minutes of October 10th, 1894
[See Exhibit S, p. 2 and exhibit 61]. He was not merely
for lowering the roof of the house as the officials assert.
Mr. Linsign says:- "I was going to put a gambrel roof
on and put a double boarding on, then tar paper, then double
boarding again to make it tight and warm, and there are
only two dormers, and I was going to put in ten. . . . I
was going to take the roof to pieces, take all the shingles
and rafters down, and I was going to have new lumber, be-
cause you cannot have a house like that open very long,
because the rain might come on (\$24-25). A glance at
the estimate itself will show that \$150,00 is for front
porch, \$250,00 for plumbing, 1200,00 for hot water pipes,
\$500 for plastering; \$750 for painting, \$200,00 for a gal-
vanized iron roof, and so on. It was an estimate, as is
stated in Mr. Hoyle's minutes "of the expenditure neces-
sary to make the alterations and improvements to the Warden's
house." (Exhibits S and 61). As the Warden says:- The
Carpenter Instructor's estimate was not only for lowering

the roof, but for plumbing and plastering and making the house habitable." (411). Nearly all the work estimated on by the Carpenter instructor still remains to be done. Indeed, he now estimates (See Exhibit X), that it will cost \$1060.00 to complete the work at the Warden's house, besides \$678.75 for plumbing, and not including the verandah. The reason for excluding the verandah is that he " would not know what to do with it." (450) and Exhibit X).

Chamberlain in his letter proceeds:- " Dept. Warden Clark told me last spring that I saved the department one hundred tons of coal by fixing the windows of the main building." Of this the Warden says :- " All that was done was done by my order. We had some blankets cut up into strips and fixed around the windows " and " any convict could have done that work". (Warden, p. 412).

Chamberlain proceeds, " I also put a new felt roof on the main building that would have cost one hundred and twenty dollars if it was done by contract but it cost only about thirty dollars." This, too, is quite false. The roof cost \$40.00, without including the labor of men and teams to haul the gravel required (Linsigman p. 460 and Exhibit Y), or the convict later employed (p. 463). An estimate had been made of the cost of a galvanized iron roof which would have cost six and a half cents a foot, but " a felt roof is cheap and would cost only two and a half or three cents a foot" (Linsigman, p. 466). The main point, however, is that this roof constructed by Chamberlain is such a wretched job as it has been shown to be by the evidence.

The new estimate submitted to the Deputy Minister, however, gives cause for inquiry. He practically repeats Chamberlain's statement that he had done for thirteen or fourteen dollars what the Carpenter Instructor had estimated would cost \$2500.00, and proceeds to strongly recommend, "that the valuable service that has been performed by this convict be recognized in some tangible manner."

The Inspector could hardly have been ignorant of what was covered by the Carpenter Instructor's estimate of \$2500.00. He says himself:- "During the last visit of my predecessor to Stony Mountain he had the Carpenter Instructor prepare an estimate of the cost which would be involved in lowering the building one story. The instructor's detailed estimate amounted to \$2,500, which Mr. Roylan approved. The work was, however, not done, and during my recent visit I inquired fully into the matter. The Carpenter Instructor adhered to his former estimate." The Inspector admits that he "inquired fully into the matter" and he must therefore have been familiar with the details of the estimate. The Warden says:- "Mr. Stewart must have known what Mr. Laignan's estimate covered." (415). The Warden was afterwards surprised on seeing the same contention made on Chamberlain's behalf in Parliament. He says:- "It was brought up in the House and I was very much astonished when I saw that some member of the House had mentioned that this man Chamberlain had done the work for something like \$20 when the Carpenter Instructor had estimated it at \$2500, and he thought the Carpenter Instructor ought to be where the other man was. I felt at the time that it should be

condition, but I did not know that to be of the same
(274).

I have not the advantage of hearing any explanation the Inspector may be able to offer, and will therefore not attempt to arrive at any conclusion in this connection. Attention is telegraphing the Warden to permit Chamberlain to cover the roof of the Warden's house with an the same as the ill-judged. Mr. Hoyle's suggestion in his letter of October 10th, 1904; was as follows:-- "The house having been built by the V. W. U., I recommend that the Minister of Public Works be asked to have the alterations and repairs notified to put it in habitable condition, etc." (Exhibit S.) Instead of adopting the course outlined by Mr. Hoyle, the Inspector turned over this most important work to an irresponsible convict without architectural or any other supervision.

These considerations of an important character necessarily enter into the discussion of a question of this nature. The provision enabling all convicts to earn remission by industry and good conduct is one of the most valuable features of our Penitentiary Legislation. But why should a convict be allowed to purchase a year off his sentence because he is able, or pretends to be able, to carry on building operations? Why not swell the public revenue at once by selling convicts and pardons for actual money, instead of money's worth. The departure is certainly an extraordinary one, and the fact that it has been made in the interests of a convict whose crime was committed to benefit a political party, gives the whole thing a very

Inspector contains no statement that could be called into question as pointed out before, he still most completely adheres to his opinion that the lowering of the roof was in itself well done, so far as he can judge. (411:417,422 and 433).

The lowering of the building over the weigh scales he also thinks was very well done. He does not fall into the Inspector's error about the estimate, and in putting the expense of lowering the roof at \$14,50, he expressly exempts the lumber purchased, on the ground that it can be used again elsewhere, and implicitly excludes convict labor. The work of changing the stairs going up to the front door was evidently going on when the letter was written, and though the lumber had been ordered for the verandah, it had not been built at the time. (416). He makes no mention of the prison roof in this letter, but is of the opinion that since Chamberlain's work was done upon it "it has done better service than it ever" . . . "did before." (438).

I am concerned not only with what the Varian knew when his letter of October 15th, 1895 to the Inspector was written, but not with what he may have learned since. From the letter itself and from the Varian's evidence I have no reason to believe that he knowingly intended to make or did make any misleading statements.

Regulation No. 11, however, provides that the Varian shall forward, at once, to the Penitentiary Branch, all letters, memoranda, etc., addressed to the Inspector and placed in his hands for that purpose, by either the officers or convicts, accompanying the same with such remarks as he may see fit. The practice in this connection is not out

Under this explanation the Garden had no objection but
referred to the Inspector Chamberlain's letter of October
1932 in which on many statements are made, "accord-
ing to the evidence which I have seen" as he might see fit.
When asked if he had seen this letter the Garden replied:-
"I fancy I must have seen that letter" and added:- "I do
not remember whether I read this letter or not." (414).
Asked again if he had read it, his reply was:- "I fancy I
must have, because I remember hearing of his saying he had
seen the letter some time ago." (415). Later on he says:-
"I don't believe I read that letter, I think that letter
was sent without my seeing it. I could not mean to that, but
I only became being reminded that I never saw that letter
because I don't think I could send a letter down like that
without calling some remarks, because it was false, and I
don't think I could forward it without some explanation."
(422). He then broadly attempted to put the question to the
Witness:- "You will be your previous examination that you
thought you had read it as you have the contents of
it?" The Witness replied:- "I simply thought no account
of knowing what was in it." Asked:- "Did you know what was
in it?" he replied:- "Yes, I heard Deputy Justice Marks and
others speaking of the fact that he had done, or rather
I will believe the Deputy Justice Marks' name-but I did hear it
in general conversation that this man had been boasting what
he had done." (424). By this I understand the Garden to
mean that the subjects of Chamberlain's boasting were so
familiar to him, that when the letter was read during this
investigation he thought he must have seen it before. At
the close of the investigation on being further questioned
the Witness adhered to his former statement that he did

believe he had seen the Chamberlain letter.

When they resorted to what appeared to be an expedition
on following-

My instructions are, that you, in reply to a request
for and long information you, stated that you had examined
this particular letter of the 20th October and what it
spoke of and that you had great satisfaction in saying it
was true. The letter's number was - 7 611, I must have
put it off my head, or the man that told you that must be an
informal letter. (Warren, p. 11, 803-3). If he did not read
his letter, his clerk, Mr. Gordon, did. (Warren p. 884).

Mr. Warren has no doubt that he himself read the letter.
In recollection of it is that Chamberlain claimed he had
saved a lot of money for the Government in the work he had
done. (1910, 812). He remembers his writing to friends on
the same subject. He was always boasting upon it. (1912). He
was continually writing to political men such as Scull and
Allan and Rogers and Boyd. (1914). The letter threatening
Mr. Warren with what he would divulge was stopped (1914).

As to whether the Warren read the Chamberlain letter
or not, he says, "Well, I have no special recollection
of that letter, but I am sure so far as I am concerned,
I would not read that letter without special instructions
from the Gordon and I have no recollection of having any
talk with him about it. In such a case the letter would be
forwarded with a memorandum and I would not take a copy of
the memorandum." (Mr. Warren, p. 812). In this particular
case he says the Warren was just as careful about reading
Chamberlain's letters as he (Warren) was. (1911). The
answer for this was that Chamberlain had the letter

Department with regard to Chamberlain's letters. (old).

The complaint referred to in the letter of September 25th, 1894, was forwarded to the Warden, (Exhibit 70). The Warden's reply to this complaint is dated September 15th, 1894.

(Exhibit 71). On September 25th, 1894, the Warden appears to have enclosed some correspondence received for Chamberlain and his replies to Mr. G. Wallace and his wife to Inspector Moylan to be forwarded or not as he might see fit, adding that, "owing to the nature of the correspondence special care has been taken to prevent the contents being known here, beyond the Warden's office." On October 4th, 1894, the Warden enclosed two more letters from Mr. Chamberlain to Mr. Lane giving as his reason for doing so, "I think it would be as well to forward all letters dealing with the cause of his being here to the Department," and again on December 31st, 1894, four letters from Chamberlain, to be forwarded if approved of. See all these letters set out in Exhibit 72. In the meantime, Mr. Lane, of the Inspector's office, wrote the Warden, on October 18th, 1894, and the other of March 1895, asking the Warden to forward Chamberlain's letters to the persons to whom they were addressed in the usual course. (See Exhibit 67). These letters were submitted in evidence to show that the Warden was paying particular attention to Chamberlain's correspondence. They certainly make it clear that the Warden was apprehensive of being mixed up in Chamberlain's matters and to save himself, adopted the wise course of sending his correspondence through the Department at Ottawa. As to the particular letter of October 15th., Mr. Moylan says: "I would not send letters to that effect any without knowing that the Warden was fully satisfied. I have a recollection of how they

Wanted to know what you had to say about the

and these letters may show I was satisfied that the
you was satisfied also. (100)

If the British did read Chamberlain's letter of October
1934, it was his duty under Regulation No. 11 to
comply as with such records as he might see fit. If he
allowed Chamberlain's false statements by which he sought
a remission of sentence to go unchallenged, he would be
open to the suspicion of acquiescing with the politicians
who were active in securing this convict's release. He
knew, however, that it was absolutely true that he was ap-
proached by politicians or agents else with a view to
shortening Chamberlain's sentence. He political influence
was brought to bear upon him with this end in view. (113)
Before the matter of releasing the convict came to be set out
in detail or put in effect, he did not seem to procure
Chamberlain's release, nor did he seem to be in any position for
his discharge. (114)

On page 111 of the evidence this charge occurred--

Q. The politicians in London did not bring any pressure
to bear upon you in writing up the British's letter of
October 1934, 1934.

A. No.

Q. Or at London or anywhere else?

A. No.

This passage is from page 111--

Q. Did you any reasons political or otherwise to show that
Chamberlain favored?

A. Not the slightest.

Q. Did you show in any way?

A. Not the least.

In Mr. Burden's evidence the following questions

Q- In this Chamberlain matter, do you know anything of an political influence being used to secure the reduction of his sentence by anyone?

A- Well, she was continually writing to political men, such as Smith, and Wallace and Rogers and Boyd and the names given there.

Q- Did you influence used in the penitentiary here by politicians?

A- Not that I know of.

Q- You have nothing of anything of that kind? A- No." . .

Q- You have nothing to support the charge which practically amounts to this, that a political conspiracy was set on foot to secure Chamberlain's release here and that the officials here conspired towards that?

A- Well, if Mr. Burke's conduct towards the prisoner would not lead one to affirm or form that opinion, I don't know of anything else. Of course, there is the Warden's letter written simultaneously with the convict's letter; that is a coincidence, but it never struck me at the time."

(Exhibit A, 1931)

Mr. Burden describes this conduct of Mr. Burke towards Chamberlain to be as follows:--" Mr. Burke tried to make his (Chamberlain's) life here as pleasant as it could be. I don't mean to say they were chumming together like two friends, but he was especially liked and looked after by Mr. Burke."

Mr. Burden does not know that Deputy Warden Burke was seeking to get Chamberlain's time shortened, but, " they used to be often together, and Mr. Chamberlain used to make excuses very often to go to the Deputy Warden's office."

then the Deputy Warden brought Chamberlain before the
Moylar in the first instance as he wanted to make his sug-
gestion with regard to lowering the roof.

The Warden freely admits that it would be his duty
in forwarding such a letter as Chamberlain's to correct
any false statements it might contain. Regulation No. 11
is to the same effect. He points out though that Inspector
Stewart must have known what Inspector's estimate covered,
/415/. And I understand his contention to be that it was
quite unnecessary to comment upon the letter for the pur-
pose of informing Inspector Stewart upon a matter with
which he was perfectly familiar. I cannot agree with this
view of the Warden's duties under Regulation No. 11. If he
read the letter he should have excused the false statements
it contained. The fact that this Inspector knew of Insig-
nant's estimate was, however, a most important bearing on
this charge in far as it affects the Warden for the reason
that the latter could not excuse that his failure to comment
on Chamberlain's statements in this connection could in any
way mislead the Inspector. For is there any evidence that
the Warden was concerned in any political conspiracy. As
I therefore cannot find that the Warden was in any way
actuated by political motives or influenced by considerations,
or that he was in any way knowingly a party to the scheme
by which a distortion of Chamberlain's estimate was contrived,
my direction of duty on his part in this connection was
not of a Warden's nature in itself, though unfortunately,
so in its results in this particular instance.

The Warden's answers for 1904, his letter of
October 1893, 1905 are fully set out in the enclosure on

There is no further question whether the Barrier should
 not have prepared someone to supervise Chamberlain's work.
 When the Inspector considered his account giving the work to
 Chamberlain, he said he did not know anything about the
 man (405). It was pointed out that the Inspector would
 remain in Toronto if Chamberlain was all right, and if
 he was, he would accept the Barrier (406). The Inspector
 tells the same story in his statement to the Deputy Minis-
 ter of October 21st, 1911. He says: "The Chamberlain's
 plan seemed feasible, but in view of the responsibility of
 the undertaking, I withheld my recommendation until I should
 have an opportunity of enquiring as to Chamberlain's ex-
 perience in such work, and I have since made inquiry of
 reliable persons who know him and who assured that he was
 an expert builder." I have no doubt that this is what
 the Barrier witnesses wish to be ascertained by the Inspector,
 and that he took the telegram as a certificate as to Cham-
 berlain's ability. (407). He reported the telegram as
 an order from the Inspector (407). The following passage
 is from the Barrier's evidence:-

- Q. Is it necessary to take such a serious allegation as
 that, to do it was no slight or evidence as that telegram?
- A. I cannot tell you whether or no some or not, it is usual
 for any soldier, & no brought up as a soldier, and when
 orders are given, it is usual to obey them (408). . . .
- Q. There were witnesses about this thing and the matter
 talked over for years and I thought I was perfectly right
 in what I said the telegram. (409).

On matters contained in the evidence in this case
 the Barrier's evidence is as follows:-

...with suitable...
...rooms with stalling instead of brick near crude and unsuit-
able. The veranda, in my opinion, should be low, for
an estimate by the Carpenter Instructor of the cost of labor
and material necessary to rebuild it, see his evidence, p.
412 and Exhibit 15. A plan of a veranda suitable for
the building is given by the Inspector. See Exhibit 14.
The veneer paneling in the outside steps should be replaced
by something permanent and suitable. The attic should be
refitted accordingly. The estimation in this connection has
already been referred to. The heating and plumbing of the
building require repairing throughout. Some steps should
be taken at once to more securely fasten on the roof of
the Marston's house. The tar and gravel roof of the prison
built by Chamberlain, should be superseded by a suitable
galvanized iron roof.

The figures showing the cost of the work done by
Chamberlain are given on pages 408. Further references
are given on pages 384; 405; 412 and Exhibit 10.

... officers for example, a convict No. 11 Curran
... with influential friends at Ottawa is allowed
to attend at hospital patients, does no work except some
private bookkeeping for Irvine, has never ~~the~~ work as
... since his incarceration, is allowed
extra of his prison fare--eggs, liquor tobacco etc. whereas
said Curran is not sick at all but has grown manifestly
weaker since his incarceration; is insubordinate to the
ward officers. The treatment of this convict has had a
serious effect upon the discipline among the other convicts.
It is reported upon good authority that Curran's friends
at Ottawa before the last election sought to get him
liberated, and this application received the endorsement of
Colonel Irvine and the Hospital Surgeon."

Convict No. 11 was Conv. Regina, Dr. Sutherland,
and elsewhere his name is hospital, states that when he
came to the prison he was a complete wreck from nervous
debility, and after that he very nearly died from erysipelas.
While in hospital he of course got hospital rations (308).
Hospital Overseer's Baugre's evidence is to the effect
that for a while Curran was so sick that he had to stay by
his bedside three or four days day and night, and he did
not get better for five or six weeks. He cannot say whether
Curran remained in hospital after he got well, as only the
Doctor can judge whether a convict should be discharged
from hospital or not. He stated his just the case as the
other witnesses while he was in hospital (302). The way
Curran told Dr. Baugre he would like to go to work but
was not fit to do so. He cannot say whether Dr. Sutherland

and told him he had better...
...however, he did a little work in the office
... Mr. Soupre will not say that Carran
... In his opinion he has still enough
... a day's work over it. He went in hospital
... February or March and got out in December, and was in
... during that time a month of a month and a half. He was
... allowed extra to the prison fare when he was sick, but not
... when he was well except some little extras, such as rice
... and things like that and also a request for coffee instead
... of tea in the prison. He would not work to do it in it.
... Soupre's opinion he also wanted to remain in hospital (1901)

The Deputy Warden says of Carran: "He was pardoned
... just lately and did not serve his time." While in the
... prison he was in hospital. He used to work in Mr. Carran's
... office and did not work in the hospital, and says that he
... always went to hospital, (1901).

The Warden says that he shows favoritism to Carran
... or any other prisoner. He also says that convict No. 11
... became emaciated while in prison he says that he lost
... twelve pounds. He weighed 147 1/2 lbs. when he went in and
... 134 1/4 when he went out, (1901).

Warden's opinion thinks that favoritism was shown convict
... Carran. He appeared to be able to work, but was doing
... nothing and at the same time stayed in hospital. On one
... occasion his sister was allowed to visit him and was allowed
... to remain alone all afternoon with him in a room. He does
... not think that Carran was sick all the time he was in
... prison, (1901).

Guard Miller recalled that Carran was ill on one occasion. He reported him to the Warden and he was at once taken away from the shoe shop. He was in the tailor shop as bookkeeper and was allowed by Mr. Thiel, tailor instructor, to leave the shop and go all over the prison (857). He entered the hospital with erysipelas, a visible disease, and remained there after, in Guard Miller's opinion, he was well. He thinks he was in the hospital for some weeks while suffering from no illness (858). He remembers a woman visiting Carran and remaining half an hour with him while he was in the shop with the men, and she was still there when he left. It is the only case of the kind he ever knew of (859). He recalls a case when Carran refused to obey orders, and an occasion when the Warden promised to send Carran to work at the knitting machine, but did not send him. The Warden's reason was that Carran was not good to the kind of work for which Instructor Miller wanted him. He did not complain to the Warden of Carran's refusal to obey orders. (861).

Deputy Overseer Rempire passed Carran's daughter in and out five or six times to visit him. He does not know of this ever having been done in any other case. His instructions from Surgeon Sutherland were to leave Carran and this woman in the room while they were there. He had to shut the door on them on account of the lunatic. He had to do this on every occasion as it was the only means of keeping the lunatic away. Once or twice she was received by Carran in the Warden's room. In other cases visitors to convicts are required to stand on the outside of the iron gate in the hall of the prison and speak through the bars

In the presence of a guard.

No evidence was given to show that Curran had influential friends in Ottawa, or that it was through these friends that his pardon was secured. Whether any application for Pardon on Curran's behalf received the endorsement of the Warden and Surgeon or not is a matter peculiarly within the knowledge of the Penitentiary Branch of the Department of Justice. The charge of favoritism to officers will be inquired into under charge 9.

Attention might be called to the case of Capt. Neill (No. 20) a convict, who is allowed hospital treatment, but who is not an invalid. The same with prisoner Haffield (No. 4) who has been given leniency of the hospital."

Neill, (No. 20), has not received hospital treatment nor hospital diet. He was never marked to go into hospital and never received hospital rations. (Mr. Sutherland, 2081). The reason for placing Neill in the hospital is given by the prison Surgeon as follows:— "The hospital is an isolated place, and by leaving him, or any other man of some intelligence that you can depend upon to ring the bell in case of alarm to alarm the guards here" "Neill simply sleeps there, and he takes his meals from the start with other criminals and eats them in his cell." He gets no advantage from being in hospital. (200-077). Hospital Overseer Beasly gives the same reason for Neill's presence in the hospital. (202).

Haffield (No. 4), has been in the hospital not as a patient as well. He now sleeps in the prison (204)

Guard Miles thinks that Neil has been favored by the Warden, by being allowed to stay in the hospital. In answer to the Warden he admitted that he did not know why Neil was allowed to remain in the hospital, but repeated that in his opinion he was favored. (Miles, 648: 655).

It appears that Haffield (No. 4), was sleeping in the hospital, but as he was deaf and could not hear any noise, for instance, the inmates in their cells, Neil was put there in his stead. (Dr. Sutherland, 262).

The question is a difficult one to pronounce upon. Haffield acts as convict clerk to the Deputy Warden, takes care of the conservatory and flower gardens, kills the pigs for the prison, and in various ways makes himself useful to the Warden. The variety of his employments shows his versatility. He is intelligent and useful. At the same time, he is serving fifteen years for manslaughter. When the tragic details of the killing of his wife some years ago are considered, his punishment, outside the question of confinement, would seem to be of a rather mild type. There is no evidence, however, that in choosing him for his present duties, the Warden considered anything but his fitness for the post.

Neil (No. 29) was formerly connected with the Mounted Police, and his intelligence has made him of great use to the prison, in helping to keep the books, typewriting, &c. The Warden says of him :- "He is a hard working man and has been a most valuable man to us; he has got our store department in very good shape." (827). If the Warden chooses to utilize his services in keeping better watch on the hospital, and if it is conceded that convict labor is to be used to the best advantage, I fail to see why he should not

be allowed to use an unlocked cell in the K. . . . it is left unlocked for the purpose of enabling him to give an alarm in case of danger.

"A convict Henderson by name liberated December 22nd, and given a gratuity of \$20 and a present from the Warden Irvine of a pair of fur gauntlets."

This charge seems to place an uncharitable construction on what was intended to be a kind act on the part of the Warden, and is explained fully in Colonel Irvine's evidence p. 789. Henderson was a second term man, and was discharged on December 22nd, a few days before Christmas. Believing that he had resolved to lead a more industrious life, the Warden gave him \$20, the full amount of the gratuity allowed, hoping that he would commence work in a small way as a cobbler. The day Henderson was discharged was very cold, and as discharge mitts are made of wool and not over warm, the Warden gave him a pair of gauntlets which he had in his office. As Henderson was a free man, and under the circumstances as explained by the Warden, I cannot see any ground for complaint under this charge.

It is punishing severely by heavy fines some officers and clerks while others for the same offenses are not punished at all.

The persons for the charge of the prosecution insisted from time to time upon giving a great deal of evidence in support of their charges, some of it of the most trivial nature. I pointed out repeatedly that many of the cases showed a great waste of time, and without the possibility of having before us all the facts as they were brought to the Bureau's notice. It is quite impossible to arrive at any conclusion that would be satisfactory. In any case, it seems to me to be well to be utmost fully in reviewing the many decisions of the Bureau for years past on questions of discipline affecting either officers or convicts. I adhere to that opinion, and cannot find that any of these charges have been proved.

With reference to the Warden, there is little to say, beyond the fact that I consider him to be an official particularly well suited for the position he occupies. For a concise and interesting history of the management of the penitentiary while it has been under his jurisdiction, I would refer to Exhibit 53; and I would also refer to the summaries of suggestions furnished me by the Warden, Exhibit 51. The first portion of the memorandum deals with inspection, Deputy Warden, letter paper, records, repairs, sanitation, convict's effects, storeroom's and guard's locks. I fully endorse every suggestion made under these heads. The second part of Exhibit 51, deals with the buildings etc. required. I have examined this memorandum particularly and am prepared to for the consideration of the Department. I think that the officers' quarters are, in most cases, in a very bad state of repair and require immediate attention. The brick terraces are miserably constructed, small and cold. The stone quarters require repairs around the window frames and under the eaves to keep out the cold. Throughout the quarters a great deal of dilapidation is evident. All new building should be at once overhauled and put in a decent state of repair. The prison laundry, also, requires immediate attention. I understand that the Warden intends to have repairs made there at once. The prison and administration buildings throughout have always appeared to me, both on the occasion of this investigation and on former visits, to be in a condition of extreme confusion and disrepair. This

officers present a good appearance, and are required by the Warden to live up to a high standard of efficiency. The discipline of the prison, so far as I have been able to judge, has reached a very high point of development, and the most pleasing feature in this connection to note is that the Warden is able to preserve such discipline and at the same time maintain the affection and respect of all the convicts without coercion. There have been no escapes during his incumbency, and at the same time, the number and severity of punishments has decreased from year to year. It will be seen from Exhibit 55, that in 1898 the punishments consisted of 115, in 1900, 84; in 1901, 62; and 1902, 41. Also a further cut of the number of punishments during the year; the average punishment for the year 1903-4 was 50; 1904, 39 1/2; 1905, 32 1/2; 1906, 28. I cannot but consider this most valuable testimony to the efficiency of the present Warden. I would also refer to Exhibit 56, a comparative statement of cost per convict for 1901-2 and 1903-7. Also Exhibit 57, showing the distribution in the consumption of coal, and Exhibit 58, showing the cost of maintenance and the prison products for 1901-7, and cost of maintenance and rations purchased for the same years. Also to Exhibit 59, comparative statement of the amount of food since the present Warden took charge up to date, and Exhibit 60, to the same effect.

From all the above facts it will appear that not only has the Warden lowered the direct line of the penitentiary to a very great extent, but at the same time, gradually reduced the number of punishments being inflicted great

Prisons charges have been paid to the effect that
 the Taylor and the other prisoners - convicts under his com-
 mand - should spend their days for the support of the prison,
 but it is not necessary to refer to Exhibit 88, showing
 the distribution of convicts, so convicts that these states
 made by the use of, are discharging. While it is true
 that there is a certain force of - servants - five, very few
 which are available for farm work, work on the wall, or
 other District that must be supported. Of the 70, 8 are
 female, 1 is sick in the hospital, 1 is in his cell, 2
 in the laundry, 1 in the kitchen, 1 in the bar, 1 in the
 school - 3 before, 1 for the clothing store, 1 in the
 store, 1 tailor and 1 wood. Of the 11 criminals 1 is
 generally known and 2 for the light work, and of the
 rest, 11 are under instruction. There is also only 12 for out-
 side work, and of which are engaged in stone-laying, 7
 in the mill, 1 at the kitchen, 1 in the laundry, 5 on the gas-
 house, 10. If a sufficient convicts force is to be
 secured to enable the Taylor to carry out the many tasks
 which he must perform himself, some are
 required will have to be sent to certain convicts here
 from some of the other prisons. There is certainly plenty
 of room in the prison to accommodate a larger number of
 convicts working, and therefore in the rest of that of attend-
 ants. The proper to wish to have the prison filled in
 with as many as this way, so it will greatly decrease
 the effect of the work and enable him to make an
 better salary in his position. The removal of the convicts
 from British subjects or any other has a great
 practical result.

I would ask the special attention of the Department to the evidence with regard to the Deputy Warden and to the manner of the same which I have related. This evidence was taken on Assesment Day, May 20th, without warning to the prisoners, who were locked up in their cells, or to the officers of the prison. The officers were also surprised while the evidence was being taken. I would not attach great weight to the evidence or complaint of a convict upon any single matter unless it was supported, but when convicts are all practically unanimous, as they are with regard to the Deputy Warden, their complaints are extremely entitled to consideration. The almost universal feeling of dislike, even contempt, to utterance, towards the Deputy Warden, is quite remarkable. I need not go into the particulars set out in the evidence, but it must be plain that the presence of the Deputy Warden in the prison is a perpetual motive to rioting and escape, and that his methods of managing convicts are certainly not in accordance with modern ideas of prison discipline. Much of the evidence goes further than the mere matter of discipline, and it seems to me that an immediate searching investigation should be made into the Deputy Warden's conduct while an officer of the British Columbia Penitentiary. Towards the close of the investigation it also became very evident that the Deputy Warden was leading a faction of guards and officials violently opposed to the Warden, and his conduct demonstrated that it is quite impossible to expect any loyalty on his part towards the chief of law of the prison.

Deputy Warden ~~McIntosh~~, is ~~needed~~ ~~by~~ ~~the~~ ~~establishment~~
needed with penitentiaries in Canada for over forty years.
In his Suggestions, Exhibit 51, the Warden says, "With the
present small population of this establishment, I think a
highly paid official such as the Deputy Warden might well
be dispensed with, the duties of that office being performed
by the Chief Warden."

I certainly think that the services of this Deputy
Warden should be dispensed with at any rate, either by
removal or suspension. The unanimous and spontaneous
expression of good feeling toward the Warden by the con-
victs makes the almost unanimous condemnation of the Deputy
Warden even more striking.

There are two Chaplains in connection with the
prison, the Reverend Mr. [Name], and the Reverend
Father [Name]. The Roman Catholic Chaplain has been at
6 o'clock, the morning service at 8 o'clock in the
prison, and the Church of England Chaplain holds
a service at 11 o'clock in the prison.

The Rev. Mr. [Name], the Anglican Chaplain, receives
a salary of £200 a year and a free house. The Rev. Father
[Name] receives a salary of £100 and a house free. They
are both allowed to receive their provisions at contract
prices under the government system, and the Government also
pays their houses, salaries. The Roman Catholic Chaplain
is paid a salary of £100 a year for visiting Stoney Mountain
prison in his capacity, and travels to Stoney Mountain on
Saturdays afternoon. This arrangement has been in operation
ever since the [Name] took charge with the workings of the
Department. In other words, the Roman Catholic Chaplain
receives a salary of £100 a year for visiting Stoney Mountain
prison, although he is granted a free house, he receives
the salary of £100, and a portion of it is accepted by the
Government, the rest £50. The duties of the Chaplains
are to see to the religious instruction of the prisoners
of the prison. It is provided that religious services
shall be performed every morning at the prison of the
prison, and the other services shall be given the prison was
founded. It is also provided that the Protestant the
shall be performed every morning at Stoney, but at
the prison, and the other services shall be given the prison was
founded.

not only... the Chaplains...
religious instruction to the convicts collectively on a
week day, but this is never done. It is also the duty of
the Chaplains to visit the school. The Protestant Chaplain
seems to neglect this rule to some extent; the Roman Catholic
Chaplain, owing to his absence on week days, has made no
effort to comply with any of the above regulations.

Rule 54 requires that the Chaplains shall be diligent
in visiting the convicts at all reasonable times, or which
times the warden shall be the judge, in their cells or in
the hospital or chapel and imparting to them such instruc-
tion and ministrations as may be calculated to promote their
spiritual welfare, their moral reformation and the obedience
to the rules and authorities of the prison. By section
5 of the Penitentiary Act, it is directed that penitentiaries
shall be for reformation as well as punishment of criminals.
It is very clear, that so far as Stone Mountain Penitentiary
is concerned, no attempt has been made whatever to perform
the duties of the Chaplains in the manner required by the Act
and regulations, L. 917481.

On Friday, over the irregular convict question and
some weeks, I was surprised to find how many of the out-
going convicts had been neglected by the Chaplains.
Twenty-five of the prisoners and discharged convicts
is as follows:

* 18. ... have ...
on religious subjects during the time of your confinement.
Have you ...
Blond?

...

of the following converts to Islam:—

No. 35. "I have never spoken to the Chaplain, or he to me. I have made no progress in that direction."

No. 36. "I have never conversed with him. I have made no progress."

No. 37. "I have not conversed with him and have made no progress."

No. 38. "Only once have I conversed with the chaplain; I don't know much about religion."

No. 39. "I haven't conversed with the Priest. I have made no progress."

No. 40. "Not at all. I have made no progress."

No. 41. "No, No."

No. 42. "I have not made any progress. I have had no conversation with the Priest."

No. 43. "I have not spoken to him at all. I have made no progress."

No. 44. "I have not conversed with him at all; I did not know it was the Chaplain's duty to instruct us in that matter and converse with us on religious things."

No. 45. "Not at all. I have no progress."

No. 46. "I haven't seen the Chaplain excepting on one occasion." He was 2 years in the prison.

No. 47. "All." He was 14 months in the prison.

Thomas White says: "I have had no conversation with the Chaplain. I have made no progress." He was imprisoned for two years.

Thomas, "I have had no conversation with the Chaplain. I have made no progress."

McKee: "I have made a little progress. I have had no conversation with the Chaplain."

with the effect, very often."

These prisoners captured on the 17th of October
1811, were sent to the prison of St. Louis.

For further information on this point I would respectfully
refer to the summary of the evidence given privately by
convicts and references to the two Chateaux. From this
evidence it will appear that so far as the regulation re-
specting convicts to be visited in their cells is concerned,
that year after year they have been neglected by both the
Chateaux. "Dufur, the procurator, by whom the Roman Catholic
Chateaux lives through, which says from the prison, at St.
Bonifacio, were to perform his religious duties for his
ecclesiastical superiors, no priests in, of course, have
to visit the convicts at any time excepting on Sundays.
Spiritual consolation — one of the ordinary sabbath ser-
vices is quite unknown. Although the Protestant clergyman
has resided for years in a free house in the near vicinity
of the penitentiary, the convicts have been neglected by
him in a way which seems to be nothing less than phenomenal.
The whole system as at present existing in the
penitentiary, if the convicts are to derive any benefit
for spiritual consolation, it seems to prove that the
population existing for the visiting of them in their
cells are in private in the best, in fact, almost the only
means of obtaining that end.

The Governor of the District has sought to explain the
neglect of the convicts. The reasons will be found on page
100 to 102, and 103, of the report of the Governor.

It is to be regretted that the state of the present neglect
about the prison of the convicts. The Governor's reply will

found on pages 285 to 297, in connection with the fact that there have been ample opportunities for the Protestant Chaplain to see any convict he wanted to see on spiritual matters during the last five years, either in their cells or at their work. (1869).

After considering fully the evidence of both the Rev. Mr. Gouling and the Warden, I cannot see any excuse whatever for the persistent neglect on Mr. Gouling's part so clearly proved by the evidence of practically all the convicts now in the prison as well as by the statements of convicts in answer to questions, etc. in the discharge book.

As to the Roman Catholic Chaplain, Rev. Father Cloutier, Exhibit 89 is certainly interesting reading. From this it appears that the total number of convicts under the Reverend Father Cloutier's jurisdiction is 18. Of these, No's. 8, 20, 21, 26 and 29, are Indians, and No. 24 is an Italian. None of them appear to understand either French or English. No. 49 talks Cree and Blackfoot, and may be able to speak French, but the Warden does not think he is. The Roman Catholic Chaplain's congregation who are capable of understanding him, therefore, consist of about ten convicts, and of these, No's. 21, 22, 23, 24, 25, are going out before the end of the year.

The only thing comes to this, then, that the Government is contemplating, with a year and a free trade, free industry, free trade, and the option of purchasing supplies at contract prices, and in a year for all this, the favored and favored of the Government will be able to purchase supplies at contract prices for a year. (1869).

The only thing comes to this, then, that the Government is contemplating, with a year and a free trade, free industry, free trade, and the option of purchasing supplies at contract prices, and in a year for all this, the favored and favored of the Government will be able to purchase supplies at contract prices for a year. (1869).

of money on the 1st day of the month of June 1894.

As a part of the system, and on another occasion the days are not yet granted to. This is not all, however. It appears that in the fiscal year ending June 1894, the Rev. Mr. [Name] was paid for 128 days of convict labor, for the fiscal year ending June 30th, 1895, 841 days; for the fiscal year ending June 1896, 278 days. This, notwithstanding the fact that regulation No. 2 of the Act amending the Penitentiary Act of June 1892, provides that no officer shall be allowed any pecuniary claim or allowance for convict labor except the portion and money herein.

Rule No. 20 of the [Name] and ministers of other denominations on the [Name] of the [Name] shall, under certain circumstances, be allowed to visit the [Name] for the religious instruction of such convicts as may be [Name] of the same denomination as the minister so visiting.

It seems that this rule has never been made use of.

If the convicts are to receive any other spiritual consolation than the [Name] services, it seems ridiculous that the Government should be wasting so much money in [Name] [Name] [Name], one of whom lives in St. [Name], and the other of whom might as well live anywhere as far as visiting the convicts in their cells is concerned. It surely could be arranged with various denominations to employ ministers [Name] as effective as those now engaged and at little or no cost to the country. If on the other hand, private visits to the cells of convicts are the best, and in fact the only means of [Name] the reformation contemplated by the Penitentiary Act, the Government [Name] [Name] [Name] to require [Name] to [Name] a [Name]

Chaplain at Stony Mountain and give his attention to the convicts under his charge, and the Reverend Mr. Gouling the same. In my opinion, however, these Chaplains have heretofore shown little or no interest in the work assigned to them, and no good can be expected from their work in the future. The average convict is a man, who, apart from any injury he may have done society, is burdened with cares that might be alleviated and aspirations which could be turned to a very good purpose if they were placed in the hands of proper Chaplains.

The neglect which the convicts have suffered at the hands of both chaplains in the past would indicate that a better selection could be made. Suitable men in these positions would not only have, but would no doubt avail themselves of ~~many~~ opportunities which would naturally be afforded them of doing a great deal of good. With the evidence obtained from the convicts and the looks of the prison, I do not, and cannot see that anything of this kind is to be expected from either the Reverend Mr. Gouling or the Reverend Father Clavier.

I have had occasion to refer to Inspector Stewart in the Chamberlain case. I also call the attention of the Department to his efforts to force certain wire machines on the penitentiary referred to under the heading "Prison Farm". It seems to have been, in a modified sense, a custom to force useless articles on the penitentiary without the requisition of the Warden. I would direct attention to the details with regard to a fire hose nozzle on pages 409-500-504 and Exhibit 17.

A system of selling goods to officers on resignment exists at the penitentiary. This has sprung up on account of the penitentiary being so far away from himself, and the inconvenience in obtaining supplies. The officers are not allowed to buy different kinds of goods as formerly, but they get sugar, coal oil, beef and farm products. Two years back they obtained bread as well, but at the present time the penitentiary bread is being bought under contract, and for several months the warden has been using contract flour. The prices paid by the officers for farm products vary with the market prices, but any articles covered by contract, are sold at the contract price. Breads and shoes are supplied to them at the cost of the material and the cost of the domestic labor, the latter being charged for at the rate of 25 ¢ a day. Cloth is supplied in the same way. (Mr. Bentari, p. 11, 5-11). At times the officers have also been supplied with hay from the penitentiary by privilege. From the evidence it appears that the amount paid for the hay privileges and distributed over the number of tons secured it would come to about 60 ¢, and the hay was turned over to the officers at 10 ¢ a ton. (177). Drugs and medicines are also supplied to the officers on resignment.

The Hospital Overseer says, "If we have to pay for the drugs for our families, we should pay right out, because it is impossible for me to keep the thing straight." (178-81).

This system works out very badly and there can be no question that it should be discontinued. In order to see that the meat is distributed with some fairness among the officers, it has to be divided into first, second and third class. (179-180). (181-182). (183-184). (185-186). (187-188). (189-190). (191-192). (193-194). (195-196). (197-198). (199-200). (201-202). (203-204). (205-206). (207-208). (209-210). (211-212). (213-214). (215-216). (217-218). (219-220). (221-222). (223-224). (225-226). (227-228). (229-230). (231-232). (233-234). (235-236). (237-238). (239-240). (241-242). (243-244). (245-246). (247-248). (249-250). (251-252). (253-254). (255-256). (257-258). (259-260). (261-262). (263-264). (265-266). (267-268). (269-270). (271-272). (273-274). (275-276). (277-278). (279-280). (281-282). (283-284). (285-286). (287-288). (289-290). (291-292). (293-294). (295-296). (297-298). (299-300). (301-302). (303-304). (305-306). (307-308). (309-310). (311-312). (313-314). (315-316). (317-318). (319-320). (321-322). (323-324). (325-326). (327-328). (329-330). (331-332). (333-334). (335-336). (337-338). (339-340). (341-342). (343-344). (345-346). (347-348). (349-350). (351-352). (353-354). (355-356). (357-358). (359-360). (361-362). (363-364). (365-366). (367-368). (369-370). (371-372). (373-374). (375-376). (377-378). (379-380). (381-382). (383-384). (385-386). (387-388). (389-390). (391-392). (393-394). (395-396). (397-398). (399-400). (401-402). (403-404). (405-406). (407-408). (409-410). (411-412). (413-414). (415-416). (417-418). (419-420). (421-422). (423-424). (425-426). (427-428). (429-430). (431-432). (433-434). (435-436). (437-438). (439-440). (441-442). (443-444). (445-446). (447-448). (449-450). (451-452). (453-454). (455-456). (457-458). (459-460). (461-462). (463-464). (465-466). (467-468). (469-470). (471-472). (473-474). (475-476). (477-478). (479-480). (481-482). (483-484). (485-486). (487-488). (489-490). (491-492). (493-494). (495-496). (497-498). (499-500). (501-502). (503-504). (505-506). (507-508). (509-510). (511-512). (513-514). (515-516). (517-518). (519-520). (521-522). (523-524). (525-526). (527-528). (529-530). (531-532). (533-534). (535-536). (537-538). (539-540). (541-542). (543-544). (545-546). (547-548). (549-550). (551-552). (553-554). (555-556). (557-558). (559-560). (561-562). (563-564). (565-566). (567-568). (569-570). (571-572). (573-574). (575-576). (577-578). (579-580). (581-582). (583-584). (585-586). (587-588). (589-590). (591-592). (593-594). (595-596). (597-598). (599-600). (601-602). (603-604). (605-606). (607-608). (609-610). (611-612). (613-614). (615-616). (617-618). (619-620). (621-622). (623-624). (625-626). (627-628). (629-630). (631-632). (633-634). (635-636). (637-638). (639-640). (641-642). (643-644). (645-646). (647-648). (649-650). (651-652). (653-654). (655-656). (657-658). (659-660). (661-662). (663-664). (665-666). (667-668). (669-670). (671-672). (673-674). (675-676). (677-678). (679-680). (681-682). (683-684). (685-686). (687-688). (689-690). (691-692). (693-694). (695-696). (697-698). (699-700). (701-702). (703-704). (705-706). (707-708). (709-710). (711-712). (713-714). (715-716). (717-718). (719-720). (721-722). (723-724). (725-726). (727-728). (729-730). (731-732). (733-734). (735-736). (737-738). (739-740). (741-742). (743-744). (745-746). (747-748). (749-750). (751-752). (753-754). (755-756). (757-758). (759-760). (761-762). (763-764). (765-766). (767-768). (769-770). (771-772). (773-774). (775-776). (777-778). (779-780). (781-782). (783-784). (785-786). (787-788). (789-790). (791-792). (793-794). (795-796). (797-798). (799-800). (801-802). (803-804). (805-806). (807-808). (809-810). (811-812). (813-814). (815-816). (817-818). (819-820). (821-822). (823-824). (825-826). (827-828). (829-830). (831-832). (833-834). (835-836). (837-838). (839-840). (841-842). (843-844). (845-846). (847-848). (849-850). (851-852). (853-854). (855-856). (857-858). (859-860). (861-862). (863-864). (865-866). (867-868). (869-870). (871-872). (873-874). (875-876). (877-878). (879-880). (881-882). (883-884). (885-886). (887-888). (889-890). (891-892). (893-894). (895-896). (897-898). (899-900). (901-902). (903-904). (905-906). (907-908). (909-910). (911-912). (913-914). (915-916). (917-918). (919-920). (921-922). (923-924). (925-926). (927-928). (929-930). (931-932). (933-934). (935-936). (937-938). (939-940). (941-942). (943-944). (945-946). (947-948). (949-950). (951-952). (953-954). (955-956). (957-958). (959-960). (961-962). (963-964). (965-966). (967-968). (969-970). (971-972). (973-974). (975-976). (977-978). (979-980). (981-982). (983-984). (985-986). (987-988). (989-990). (991-992). (993-994). (995-996). (997-998). (999-1000).

classes, he says: "I have to accept every day an half pound of meat from the meat cellar, and they ask for their cost, and I have to have a board on which their cost is identified, and I have to be very careful in seeing that no officer gets more than his right of first class and second class meat. I would recommend that the Department be supplied with the supply of meat to the officers altogether. It consumes from 1,000 to 2,000 lbs. per month, and it costs for the large consumption of ice to keep it in the refrigerator, and also the loss in cutting that the Government has not to bear, and it is a great trouble to any officer dealing with it at all. And it also deprives the prison of a better quality of meat, because the officers always expect to get the best meat. It creates a good deal of enmity and jealousy. Now, there is Doctor Sutherland, every time he wants he wants to get half steak. I say, No; I will look on the board and see what it calls for, if he got first class meat on the previous day, he must take second class. In consequence of that, the best of the meat goes to the messengers, and it is very hard for us to supply good meat to the penitentiary, because I haven't the quantity on hand. It is risky to keep a large quantity on hand in the refrigerator, and especially in the winter time. There are 150 lbs. of beef consumed every day between the officers and the penitentiary. It causes a larger consumption of ice on account of having to keep a large quantity of beef."

The convict L. Cohen, 10 1/2 days, says, "I certainly think so in a matter that ought to be handled. Whatever expense

there was ~~in the early days~~ for the prisoners to get their provisions, that has gone by. There are storekeepers and others here and goods contracted for for the prison ought to be used entirely here, . . . Considerable extras are issued by order of the doctor; of course, that is steak, the best of the meat. The Steward does all in his power to be fair with the prisoners, but it is almost impossible, for the simple reason that with the exception of Colonel Irvine, you cannot get any of them to take shanks." (Convict witness, p. 46).

Another convict, No. 28, says, "I have seen the officials call for first class meat, but there is nothing but the refuse given to the man, shanks, bones, neck, &c. . . ." They are entitled to first, second and third class meat according to the Warmer's idea. Well, that is given out to them, but you must understand that when a guard comes down to the meat cellar he has only got to talk a little up to the prisoner and he is going to get what he wants. I have called in the Storekeeper day after day and showed him my meat, which is supposed to be 8 ounces and it is not three ounces. I have never had more than five ounces. The other day a guard took his meat and threw it away simply because he did not get the kind he wanted. That was guard Miller. (Convict witness, p. 47-48).

The Steward says: "It is a great hardship on any Steward. Someone expects to get the best beef. Colonel Irvine is the man who takes more third class meat than any other officer." . . . The day they are entitled to third class meat they will only take a small quantity and the next

say they will ask for first class meat worth eight or ten pounds." (771-2). There is the same trouble with regard to the wood, as shown by Instructor Graham's report, Exhibit 64. He says:- "About 200 cords of wood are sold to the officers every year on repayment, and we have to handle every stick of that wood five times before we are through delivering it; and as the officers only take one month's supply at a time, we have to take a couple of teams right in the middle of the harvest when we are very busy with our crop; and as the weather gets colder, about double the amount of wood is burned and it gives us double the amount of handling. Handling this wood is harder on the convicts' clothing than any other work they do and there is the wear and tear of the wagons. When you take into consideration that we don't get one cent of reward for this work, you will see what a loss it is. This is one of the things the farmers in this district complain of, not being able to sell a few cords of wood in the winter time. Selling the farm produce on the repayment is almost worse than the wood is. A remission will call for from one bag to four or five, and it takes just as much time to deliver one bag as fifty. We cannot sell because we don't know what amount is about to be requisitioned for. If we had the potatoes that we sold for 25 ¢ a bushel last fall this spring, they could be sold at a profit. The worst feature of all is taking the convicts around the officers' quarters delivering potatoes. When they go into the house, it is impossible to stop a certain amount of intercourse between the children of officers and convicts who may be in the

8.
house and the cowboys, and in that way the cowboys get
hear and see a good many things they would never know if
they were not going around the officers quarters." (Exhibit
64).

The Accountant also, in various places in the evidence
complains that the repayment system entails about double
the amount of work upon his department and the Storekeeper's
department.

From the Warden's point of view, it is, of course,
objectionable, because it increases to a very large extent
the per capita cost of the institution. In this connection
I call attention to the remarks of the Warden on page 9
of Exhibit 52:- "All issues now made to officers on re-
payment should be abolished except the bread. These sales
necessitate a deal of office work, and a good deal of tear-
ing, and on top, a large per centage of loss which goes to
swell the per capita cost."

I most unhesitatingly condemn the whole repayment sys-
tem. If the officials in connection with the Manitoba
Penitentiary want to buy their supplies on contract, there
is no reason why they should not be able to form a separate
contract of their own, by which they could no doubt secure
prices as good as those furnished to the Penitentiary. In
any case, the facilities for purchasing wood in the vicinity
of Stony Mountain are good enough and also for purchasing
nearly other commodities they may need. If some loss is
attendant on the change of system, it would pay the Peniten-
tiary branch of the Department of Justice to increase their

reference to a slight extent as a recognition, and this
policy the Assistant and Storekeeper of an immense amount
of machinery work and save the public from a loss which
is by no means small.

I have strongly recommended that an immediate stop be
put to the equipment system in all the branches. Although
the following survey is based on the observations, the
evidence shows that the government has been buying bread
under contract for some time, and I cannot see any reason
why it should be abandoned. At the same time, I would not
care to differ from the Bureau in the particular.

A good deal of evidence was given with regard to the management of the prison farm. Those in charge of the prosecution seemed to have the idea that the penitentiary farm was conducted more or less for the purpose of making money for the prison. That certainly is not the idea I entertained in undertaking that portion of the investigation. It always seemed to me, that so far as educating and reforming convicts is concerned, there is no kind of labor more suitable than agriculture. The educative influences of coming into contact with mother earth in this way are valuable in themselves; the work is clean, healthy, invigorating, furnishes plenty of exercise, and seems to be as well calculated to arouse ambition and direct criminals into better paths of life than almost any other that can be allotted to a convict. Even if the farm were conducted at a considerable loss, it would by no means follow that farming is not the best employment to which convicts can be assigned.

A point was sought to be made against the Warden because he refused to supply certain wire machines and carry on a wire manufacturing industry in connection with the farm. The evidence on this whole question will be found on pages 486-9, 494-5-6; 528; 539; 460-7, 524 and exhibits 6 and 11.

In addition to the evidence, I made a personal examination of the style of wire machines produced by the wire machines which appear to have been duped on the penitentiary without a permission by the Inspector, Mr. Stewart. The machines are not suitable for penitentiary purposes at all,

and a glance at the correspondence will show that the Gardien was right in objecting to that, and also in his opinion, that the ordinary wire fence with a top rail is more suitable both for the penitentiary and the wants of this western country than the wire mesh fence proposed by the Inspector.

The acreage under cultivation is a little better this year than last year, there are 175 or 180 acres this year as compared with 180 last year. This, of course, includes both cereals and root crops. There is still considerable land to be brought under cultivation. There is one half section which was purchased a year ago but has not yet been broken, and a quarter section of the old Hudson estate which is being broken up now, and there are 8 or 10 acres up near the village. There are also 40 acres over by the gravel and sand pits which are not fit for farming purposes. (532).

I do not see any necessity of going into a long description of the farm or analyzing the various financial statements connected with it. There can be no doubt that the farm is an excellent appendage to the penitentiary and appears to be very well managed. I would, however, call attention to certain portions of the evidence, which may be found useful to the Department, as follows:--

Statement of farm returns for 1892-4-5-6-7 (740 and Exhibit 4)

Statement of yearly cost for 1894-5-6, (480.)

Inventory of farm stock etc. on June 30th. 1892, (470) and Exhibit 6).

Statement of increase and loss on farm stock from November 1st. 1892 to April 30th. 1897, (470) and Exhibit 5).

Explanation of decrease last year, (470).

9.
Farm purchase of April 2nd, 1897, (470, & exhibit 7).
Report on changing low stock and implements changed to the
farm, really used for many other purposes, (518-13-21-23).
Statement of needs as laid that should be made and 522-3).
Financial statement of farm, (608-6-10 and exhibit 14).
Discussion as to the possibility of the prison raising its
own beef, and as the question of raising harned cattle,
(518-21 and 523).

The warden's reports with regard to the farm are, of
course, to be found in every blue book for some years past.
He seems to be intensely devoted to this work, which is
probably the most useful and has the most educative
influence in connection with the penitentiary. With my
reports I submit a number of large photographs of the
prison and of the work on the farm which may prove interest-
ing.

... wall structure in the nature of
... around the penitentiary and the
... construction. This wall was begun in
... feet in length and to enclose
... of ground. It seems to have been notified after
... Penitentiary wall. It will be
... feet high, including the coping with
... corners. The coping is four feet six
... inches to five feet. The wall itself will be four feet wide at
... level; it will be level for five feet on both sides
... level off to six feet six inches at the top. Techni-
... is smooth-faced and dressed, broken
... stones meeting one. Every stone is square. The wall
... both inside and outside, the foundation
... either the rock or hard pan. The corner locations
... feet in diameter when they come to the grade level,
... in 14 inches after that, that is, 16
... inches, and extend about 10 feet higher than the
... that a man can walk on on top of the
... they are about 25 feet high. In a good many
... to rise considerably to reach rock or hard pan;
... of the north side will require
... far, the work has been done by
... his assistant, Mr. Hillier, with a
... 7 or 8. (478-11)
... the statement filed by Mr. ... the assistant,
... the ... for ...
... 25 ...

in 1893-4 \$1,540; 1894-5, \$2,923,84; 1895-6,
\$3,000, and for a portion of 1896-7, \$2,420, making the
total cost to date of \$10,487.00.

In the whole wall,
approximately at the base which is intended to be in front,
there is an opening of about 7,000 cubic yards, including bastions,
towers, walls, etc. Work has been built, and the work has
been going on for four years and two months. At this rate,
the present contractor estimates that it will take over 20
years to build the wall. These figures that are given
represent probably about one sixth of the wall has been com-
pleted, at a cost of \$10,487.00, and it does not seem in-
ferable that it will cost from 75,000 to 80,000 before
it has been completed. (111-12).

The two objects in
building the wall are, to shelter the prison from the win-
ter winds from the north and of course, to prevent the
escape of convicts. The wall to the north of the prison is
not yet nearly finished, so that the necessary protection
from the weather will be furnished. It certainly is a
grave question whether this whole wall is not being con-
structed upon such too extensive a scale. In my opinion it
is. A much lighter and cheaper wall would serve all the
purposes for which this wall is intended. It is mention-

ed in the outline of this massive piece of masonry
as being very expensive the wages of the guards of the
penitentiary, especially in the work of the institution so
large a number of inmates, all of which, of course, can
to be done outside the wall limits. There is a further
doubtful matter mentioned as to whether there will be
enough of the material of stone to finish the whole wall.
Instructing the contractor to a considerable doubt as

By section 4 of the Penitentiary (Amendment) Act of 1907
it is provided that no convict shall be allowed any occupa-
tion, with certain exceptions, the of the exceptions is
the amount of services rendered to the penitentiary or
wardens of the Penitentiary or Public Works may be had in order
and maintenance of convict labor.

It is also stated that notwithstanding these exceptions, con-
siderable convict labor has been made use of by various
officers in connection with the penitentiary.

Particulars as to the convict labor used by the Pro-
curator General, the Surgeon and the Accountant, will be
found on pages 412, 413, 414, 415, 416, 417, 418, 419, 420,
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997, 998, 999, 1000.

As to the Accountant, it appears that the Prison was
instructed to allow him the use of convict labor, (A. S. and
Exhibit 10.) Details of his services on this point
will be found on pages 436 and 437. It is not deemed
necessary to go into the matter, but simply call attention
to it as I believe it is the Prison's desire to prevent the
use of convict labor by officers as much as possible.
The practice certainly increases the amount of work and
expenses to some extent, the funds available to the peni-
tentiary for much needed work. There is the other question
of the advisability of allowing the facilities of officers to
be brought to any extent in connection with the convicts, and
I would recommend that the regulations as to convict labor
be strictly enforced.

Mr. Mustard, the Accountant, points out that he has held the accountant's position at the prison for three years and has not been visited by the Chief Accountant yet.

Mr. Power, the Steward, says, "As to auditing the accounts, I have not been there advised; since I have been here no one has come to audit the accounts, and as to systems, I can't tell what system, because I have not seen anyone writing since I came to the penitentiary in 1882." (1883).

The Steward says there has not been an audit of the penitentiary accounts since Mr. McManis was killed, and that was in 1866, I think, and I suggest that that was such of an audit."

This is surely a matter which requires attention. The excellent kind of a business concern could not be conducted with safety on such lines, and it seems extraordinary that with an important branch of the service should exist such an inexcusable neglect.

Mr. Burgess' in Schoolmaster as well as Hospital
Overseer and Librarian. (204). Thirteen or fourteen con-
victs appear to attend during the school hours, or rather,
the school hour, for the instruction is limited to the
short period from 10 minutes to 1 to 25 minutes after 1,
during the dinner hour. (208).

According to convict No. 25, the school is "very
poor" about three times over any other institution, more
especially here, where it is nothing but show. The school
is a privilege a man gets from the Prison; that amounts to
half an hour a day, and is taken from his dinner hour; and
that is all he gets, even the time he is let out until he
is placed back again in the cell he only gets half an hour,
and you will easily understand how much improvement a man
will get in half an hour. One has attended to my knowledge
ever since I have been here and he can't know his A B C.

The school is conducted principally by convicts; the Hospital
Overseer Burgess' takes charge. I would suggest that more
especially in the winter time, when the days are short, the
men, after their labour, and after their supper, instead of
the guards sitting smoking in this room, the men turn out
and go to school. I saw some years ago an article by
Messrs Vincent, a Member of Parliament on this point as
to the education of convicts, and it is not a trivial
thing, but it is necessary that a man or woman has to
attend school until they attain a certain standard, and it
is after working hours. This was in Lloyd's paper. The
compulsory education is conducted in the same way in the
prison as it is in the school. This place is not for the

fortunate men like myself who are here, but for the
prison and for themselves."

It is to be noted that the school
sessions in the St. Vincent de Paul Penitentiary are from
9 to 11 a. m. and from 2 to 4 p. m., each pupil being allo-
cated four hours schooling per day.

I cannot see how any satisfactory result can be obtained
when a convict is required to choose in favor of his educa-
tion or against his dinner, or that such a system is calcu-
lated to promote health in the prison. If the school
is to be of any real use, some arrangement radically dif-
ferent from that existing now should be made.

The Bureau says with regard to the cesspool to the west of the... 'You cannot call it... yet, but I have reported it. You will see in my... of three years ago I concluded the whole... I called it a cesspool. It was I proved after that,...

In his... (Exhibit 81), the Warden says, the... of cesspool and sewage should be admitted as... in a... the cesspool of liquid sewage... cesspool is apt to cause an epidemic.

This is a matter that requires immediate attention.

I had intended, owing to the disclosures in the Purcell case, to examine of the rules relating to remission in that case, but to confer power to the Warden to award remission for an unexpired term of sentence in which a convict's release may take place, and obtained some important evidence from the Warden and his clerk and from the Secretary on this question.

I am, however, by a circular from the Department recently issued for instance, all the defects in the regulations in this particular have been cured.

The books in the library seem defective in some
of the... the... to the
... 1897. It appears that a requisition
... for the general library has
... will improve it
... request.

1871 F. G. Wade
Commissioner