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DR. EDWARDS' ATTACK ON PRISON COMMISSION

Claims That His Charges Were Not Probed

REVIEWS THE EVIDENCE

GIVEN AT THE SITTINGS OF THE COMMISSION.

Charges That the Deputy Warden Favored His Own Religion.—Dr. Edwards Gives Some Figures.

(Continued From Friday.)

This refers to the deputy warden. But they suppressed the fact that McCauley swore that the deputy warden called him a damned fool in the presence of another guard and a convict, and O'Leary admits it. This is a direct violation of the regulations. Also he says that the deputy warden put up the convict Connors to trap him, and that the deputy warden refused to let him off to move. He had to get up at two o'clock in the morning, work all day at moving, and came to the penitentiary to go on night duty at 6.30 p.m. That may seem a small thing, but that is exactly where the discrimination and petty persecution came in. This man was refused a reasonable request, while others had such requests granted repeatedly. That is one of the reasons that led to a great deal of trouble.

In summarizing Aikin's evidence, the report says: "He complains of the deputy warden spying on him."

Some Omissions

But the report leaves out the fact that the deputy warden in his manner of speaking in the presence of the guards acted contrary to regulations. He told Aikin that Inspector Stewart had charged him with lying down on duty, and Inspector Stewart stated that the deputy warden had lied. The deputy warden gets him out of bed at ten o'clock at night to go to the prison to go on duty, and after he gets there he tells him to go home again. He was reprimanded for late winding when helping a sick convict. The convict had been taken sick in the night, had fallen out of his cot and was vomiting on the floor. This guard stopped to attend to the wants of the convict, lifted him up and put him on the bed, and consequently was a few minutes late in winding, for which he was reprimanded by the deputy warden. The deputy warden said: If he dies you are not responsible. Yet these commissioners say they can find no evidence of any cruelty or inhumanity on the part of the deputy warden. This is all left out of the report and they present what purports to be a summary of the evidence of this man in the few words I have given. They also leave out his statement that the deputy warden ordered him to stay out on the platform in a driving storm of hail and sleet, though the trenches are provided for the express purpose of protecting the guards in time of storm. Many other statements are made which are left out entirely. They are summarized in the evidence of Davis by the statements that his evidence Davis makes some very serious charges against the deputy. The same thing is true in regard to Johnston. I will not take up time with going over all these. But for the evidence of Patterson they present this summary:

He blames the deputy warden for his dismissal but cannot establish it. But they leave out the fact that Patterson swore that the deputy warden gave false testimony. His statement will be found on page 983. And he asserts that he and others who gave evidence in a former investigation were discharged. In regard to Ingledew, they summarize his evidence in these words: "Kept a note-book; willing witness against the deputy warden; not asked for favoritism."

Now, Ingledew swears that the deputy warden recommended that he should be paid \$5 because, having found a box containing some scissors and other things like that in the ward back of one of the cells, he took it to the head office. The deputy warden complained about his doing it, but if he had not taken it to the head office the charge would have been made against him of neglect of duty. He did what he conceived to be his duty, and the deputy warden recommended that he should be fined \$5 for it. In regard to Bannister, they say that they summarize his evidence in these words: "Complained of being reprimanded before guards and convicts."

Let us see if that is a fair summary of Bannister's evidence. On March 15, 1911, Bannister was working in the deputy warden's house. He was sent down to a ward to take charge of a gang of convicts when the thermometer was ten below zero. He asked for the usual shanty protection which is given guards having charge of men outside. This was refused him by the deputy warden. In consequence of that Bannister's feet were severely frozen and he felt so disgusted and indignant with his treatment that he sent in his resignation and left the service. This is left out of the report entirely. They also leave out the report the complaint of Bannister to the effect that he received no remuneration as choir master in the Protestant chapel while the guard who acted in the same capacity in the Roman Catholic chapel receives \$50 a year for his services besides other perquisites. They attempt to summarize the evidence of Bryan by saying that his evidence and complaints were of no value. Bryan swore in his evidence, and this is left out entirely, that he had broken his wrist and was asked to go on duty alone in the asylum with one

hand helpless. He also swore that the deputy warden attempted to get him removed from office fourteen years ago on the ground of physical unfitness; but that man is still a guard in the institution. Another matter to which Bryan referred was that the deputy placed two insane convicts in the ward with Bryan one night about midnight, locked the doors and left him there with these two men. About half an hour later the deputy sent a man to find out whether he had succeeded in placing those men in their cells or what had happened. These statements may seem very trivial, but I maintain that they indicate a lack of judgment on the part of the deputy warden which should not be passed over.

They say in the report, in referring to the evidence of Grier, at page 23: "The evidence of Grier is not corroborated by the prison records. The records show that Bishop attempted to hang himself on two occasions; on July 9, 1898, and March 22, 1899. On the former occasion he was cut down by Guard Davis; on the latter, by Guard Marsh. Grier does not appear in either case. There is no record of any other attempt at suicide by Bishop. If any occurred it should be in the record. Grier says he 'cut down' Bishop in 1904. The records show that Bishop died of tuberculosis in 1904. I urge any hon. gentleman to refer to Grier's statement in the type-written evidence, or only occupant about one-half or two pages, and he will find that there is not a word to bear out the statement made by the commissioners in their report. Grier states most emphatically that he stopped to cut this man Bishop down when Bishop was attempting to commit suicide, and that he was late in winding his clock in consequence of stopping for this purpose. The deputy warden reprimanded him for being late in winding his clock. He told the reason he was late but the deputy warden said: Let him hang; you and your clock, that is first thing to do; let him hang, but wind your clock. The report says that this statement stands alone. The statement does not stand alone. Marsh also swears to having a somewhat similar experience with the same convict. Marsh however, remembering the reprimand that Grier had received from the deputy did go and wind his clock first and then attended to the statement of the convict hanging himself and they had quite a time in bringing the convict to. What remark did the deputy make on that occasion? He exonerated Marsh and told him he did right; that was the proper thing for him to do was to wind his clock first. At the time Grier was reprimanded by the deputy warden I have stated he appealed to Hughes and then head keeper and Hughes told him that in any case where he found the convict's life in danger the proper thing for him to do was to save that life. That statement is a corroboration of Grier's statement, and yet the commissioners endeavored in their report to represent that nothing had occurred. There is absolutely nothing in Grier's evidence, to support the statements that they made. Grier did not say what year he was cut the prisoner down, he does not give the year at all; in fact he did not remember the year, but he did remember the occurrence and he remembered the statement the deputy warden had made in regard to that matter. They say this statement stands alone. I say it does not stand alone. I have already referred to what took place with regard to Aikin when he was late in winding the clock owing to his giving attention to a sick convict. On that occasion the deputy said: Wind your clock; if he dies you are not responsible. I mention these facts to show the minister and to this house what I think it does clearly show, that this deputy warden is a man unfitted for the position he occupies. He has not that sense of humanity which a man should have who occupies that important position. They say there is nothing in the evidence to indicate any cruelty of disposition on the part of the deputy. I have cited the evidence of Grier, Marsh, Aikin and Bannister. Bannister said that he was refused the shanty which was ordinarily given to guards on duty in exposed places. He has cited the housing of convicts which the commissioners say is cruel and inhuman and which the evidence shows clearly was performed by O'Leary on many occasions.

Then, there is the matter of tubbing. The commissioners say that this tubbing is inhuman. Six or eight were tubbed having been done. Did not the deputy warden know that that was going on? No. If he did not know that that was going on, I ask this committee, is a man of that kind a fit and proper person to hold the responsible position he holds?

"How is this tubbing carried on? There are regulations for putting this punishment. The convict's clothes are taken off, his feet are strapped together, his arms are strapped to his sides, and he is immersed in a tub of water which may be ice cold or just moderately cold, depending on the season of the year. Many of them were tubbed in the months of January and February. These men, stripped as I have indicated, were shoved down under the water by the guards, and when they came up they shoved them down again. As one guard testified, they were shoved down till the bubbles came to the surface. The evidence given before that commission proves conclusively that that was done in that institution, and I say that the deputy warden more than any other man was responsible for its being done. Bear in mind that the deputy warden placed the convicts in their positions, and the guards in their positions, and if he did not know it was go-

ing on he should have known. Dr. Edwards knew, because he said he posted up a notice that it must not be continued. Just imagine it. Many of the men who were treated in this manner were of the insane kind. Guard Bryan gave evidence before the commission in regard to tubbing—page 787. He says he saw convicts with legs strapped together and arms strapped to the sides put in to the water.

"Q. They (the guards) would lift them up and put them in the water?—A. Yes.

"Q. Would they go right down below the surface?—A. They would just go down and up again.

"Q. Down below the surface?—A. Yes.

"Q. Would their heads go under the water?—A. Yes, their heads would go in the water.

"Q. And picked up?—A. Picked up at once by the guard.

"Q. And go down and picked up again?—A. Yes.

"Q. Who would give this order?—A. By the authorities.

"Q. Who would that be?—A. Either the warden, the deputy warden or the doctor could give that order.

"Q. Either one of the three?—A. Yes.

Take the evidence of another man, Wesley Balcock, who helped in the tubbing—page 796.

"Q. Ever see a prisoner put in the tub to give him a cold bath?—A. Yes.

"Q. Where was that?—A. Anylum.

"Q. By whose orders?—Mr. McCauley.

"Q. What office did he hold?—A. Acting keeper, I think, at the time.

"Q. Why was the tubbing done?—A. He insulted another officer.

"Q. How did you proceed to punish that man?—A. Filled the tub with water and put him into it.

"Q. And held him down?—A. Yes.

"Q. In the cold water?—A. Yes.

"Dr. Etherington—An insane patient!

"By Mr. Downey:

"Q. An insane patient, who was guilty of insulting one of the officers, and who was subjected to this, for punishment for the offence; that is right?—Yes.

"Dr. Etherington: It is important to know whether insane patients are punished or not.

"By Mr. Downey:

"Q. How long did you keep him in the cold bath?—A. I could not tell how long they kept him in. They kept him till he gave up, till he said he was sorry for what he had done; that is all I know.

"By Mr. Stewart:

"Q. Was he held under the water?—A. Yes.

"Q. Was he there half an hour?—A. No, he would have been dead if he had.

"Q. Was he pushed down in the water?—A. He was pushed down.

"Q. Was he smothering when he came up?—A. He was.

"Q. Did you ever see blood coming out of the mouths and noses of convicts treated in that way?—A. Not out of him.

"Q. Did you like that treatment?—A. I would not want it myself.

"I could read similar testimony by guards who took part in this tubbing, which went on to a considerable extent in this institution, and which was performed, as some of the guards stated, at the order of the deputy warden or the doctor. The doctor himself says that when he heard of it he issued an order against that sort of thing, and it is only fair to him to accept his statement. Now let us look at the evidence of Douglas Stewart in regard to housing, given on pages 17, and 18:

"Q. You find this (housing) more efficient (than the triangle)?—A. More effective.

"Q. What is it that makes it so effective with these convicts?—A. It takes the delirium out of them.

"Q. How?—A. If you got the hose you would know.

"Q. What is it?—A. I suppose it is the impact of the hose against the body, knocks the wind out of them.

"Q. And it seems to succeed where nothing else will.—A. Yes, it never failed yet.

"Q. To beat an incorrigible convict into submission?—A. Yes.

"And further on:

"Q. Is that the most severe punishment?—A. No. I think shooting is more severe.

"Q. You mean killing a man outright?—A. Yes.

"When Inspector Stewart was asked how pressure was done on the inch, he said it would be 60 lbs. to the inch. The commissioners state that, they saw the hose, not being used on a convict, but in the housing cell. They state that when the nozzle was put through the bars the water struck the opposite wall in an almost unbroken stream. A stream of water at that pressure would strike a man at a pretty severe blow. Stewart also stated in his evidence that the pressure at St. Vincent de Paul penitentiary was 75 lbs. to the inch. I suppose they need a little more force there to impress the convicts give in. I want to impress this fact upon the committee, that, although housing is provided in the regulations, those regulations were drawn up by the inspectors. At least, that is my understanding. It is all right to say that Sir Oliver Mowat, when minister of justice acceded to this. I can well understand the inspector, who has practical control of the penitentiaries, asking the assent of the minister of justice to certain regulations. It would not be a matter into which Sir Oliver Mowat would look very closely, but the inspector knew from having seen the hose used what effect it would have. My own opinion is that it is cruel and inhuman. Tubbing is not authorized by the regulations, as I understand them, but tubbing has been carried on in that institution, and even insane convicts have been subjected to that treatment. I say that it is a disgrace to the dominion of Canada if we allow this thing to go in the future.

Mr. Bickerdike: Hear, hear. It is a shame.

Mr. Edwards: I have no maudlin sentiment for a convict who has violated the laws of society. He has to be punished, but he should not be

treated as if he were a brute; he should be treated with some humanity, and I say that the evidence taken by that commission shows that these convicts have not been treated like human beings; they have been treated like dogs or worse. Talk about reformation! How, in the name of Heaven, can you reform a man when all the time he is subjected to this kind of treatment! What must be his feelings? It is impossible to reform him under these conditions.

I make another charge against the deputy, and which indicates his absolute unfitness for the position he occupies. He admitted in his evidence that it was up to him to appoint the convicts to their positions in the prison, and also the guards to their positions. I went through that institution in company with the present warden, Colonel Irvine. We visited the various shops—the carpenter shop, the paint shop, the blacksmith shop—and, lastly, we came around to the stone pile, and saw sixty convicts sitting there breaking stone. They say there is nothing else for them to do, that there is no place else to put them. Perhaps some recognition must be given to that statement; but the deputy warden, if he had the instincts of humanity and the common sense of a five-year-old young one, would not would not place a boy convict of fourteen or fifteen years on the stone pile, and keep him there for three or four years breaking stone. If there was not another charge to level against the deputy warden, the one fact that he would take boys fourteen and fifteen years old, place them beside old repeaters, and keep them on the stone pile year after year, is sufficient to indicate that the man is not fit for the position he occupies. If you go through that institution and look at the faces of those convicts on that stone pile, you will see an expression that is almost impossible to conceive.

Mr. Bickerdike: Is it not a fact that in some of our penitentiaries men are chained down with logging chains in the dark dungeons?

Mr. Edwards: I think it is. It was brought out in the evidence that at Kingston they were sentenced to the dungeon and shackled to the gate.

Mr. Bickerdike: I have more reference to St. Vincent de Paul.

Charge of Unfitness.

Mr. Edwards: I want to give you another instance of the absolute unfitness of this man, O'Leary, for the position which he occupies. Fancy, on that stone pile, sixty men breaking stone month after month and year after year, a pair of water, and all drinking out of one cup and from one pail. Not only that, but it was brought out in the evidence that men with syphilitic sores in their mouths were in the same gangs with these boys, and all drinking out of the same pail and out of the same cup. I submit that you would not put a diseased animal alongside of healthy ones, and yet you put men with the most loathsome disease you can imagine alongside these boys and expect them to grow up to strong and vigorous manhood.

A. W. Chisholm: Was that fact known to the officials of the institutions?

Mr. Edwards: Certainly it was known to the officials; it was admitted in the evidence.

Mr. Gossau: They should have known of it.

Mr. Edwards: Let me give you another instance of the way in which this institution has been run. This has been the routine treatment meted out to sick convicts. On Sundays, in order to let the guards go home, the sick convicts were given their breakfast at nine o'clock; their dinner at eleven, and their supper at one o'clock and they got nothing more to eat until between eight and nine o'clock on Monday morning. This was the way in which they treated sick convicts.

Mr. Lemieux: Supper at one o'clock?

Mr. Edwards: That is what I said. They got their meals at nine, eleven and one and the only part of their meal that they could keep in their stomachs was a piece of bread; they were not allowed to retain any of the dishes. There may have been a difference of opinion as to whether an investigation of this institution was necessary when I made my charges, but there can now be no two opinions in this country in regard to it being necessary.

Mr. Lemieux: I would like my honorable friend to repeat that statement about sick convicts receiving their meals at the hours mentioned. Does he mean to say that they got their meals at nine, eleven and one o'clock, and nothing between that and next day?

Mr. Edwards: That is what I say. They received their breakfast at nine, their dinner at eleven, and their supper at one, and nothing from that time until Monday morning between eight and nine o'clock.

Mr. Broder: On Sunday only?

Mr. Edwards: On Sunday only.

Mr. Kite: Is the honorable gentleman referring to the evidence brought out?

Mr. Edwards: I am referring to what is brought out and what appears in the typewritten evidence which I have here. I shall be very glad if any honorable member desires it, to corroborate any statement I make by the evidence, which bears out what I have said.

Mr. Devlin: Why does the honorable gentleman lay so much blame on the deputy warden? Was not the warden responsible for all these acts?

Mr. Edwards: I will answer that question. Under our system, as it is now and has been for many years, the wardenships in penitentiaries have gone as political plums to men, no matter which side has been in power. There was no consideration given to the man's fitness for the position of warden. He got the position of warden because of service he had rendered to his party. As a result of that the warden depended upon the next officials, the deputy warden, the surgeon, and so on, for the administration of the penitentiary.

Mr. Lemieux: In the case of sick convicts is not the diet fixed by the doctor?

Mr. Edwards: Yes, by the doctor. I am not charging that particular point against the deputy warden; I am charging it against the doctor.

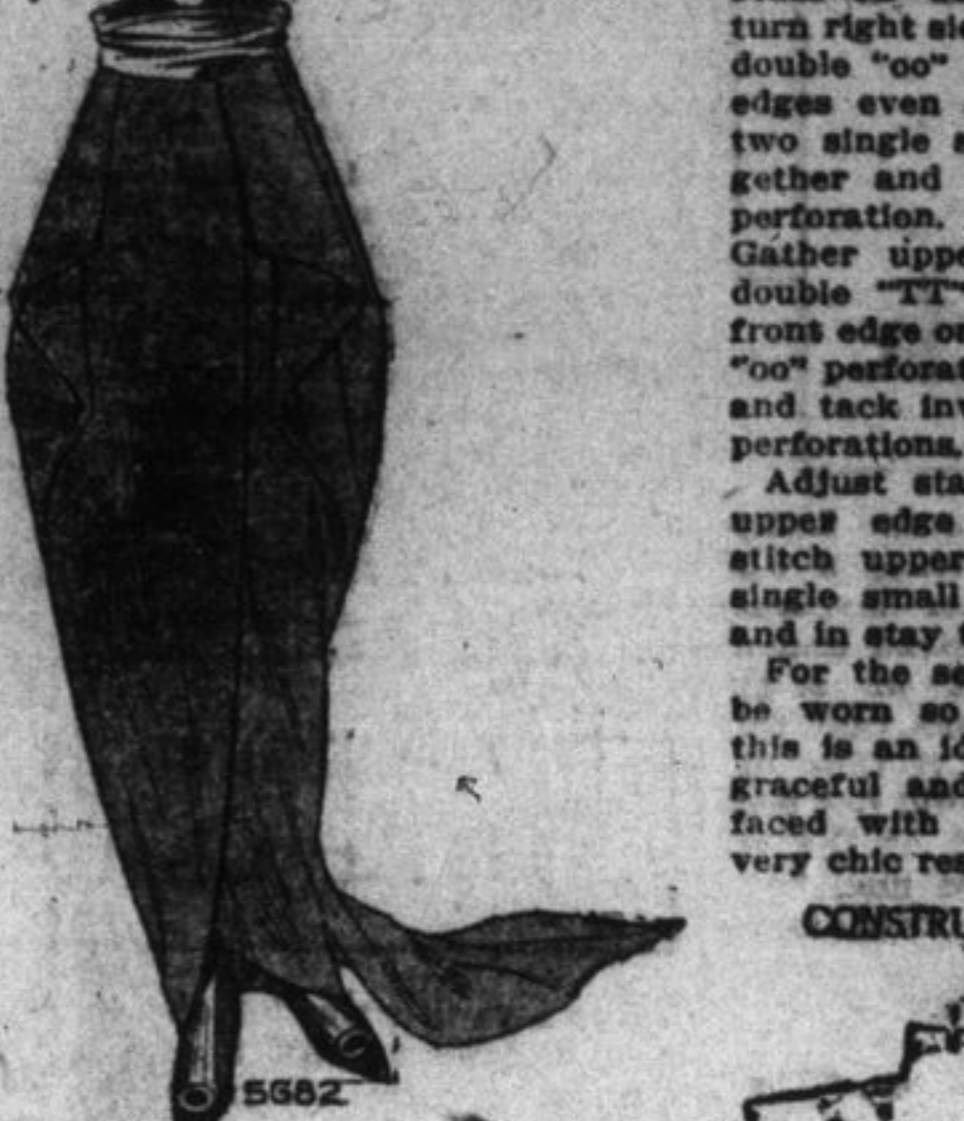
(To be Continued.)

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