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SEGREGATING AND REFORMING THE MARGINAL:  
The Institution and Everyday Resistance  
in  
Mid-Nineteenth-Century Ontario

by

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A dissertation submitted to the Department of History  
in conformity with the requirements for  
the degree of Doctor of Philosophy

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### Abstract

The dissertation looks at an under-explored aspect of life in mid-nineteenth-century Ontario, that of the role of the institution in the day-to-day lives of ordinary people. The institutional presence arose out of a desire on the part of Ontario's elites to control actual or incipient social conflict. The times were notoriously unstable. One of the manifestations of this instability was the Upper Canada Rebellion of 1837, which occurred at essentially the same time that Ontario was moving toward the use of the institution to contain the deviant, the dispossessed, and the criminal. The dissertation examines the role of the House of Industry, the Penitentiary, and the asylum, as well as that of the Native Reserve. While the latter is not usually considered to be an "institution", the people of the First Nations were subject to many of the same restrictions and programmes as were other contemporary marginalized groups, and were similarly pressured to "reform" themselves in ways acceptable to the powerful.

The purpose of the dissertation was to examine the connections between the various types of institutions, as well as the reactions to them. The Rebellion is an indication of one form of resistance to the arbitrary exercise of power; the reception to the reforming project of the institution is another. The powerless were neither

docile nor acquiescent when institutionalized or forced onto Reserves. They mounted a campaign of "everyday resistance", or petty opposition, to the demands that they become respectable citizens who were clean, quiet, punctual, industrious, frugal, abstemious, and devout. The dissertation does not suggest that such behaviour was class conflict. The underdeveloped state of the capitalist economy at the time precludes such a conclusion. However, it would certainly be legitimate to suppose that the social conflict of mid-century preceded a profound change in the structure of Ontario society.

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### Introduction

"Men make their own history, but not exactly as they please." Although he was writing about the progress of history, Marx's comments have particular relevance to the study at hand. The people who populate the pages of this dissertation tried to force history in certain directions, but were only partially successful. Circumstances which they could not control constantly affected their relations with others; or as Andrew Scull has remarked, "...ideas and conceptions of human nature do not change in a vacuum. They arise from a concrete basis in actual social relations".<sup>1</sup>

The "social relations" in this case were the culmination of several years of mutual hostility and mistrust between the governors and the governed of Upper Canada. One of the most obvious ways in which the antagonisms manifested themselves was during the course of the Upper Canadian Rebellion. Another, which forms the core of the dissertation, was in the struggles over power and regulation in contemporary institutions of segregative control. The House of Industry, the penitentiary, the insane asylum, as well as attempts to "civilize" the Native population through the Reserve system, were all sites of bitter feuds between the various levels of power in society.

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<sup>1</sup> Andrew Scull, Social Order/Mental Disorder: Anglo-American Psychiatry in Historical Perspective London: Routledge, 1989, p. 91.

A theme developed in the first chapter and continued throughout the body of the dissertation, is that the opposing ideologies and forces of the Rebellion era made their way into popular consciousness and became embedded in social relations. They were most visible in the means of segregative control mentioned above, where the two sides in the struggle again met and clashed. The conflicts which arose in the late 1830s had their roots in the economic as well as the ideological; one could argue that the convictions of each side arose indirectly as a result of economic relations.

Paternalism contained aspects of both the economic and the ideological. It was a central part of the economic climate of early nineteenth-century Upper Canada, as well as a major factor in ideological alignments. The importance of paternalism in employer-worker relations, and the events of its eventual decline, have been well-documented for Britain in Keith Snell's Annals of the Labouring Poor.<sup>2</sup> Paternalism in Upper Canada has not been extensively studied, although anyone investigating the province's social history quickly becomes aware of its all-pervasive nature. Although he has had his detractors, H. Clare Pentland's conclusions about the essentially hierarchical and paternalistic nature of

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<sup>2</sup> K.D.M. Snell, Annals of the Labouring Poor: Social Change and Agrarian England, 1660-1900 New York: Cambridge University Press, 1985.

relations between masters and men still hold true.<sup>3</sup>

Furthermore, paternalism had a dualistic nature. It was both a means of exercising power and administering carefully measured doses of benevolence, although the latter was also arguably for the purpose of maintaining a superior position. It could be coercive and simultaneously deceptively kind.

As a prevailing ethos that defined relations of superordination and subordination in an age of commercial capital and nascent industrialism, paternalism grew out of the necessity to justify exploitation and mediate inherently irreconcilable differences. It rationalized inequality and provided for a hierarchical order, but did so in diverse ways...Paternalism's ultimate significance...lay in undermining the collectivity of the oppressed by linking them to their "social superiors".<sup>4</sup>

The last sentence has particular relevance to this study. What is remarkable about the institution and Reserve system, is the extent to which those in control sought to keep their charges "linked" to them and separate from their fellows. Prisoners in the penitentiary, for example, were forbidden contact with each other, but encouraged to seek out the beneficial company of the chaplain and schoolteacher. The guards were not deemed suitable since they tended to subvert authority themselves. Similarly, the insane were separated from the "bad" influences of their

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<sup>3</sup> See H. Clare Pentland, Labour and Capital in Canada, 1650-1860 Toronto: James Lorimer and Co., 1981.

<sup>4</sup> Bryan D. Palmer, Working-Class Experience: The Rise and Reconstitution of Canadian Labour, 1800-1980 Toronto: Butterworth and Co., 1983, p. 14, also pp. 41-42. Emphasis added.

home environment and their families and made to associate with their ostensible betters, the attendants. The latter were meant to act as examples of "normal" and respectable behaviour. Inmates of the workhouse were likewise kept apart from unruly cohorts as much as possible. Natives were encouraged to place full reliance on their white superintendents and the white way of life and were divided from potential allies by the Indian Department's practice of placing each nation on a separate reserve.

The first chapter of this dissertation explains more fully paternalism's essential role. It is one of the underlying themes of the remaining sections of the thesis. The clash between the Family Compact, which espoused paternalism as its guiding principle, and the Reform element, was a struggle which continued in the institutions and between the First Nations and the Indian Department. In these situations, the original conflict repeated itself, although in an attenuated form.

Such an encounter was partially deliberate on the part of the elites. It came about because of their desire to contain the possibility of social disruption. The incarceration and separation from society of the marginal population was rationalized as being for that population's benefit. Those afflicted with insanity would be cured. The criminal classes would be rehabilitated and taught a trade. The desperately poor, the ill, aged, and infirm who could no

longer work, would be found employment, comforted, and provided for as their various situations required. Natives were to be removed from the temptations which white society offered while being taught the skills they needed to be assimilated successfully into the newly dominant order.

The elites, however, had reckoned without a third element in the situation. What Stanley Ryerson has called "the native bourgeoisie"<sup>5</sup> had either sat on the fence during the Rebellion or aligned themselves with whichever side best suited their own purposes. They were also bitterly resentful of the privileges and power enjoyed by the Family Compact. Nor were they likely to grant any concessions to their old rivals. This doomed the institutional project from the very start. Boards of Directors feuded with the managerial staff over every aspect of institutional life imaginable. At the heart of virtually every quarrel was the issue of power. For example, from the time of the first medical superintendent, Dr. William Rees, appointed in 1839, until Dr. Joseph Workman became superintendent in 1853, the early years of the Toronto Lunatic Asylum were marked by constant dissension between Directors and Medical Superintendents. Rees and his successors quickly fell out of favour with the Board, owing to the latter's constant complaints that the Superintendent was infringing on its territory.

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<sup>5</sup> Stanley B. Ryerson, Unequal Union: Confederation and the Roots of Conflict in the Canadas, 1815-1873 n.p.: Progress Books, 1968, p. 106.

Paternalism and the arbitrary exercise of power by the Family Compact did not only engender resentment from the aspiring elites; it also created resistance among those for whom the institutional project was created, the supposed "underclass". The word "underclass" has recently taken on a new meaning, particularly in America. Although the exact definition is controversial, the term is generally taken to mean the ghettoized segment of the African-American population who survive on welfare, crime, begging, or some combination of the three. The term is not usually applied to whites who eke out their existence in the same way, indicating that it has racial overtones as well. For the most part, these are people who live outside mainstream society and who have virtually no hope of ever becoming a part of it.<sup>6</sup> Certain "structural" factors are associated with membership in the underclass: chronic unemployment; lack of training; race; "single parenthood", largely for women; criminal behaviour.<sup>7</sup> In the context of the nineteenth century, I have used the term "underclass" to refer to the marginalized who survived outside the mainstream of society. Contemporaries regarded such peoples as prone to crime and mendicancy and thought of certain ethnic groups as invariably part of the marginalized; they did not, in

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<sup>6</sup> Lydia Morris, Dangerous Classes: The Underclass and Social Citizenship New York: Routledge, 1994, pp. 81-82.

<sup>7</sup> Ibid., p. 85, 88, 91, 99.

general, refer exclusively to a certain race of people in such classifications. Because of the precariousness of wage labour, even the "respectable" working poor could and did become part of the underclass easily and quickly. Poverty often led to crime; mental illness often resulted in loss of livelihood; all the aspects of marginalized status led into each other. For the aboriginal population, the very fact of their race did lump them into the category of the "marginalized", a status exacerbated by poverty and physically institutionalized in banishment to limited, isolated territories known as Reserves.

My use of the term underclass thus had a socially constructed meaning unique to the 1830s and 40s. It referred to people who were outside the mainstream of society, who were not "respectable" working people or the so-called deserving poor. Instead, these were people who shocked the elites by their rampant destitution, their drunkenness, and their seeming refusal to work. In addition, these were often the Irish. Poverty, for many, was equated with criminality. Insanity, particularly if it was of a violent or disruptive sort, set its sufferers apart because of the aberrant behaviours that accompanied the illness. All these elements combined to make the underclass into something that was blatantly "other". Natives fit into this category not only because of their visible differences from the white population, but because of perceived moral differences which

were imposed on them rather than de facto. The huge influx of impoverished immigrants during the 1830s and 40s helped to bring home the problem of destitution and "otherness" as never before.

By the end of the period, perceptions of this underclass had changed somewhat. The Irish were no longer in the forefront of the marginalized; as Donald Akenson has been at some pains to point out, many of them were actually quite respectable farmers. Their place was no longer solely limited to the public works projects of Upper Canada. They no longer formed the majority of inmates in the House of Industry; nor were they preponderant in the penitentiary. Added to this was the greater involvement of the state in dealing with the marginalized. Instead of private, face-to-face charity, the disadvantaged could expect a state-financed institution to be the means by which they were reformed or assisted. Less direct contact with the marginal elements in society meant that Upper Canada's elites were able to turn their attention to the political rather than the social aspects of governance.

Re-formation of the socially outcast inmate was the institution's chief purpose. But subordinate groups did not willingly embrace efforts to reform them. Resistance was most obvious in the case of penitentiary inmates, who routinely spit at, cursed, and physically threatened their keepers. Nevertheless, it also flourished among those

housed in other institutions and among Natives coerced onto the newly-created Reserves. Opposition here often took a more hidden form in the shape of rule-breaking, pretended compliance, flight, "laziness", and bad language.

These forms of behaviour have been identified by James Scott as a means of covert rebellion, which he terms "everyday resistance". They are commonly used by the powerless in virtually hopeless situations. His contention is that everyday resistance is more relevant to the actual lived experience of ordinary people than outright rebellion. What Scott includes as critical to the arsenals of the powerless are things not normally regarded as weapons:

...foot-dragging, dissimulation, false-compliance, pilfering, feigned ignorance, slander, arson, sabotage, and so forth. These Brechtian forms of class struggle have certain features in common. They require little or no co-ordination or planning; they often represent a form of individual self-help; and they typically avoid any direct symbolic confrontation with authority or with elite norms.<sup>3</sup>

The real importance of everyday resistance lies in its ramifications for power and class relations. Scott has called it "the most durable arena of class conflict and resistance". As he sees it, such conflicts occur daily in ordinary working situations between employers and workers

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<sup>3</sup> James Scott, "Everyday Forms of Peasant Resistance" Journal of Peasant Studies Vol. 13 No. 2 (1986), p. 6.

"over the pace of work, over leisure, wages, autonomy, privileges, and respect".<sup>9</sup>

Although Scott concentrates his attention on the peasants of Malaysia, he suggests that his theory is broadly applicable to the lives of workers everywhere. I have taken him at his word and tried to fit it into the lives of the poor and dispossessed in Upper Canada. There are some similarities between Scott's peasants and the Upper Canadian underclass, with one crucial proviso. Upper Canada's marginalized people were not "workers" in the capitalist sense, nor could they really be called members of a "class". Their status as labourers, the out-of-work, the socially deviant, and in the case of the Native population, the visible "other", certainly set them apart and relegated them to the lower echelons of society. But because capitalism was only its early stages -- indeed, the market economy was only beginning to make itself felt -- it would be incorrect to

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<sup>9</sup> Scott, p. 6. For responses to James Scott, see for example, Michael Adas, "From Footdragging to Flight: The Evasive History of Peasant Avoidance Protest in South and South-east Asia" Journal of Peasant Studies Vol. 13 No. 2 (January 1986), pp. 64-86. Adas agrees with Scott that the "crisis-centric" approach to protest is a short-sighted one, but cautions that evasion is among the most difficult types of everyday resistance to recognize. Adas, "From Footdragging to Flight", pp. 66-67. See also by James Scott, The moral economy of the peasant: Rebellion and subsistence in Southeast Asia New Haven: Yale University Press, 1976; Weapons of the Weak: Everyday forms of Peasant Resistance New Haven: Yale University Press, 1985; Domination and the arts of Resistance: Hidden Transcripts New Haven: Yale University Press, 1990.

label these people "the working class". The situation had not yet fully developed in which such a term would be appropriate. Thus the broad applicability of the concept of everyday resistance is not in its power to indicate the growth of class consciousness, at least not entirely in this context. Where Scott's argument is appropriate is in its relevance to the problem of power and resistance. It is peculiarly satisfying to encounter a thesis which contends that power is never one-sided, but is an ongoing contest between the various factions involved in its implementation and continuation.

Nevertheless, both Scott's subjects and the Upper Canadian dispossessed were subject to rigid control, and neither had any real possibility of ameliorating their situation. There are also significant differences. The institutional setting is quite unlike that of peasant agriculture. Nevertheless, the investigation of everyday resistance can be a significant part of exploring lives subject to a variety of dominations. It can be a means of reducing the emphasis on the state and looking at the people themselves:

...the historiography of class struggle has been systematically distorted in a state-centric direction. The events that claim attention are the events to which the state and ruling classes accord most attention in their archives...The small rebellion may have a symbolic importance for its violence for its revolutionary aims but for most subordinate classes historically such rare episodes were of less moment

than the quiet, unremitting guerilla warfare that took place day-in and day-out.<sup>10</sup>

This is the real importance of resistance in the institution and on the Native Reserves. I am not attempting to suggest that those resisting conspired to bring down the state by a process of steady erosion. Instead, the sentiments of the general population were reflected at all levels of society, even the lowest. The dislike of the elites' arbitrary exercise of authority was part of the conflict which occurred in the institution. It was not solely confined to direct confrontation such as occurred in the Rebellion of 1837.

An important component in the conflict found in the institution was the staff. They too were subject to the "re-forming" process, although more indirectly. As penitentiary guards and superintendents of the workhouse, they were required to enforce discipline while supposedly maintaining a certain level of decorum themselves. Asylum attendants were burdened with serving as models of respectability for patients while working in sometimes almost intolerable conditions. Neither guards nor attendants were members of the elite or an aspiring elite group; they tended to be drawn from the working poor and were often only too familiar with the kinds of lives led by their charges before their institutionalization. There is enough evidence in the

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<sup>10</sup> James Scott, "Everyday Forms of Peasant Resistance", p. 5.

available records to suggest that institutional staff were engaged in a war of resistance separate from that of the inmates, and just as petty.

The situation on the Native Reserves was somewhat different. Natives were not incarcerated, although they were definitely removed from society, supposedly for their own good. They too were under the direction of Family Compact members who had found themselves secure niches in the Indian Department's bureaucracy. Although the First Nations were dispossessed, in fact more so than any other marginalized group, they had a clear sense of their own identity and fought vigorously to retain it. The various aboriginal Nations mounted the most determined and coordinated campaign of resistance of any segment of the "underclass", although it was still one that falls into the category of "weapons of the weak". The state's response to the Native effort was one of retaliatory coercion. This is not of itself surprising. Its implications for the study of resistance are portentous, however:

...individual acts of foot-dragging and evasion reinforced often by a venerable popular culture of resistance, and multiplied many-thousand fold may, in the end, make an utter shambles of the policies dreamed up by...would-be superiors...The state may respond in a variety of ways. Policies may be recast in line with more realistic expectations. They may be retained but reinforced with positive incentives aimed at encouraging voluntary compliance. And, of course, the state may simply choose to employ more coercion. Whatever the response, we must not miss the fact that

the action...has thus changed or narrowed the policy options available."<sup>11</sup>

In each case considered, and especially in the case of relations between Natives and the Indian Department, policies did change, sometimes as a result of everyday resistance and sometimes not. The important point is that everyday resistance was a vital part of plebeian culture. Attention to this aspect of workers' and the "underclass's" lives can only help to broaden an understanding of their lived experience.

The relationship between masters and men was determined by the association of both with the means of production. I have no wish to fall into the trap of claiming that class had the same economic basis in 1835 that it did in 1895, or for that matter, in 1997. The pre-1850 era in Canada has been described as one of "primitive accumulation", in which small manufacturing and "agrarian petty capitalism" were dominant.<sup>12</sup> With these qualifications, it seems safe to quote a definition of class which suits my purposes better than most:

[Class] is fundamentally an objective relationship to the means of production. Those who work for wages, lack decisive control over their conditions of labour, produce a surplus for others who own the physical

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<sup>11</sup> Ibid., p. 8.

<sup>12</sup> Gregory Kealey, "The Structure of Canadian Working-Class History" in W.J.C. Cherwinski and Gregory S. Kealey (eds.), Lectures in Canadian Labour and Working-Class History St. John's: Canadian Council on Labour History, 1985, pp. 25-26.

environment of production and its tools as well as working-class time on the job -- these people and their familial dependants, who nurture and reproduce on a daily and generational basis the power and personnel that do all of this, are the human material of the working class. Being of the working class thus presumes a relationship to those people who are not, as well as a relationship to surroundings and things, from buildings and technologies to paycheques. However well remunerated, it entails specific alienations and many anxieties.<sup>13</sup>

This was nevertheless hardly the period in which class consciousness was fully developed. The "proletariat" did not come into being until 1850-1890, during which their presence was central to the building of the capitalist state in Canada.<sup>14</sup>

Yet while I endorse the position that class and material conditions are closely linked, class cannot solely be defined by these parameters. Class is also determined by lived experience; "in lived reality, class is not a category but actual social relations that exist between people. The essential premise of Marx's materialist method is that we must begin from the real activities of human beings as they work and live."<sup>15</sup> An aspect of life common to all workers and those on the fringes of society during mid-century was the threat of institutionalization. They were incarcerated

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<sup>13</sup> Bryan D. Palmer, Working-Class Experience: Rethinking the History of Canadian labour, 1800-1991 (Second edition) Toronto: McClelland and Stewart Inc., 1992, p. 22.

<sup>14</sup> Palmer, Working-Class Experience (2nd edition), p. 70.

<sup>15</sup> Joey Noble, "'Class-ifying' the Poor: Toronto Charities 1850 - 1880" Studies in Political Economy: A Socialist Review No. 2 (Autumn 1979), pp. 109-110.

in the penitentiary if they stole to survive; if they were destitute and deemed to be so because of moral laxity, they became inmates of the workhouse; if "insane" or socially deviant in some way -- meaning that their behaviour did not conform to expected norms -- they were put away in the asylum. For Upper Canada's aboriginal peoples, who were often erroneously seen as "deviant" or thought of as lacking in moral fibre, and were destitute more often than not, the situation was even more dire. They were removed from society altogether and placed on reservations where contact with whites was limited and they were expected to learn civilized behaviour.

Lived experience, however, has its limitations and problems. The major difficulty facing anyone doing the history of working peoples and the marginal is that of sources. When this is narrowed down to the part of the population subjected to institutionalization, the obstacles become even greater. For the most part, the sources do not speak for themselves. Instead, the documents that remain are written in the voice of officialdom. The occasional carefully-recorded instance of defiance does permit some measure of insight, although the bias of the recorder must always be considered.

The embryonic "lower class" was a group whose lives were largely controlled by their relationship to the means of production. They worked for a wage -- when they could

get work -- and very rarely owned the means of production themselves. Those who did, were likely to be struggling farmers, artisans, or shopkeepers, whose chances of making a decent living were precarious at best. They were increasingly confronted with the sleek, self-satisfied elite, whose wealth and power rankled with the struggling and dispossessed.

The 1837 Rebellion in Upper Canada has drawn considerable attention from historians interested in the Family Compact and the narrative of battle. The Rebellion's various social ramifications have not. The structure of institutions in Upper Canada, which bore a remarkable resemblance to that of society as a whole, and the somewhat surprising coincidence of their creation in the years leading up to and immediately following the Rebellion, ought to give pause to students of the period. It is all too easy to dismiss the bickering and conflict in the institution as simply part and parcel of institutional life. But what is important about Upper Canadian means of segregative control is the men who created and ran them, the people who lived in them, and their tension-ridden relationship.<sup>16</sup>

Despite the challenges of looking at institutions and the Native reserve system and their inmates, this type of

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<sup>16</sup> The phrase "segregative control" is borrowed from Russell Smandych, who as far as I know coined the term and is the only person to use it. See Russell Smandych, "The Upper Canadian Experience with Pre-Segregative Control", PhD. dissertation, University of Toronto, 1989.

work has much to offer as a possible background to a developing social history. It illumines a hitherto largely unexplored aspect of plebeian culture in Canada. Institutions of segregative control -- the asylum, the workhouse, the prison, the reserve -- were all starkly real to Upper Canada's marginal population and formed an important part of their life experience. Marginality was central to a developing working class. The history of workers need not focus solely on trade union organization and strikes. A worker's life does not consists only of the time he or she spends on the job. For many men and women, particularly in the nineteenth century, the experience of not working, or its likelihood, was also an ever-present reality. At this point, the worker became a threat to social stability. The destitute, the criminal, the "socially deviant" -- all represented a potentially disruptive element. Especially in the colonial period, the Native population was a threat to government aspirations for the quick settlement of the province, a prerequisite to class formation.

The Upper Canadian state, such as it was, then, did not regard the marginal groups with equanimity. Although the state in the 1830s was only beginning to come into itself, there were certain distinct features which bear mentioning briefly. The government was largely in the hands of imperial appointees or the Family Compact and its

supporters. These men regarded those below their "rank" as rabble and treated them with contempt and a certain measure of apprehension. For their part, the "rabble" thought of the elites as grasping, corrupt opportunists. The mutual antipathy of these two groups deepened into overt hostility in the years leading up to the Rebellion. This was a time when the powerful began casting about for a means to lessen the possibilities of social disorder and secure their own positions in the process:

...the rise of the state in Canada was clearly related to the development of class differentiation, specific class interests, and, at certain points, the critical necessity to contain and regulate, in ways that would be perceived as legitimate, the threatening possibilities of working-class resistance.<sup>17</sup>

The study of the rise of the institution is meant to address a gap in the historiography of nineteenth-century Ontario, namely the division between the issues of state formation and "cultural analysis". Although the state does operate at a remove from the day-to-day lives of ordinary people, it ultimately affects them deeply. Attempts to close the gap between the two have to battle, however, against historiographical tradition:

...the history of self-developing ideas, or simply ahistorical and unempirical, cultural analysis has usually had little room for consideration of state regulation. There is a persistent empiricism in histories of culture - providing rich resources but

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<sup>17</sup> Palmer, Working-Class Experience, (2nd edition), op. cit., p. 18.

dangerously reproducing a conventional separation of cultural reality from material life.<sup>18</sup>

The state, as represented by the institution, was thus a part of marginal peoples' lives, and the history of their experience cannot be separated from the larger historical picture.

The means of segregative control employed in the mid-nineteenth century extend to virtually every aspect of life. Furthermore, most of them seem to have been aimed at the working population of the province. Schools, hospitals, reformatories, homes for delinquent children, orphanages, asylums -- all fall under this purview. I have chosen to focus on four such structures of order: the workhouse; the penitentiary; the Native Reserve; and the insane asylum. These were the earliest devised means of separating the underclass and "deviant" from the population at large. Although the Reserve system did not physically incarcerate Native people, it had restricted their movement, attempted to alter their behaviour, and dictated their living conditions, all under the guise of making them into "better" people. All four had their origins in the pre-Rebellion era. All were governed by men with close ties to the original Family Compact who later came into conflict with the forces of the market economy as represented by the

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<sup>18</sup> Philip Corrigan and Derek Sayer, The Great Arch: English State Formation as Cultural Revolution New York: Basil Blackwell, p. 2.

entrepreneurial class. Finally, all sought to "reform" their inmates in some way, either insidiously or directly.

The historiography is dealt with separately in each chapter, but a few words seem in order at this point. Generally, the historical writing on the question seems divided over whether segregative control was "progress" or simply coercion with a sugar coating. Those who argue for "progress" and the benevolent intent of the institution appear in some cases to be guilty of wilful blindness. Even the most superficial research reveals that institutions were fraught with corruption and abuse; however much progress is revered, this history can hardly be disguised. Benevolence may have been the intent of some of those who pioneered the institution, but it soon became overshadowed by other purposes. That said, separating the underclass from the general population is generally agreed to have been an innovative means of dealing with social problems -- in fact, it is a method still practised today (although cutbacks are now euphemistically placing the emphasis on "community care") with varying degrees of success.

This dissertation deals with each of the "problem" populations in turn. Chapter One sets the stage by looking at the conflicts which were present in contemporary society, with an eye to how this context affected the ultimate direction of the institution and the Reserve system. This includes the 1837 Rebellion. Chapter Two deals with the

creation of the underclass -- how the elites and charity providers shaped their perceptions of the dispossessed into a form for which the institution became the only means of reclaiming them. Chapters Three through Six are concerned with the workhouse, the penitentiary, the Reserve system, and the insane asylum respectively. All examine how the particular population came to be "housed" in the institution as well as the operations of each. Throughout, the emphasis is on the tension between a supposedly benevolent paternalism and the unmistakable coercion which became the defining mark of the institution.

The peculiarities of the personnel, the hostilities between various social groups, the paternalism of the elites in the 1820s and 30s -- all of these found their way into the structures of the institution. It would be far too facile to put the onus of responsibility for social conflict on the Family Compact, attributing to them the blame for an intolerable situation, or to castigate William Lyon Mackenzie for his unusually shrewd political opportunism. The issue is far more complex than that. The advent of capitalism, although not fully developed in its preliminary form of the market economy, was also an important factor. Capitalism directly threatened the elites as well. Deference, hierarchy, and paternalistic relationships with the worker were all increasingly redundant and problematically pointless under capitalism.

Whatever the cause, Upper Canada changed from a society run by self-styled aristocrats with a relatively quiescent, mostly agricultural economy, to one in which elites, aspiring elites, and workers were often in conflict with each other. "Class conflict", such as it was, became a decided reality during the post-Rebellion era. The Family Compact did its utmost to retain its position, even embarking on a conservative backlash of sorts, but never quite enjoyed its unequivocally privileged position again.

## Chapter One

### Rebellion, Cultural Change, and the Institution: 1837 Reconsidered

#### Introduction

The question today is not between one reigning family and another, between one people and another, between one form of government and another, but a question between privilege and equal rights, between law sanctioned, law fenced in privilege, age consecrated privilege, and a hitherto unheard-of power, a new power just started from the darkness in which it has slumbered since creation day, the Power of Honest Industry.<sup>1</sup>

Good God!! what ignorant, interested, and unfeeling men they must have been, who could have allowed the lawyers, thus at will, to riot on the poverty, misery, and distress of Upper Canada...<sup>2</sup>

These two opinions of Upper Canada's situation in the 1830s, both from the pen of William Lyon Mackenzie, summarize the province's social conflict of which the 1837 Rebellion was a part. The clash between entrenched privilege and "honest industry" was present beyond the Rebellion and permeated the socio-political aspects of Upper Canadian life.

One of these aspects was the institution. Especially striking to students of nineteenth-century prisons, asylums,

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<sup>1</sup> William Lyon Mackenzie, the Constitution July 26, 1837; quoted in Margaret Fairley, The Selected Writings of William Lyon Mackenzie, 1824-1837 Toronto: Oxford University Press, 1960, p. 218. Emphasis in original.

<sup>2</sup> William Lyon Mackenzie, The Legislative black list of Upper Canada, or Official corruption and hypocrisy unmasked York (Toronto): Colonial Advocate, June 8, 1828, p. 2. CIHM Microfilm, Special Collections, Stauffer Library, Queen's University.

and the like, is the perpetual conflict within these structures. Managers quibbled with Directors, staff with management, and inmates with staff and Directors with each other. Part of the friction was the inevitable jockeying for position which occurs in any large organization. However, institutions in Upper Canada had an added dimension of tension which was rooted in the historical context surrounding the political inception of old Ontario. They were viewed as the most efficient means of segregative control; but besides that, they were the battlegrounds of the old elite against the forces of the market economy and the dispossessed.

The old elites, members of the Family Compact and their hangers-on, had initiated institutions and the Aboriginal reserve system in part as a means of containing the social threat from the underclass. The "new order" were men who sought to supplant the established elite. They were not particularly interested in radical reform -- instead, they wanted to enjoy the economic and political power over which their opponents had so long exercised a monopoly. Both eventually found themselves at odds with the province's working population and its marginal element. Although nominally powerless, the latter especially were a problem that mere charity could neither contain nor control. The working or respectable poor, although often not incarcerated in institutions, took on the roles of asylum attendants,

penitentiary guards, and superintendents of Houses of Industry. The policies which dictated their behaviour in these positions were designed to ensure that their comportment conformed to "genteel" standards.

Not just the social divisions, but the ideology of the time of the Rebellion, found its way into the segregative institutions. Paternalism and all it implied, the hallmark of entitlement, collided with the obstacles erected by the market economy. Capitalism cared little for the notions of mutual obligation, deference and the rest. It was more concerned with ensuring that potential workers were obedient, punctual and self-disciplined. In most cases, "honest industry" had other ideas. Inmates of institutions and the native population found paternalism and capitalism almost equally oppressive. Both impinged on their liberties and neither were willing to make concessions.

It is not my aim in this chapter to recapitulate the events of the Upper Canada Rebellion. Others have done so. Instead, my intention is to examine the convictions of both sides of the Rebellion: the government or "Constitutionalist" side (as it was known to contemporaries) and that of Mackenzie and his followers, or the "Reformers". The call for institutions began before the Rebellion. This chapter argues that it was the social conflict of the period which prompted a call for means to eliminate or reduce the likelihood of similar problems in the future.

The approach to the question is partially grounded in Philip Corrigan and Derek Sayer's statement that "state formation is itself cultural revolution...The repertoire of activities and institutions conventionally identified as 'the State' are cultural forms...".<sup>3</sup> If there can be said to have been a "revolution" in the cultural or ideological sphere in Upper Canada, then 1837 was probably it. While the actual uprising itself was abortive, the ideas which became significant in the time period and the changes in perception they created mark a significant turning-point. The appearance of the institutions and the Reserve system are manifestations of the transition. To quote Corrigan and Sayer again,

...the arcane rituals of a court of law, the formulae of royal assent to an Act of parliament, visits of school inspectors, are all statements. They define, in great detail, acceptable forms and images of social activity and individual and collective identity; they regulate, in empirically specifiable ways, much...of social life.<sup>4</sup>

In the same way, the rules and regulations so crucial to the life of the institution were indicators of what the Upper Canadian state expected of its inhabitants.

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<sup>3</sup> Philip Corrigan and Derek Sayer, The Great Arch: English State Formation as Cultural Revolution London: Basil Blackwell, 1992, p. 3. By "institution" I understand the authors to mean "traditions", not the physical institutions.

<sup>4</sup> Ibid., p. 3.

### Historiography of the Rebellion

The historical writing about the Rebellion is marked by a conceptual void. For the most part, historians' accounts are grounded in narrative rather than analysis, treading the familiar path of causes, events, aftermath. The details of the battle of Yonge Street have been subjected to the proverbial historical fine-tooth comb. Much that really needs to be said about that inauspicious fracas was later summarized by Mackenzie himself:

Gentlemen of influence, who had pledged to join us, and even the executive who had commanded us to make the premature and unfortunate movement, neither corresponded with us nor joined us. To explain their conduct was beyond my power. It discouraged many, and thinned our ranks.<sup>5</sup>

The historiography of the Rebellion tends to be somewhat biased. Notable among those authors favouring the leader of the Reform movement is Charles Lindsey's William Lyon Mackenzie. Lindsey was Mackenzie's son-in-law, which may have been what prompted him to write such a fulsome hagiography.<sup>6</sup> John Charles Dent's work, The Story of the

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<sup>5</sup> William Lyon Mackenzie, Mackenzie's Own Narrative of the Late Rebellion Ottawa: The Golden Dog Press, 1980, p. 15.

<sup>6</sup> Charles Lindsey, William Lyon Mackenzie Toronto: Morang and Co. Ltd., 1908. A few other works on the Rebellion include J.C. Dent, The Story of the Upper Canada Rebellion Toronto: n.p., 1885; Fred Landon, Western Ontario and the American Frontier Toronto: Carleton Library, No. 34, 1976; Gerald M. Craig, Upper Canada: The formative Years 1784-1841 Toronto: McClelland and Stewart Inc., 1963/1993; David Flint, William Lyon Mackenzie: Rebel Against Authority Toronto: University of Toronto Press, 1971; Colin Read, The Rising in western Upper Canada, 1837-1838: The Duncombe Revolt and After Toronto:

Upper Canadian Rebellion, in contrast, is characterized by considerable enmity toward Mackenzie. Later historians have tended to rely on one or the other of these works as the basis for their own. William Kilbourn's The Firebrand: William Lyon Mackenzie and the Rebellion in Upper Canada, is one of those which take Lindsey at face value,<sup>7</sup> as is Stanley Ryerson's Unequal Union. Ryerson's work looks at Canada's progress toward Confederation from a Marxist viewpoint. The Rebellions were an important part of this process, Ryerson argues, because they marked a widespread recognition of the division between the elites and the developing "bourgeoisie".<sup>8</sup> Also focusing on the idea that growing class conflict and economic dissatisfaction were at the Rebellion's core is Leo Johnson's chapter on the subject in his History of the County of Ontario.<sup>9</sup>

There are some works available on the Reform movement itself. Among them are G.M. Craig's "The American Impact on the Upper Canadian Reform Movement before 1837", as well as Graeme H. Patterson, "Whiggery, Nationality, and the Upper

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University of Toronto Press, 1982.

<sup>7</sup> William Kilbourn, The Firebrand: William Lyon Mackenzie and the Rebellion in Upper Canada Toronto: Clarke, Irwin, 1956.

<sup>8</sup> Stanley B. Ryerson, Unequal Union: Confederation and the Roots of Conflict in the Canadas, 1815-1873 n.p.: Progress Books, 1968, pp. 106-109.

<sup>9</sup> Leo A. Johnson, History of the County of Ontario: 1615-1875 Whitby, Ontario: Corporation of the County of Ontario, 1973.

Canadian Reform Tradition".<sup>10</sup> As the centre of the Reform uprising, Mackenzie has long exercised a fascination over historians, perhaps as much for his irascible personality as for his political views. Lillian Gates has written several pieces on Mackenzie. Among them are her "The Decided Policy of William Lyon Mackenzie", which tries to defend the Reformer from charges that he was a political opportunist and a manipulator of the common people.<sup>11</sup> Margaret Fairley's selection of Mackenzie's writings from the Advocate, among others, portrays him as a crusader for justice.<sup>12</sup>

Paul Romney has written several pieces on Mackenzie and the progress of the Rebellion. His work on Mackenzie as mayor of Toronto looks at Mackenzie as part of the larger struggle within the province for the mastery of power

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<sup>10</sup> G.M. Craig, "The American Impact on the Upper Canadian Reform Movement before 1837" Canadian Historical Review Vol. 29 No. 4 (December 1948), pp. 333-352; Graeme H. Patterson, "Whiggery, Nationality, and the Upper Canadian Reform Tradition" Canadian Historical Review Vol. 56 No. 1 (March 1975), pp. 25-44. See also Eric Jackson, "The Organization of Upper Canadian Reformers, 1818-1867" Ontario History Vol. 53 No. 2 (June 1961), pp. 95-115; P. Burroughs, ed., The Colonial Reformers and Canada, 1839 - 1849 Toronto: McClelland and Stewart, 1969.

<sup>11</sup> Lillian F. Gates, "The Decided Policy of William Lyon Mackenzie" Canadian Historical Review Vol. 40 No. 3 (September 1959), pp. 185-208. See also by the same author "Mackenzie's Gazette: An Aspect of W.L. Mackenzie's American Years" Canadian Historical Review Vol. 46 No. 4 (December 1965), pp. 323-345.

<sup>12</sup> Margaret Fairley, ed. The Selected Writings of William Lyon Mackenzie, 1824-1837 Toronto: Oxford University Press, 1960.

against the tumultuous background of the 1830s.<sup>13</sup> A later article by Romney is much more satisfying, both in terms of theoretical grounding and hard evidence. It does what no other published piece has even attempted, trying to understand the principles that guided the Upper Canadian elite and how these principles affected their actions. Primary among them, he argues, was the "rule of law". Its violation was tantamount to a betrayal of the English Constitution, which the elites purportedly held sacred. Such a betrayal of principle occurred during the "types riot" when a gang of thugs (who Romney identifies as members of the Juvenile Advocate Society) broke up W.L. Mackenzie's presses and threw his type into Lake Ontario.<sup>14</sup>

This incident has usually been relegated to the status of an annoyance for Mackenzie, not crucial to the larger picture. For Romney, however, the types riot marks the true start of the events that progressed toward the Rebellion:

The types riot was a betrayal of the ethos of superior

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<sup>13</sup> Paul Romney, "William Lyon Mackenzie as Mayor of Toronto" Canadian Historical Review Vol. 56 No. 4 (December 1975), pp. 416-436.

<sup>14</sup> Paul Romney, "From the Types Riot to the Rebellion: Elite Ideology, Anti-legal Sentiment, Political Violence, and the Rule of Law in Upper Canada" Ontario History Vol. 79 No. 2 (June 1987), pp. 113-144. Other articles by Romney on this topic include "The Ordeal of William Higgins" Ontario History Vol. 67 No. 2 (June 1975), pp. 69-89; "From the Rule of Law to Responsible Government" CHA Historical Papers (1988), pp. 86-119; "The Rule of Law in Upper Canada" in W. Wesley Pue and B. Wright, eds. Canadian Perspectives on Law and Society: Issues in Legal History Oxbridge: Cambridge University Press, 1988.

civility that alone could justify the claim of upper Canada's professional and administrative elite to social pre-eminence. That claim...depended on the notion that claimants possessed a special sensitivity to the principles of civilized intercourse. The culprits' recourse to brute force had vindicated Mackenzie's contention that the claim rested on mere unjustified presumption.<sup>15</sup>

Romney's point is a telling one. It was the clash of ideologies, and as he points out, sometimes their very obvious betrayal, which propelled the Rebellion forward. The convictions of both sides are essential to an understanding of the Rebellion; but their examination is precisely what is missing from most of the historiography, or is only present marginally.

Allan Greer's article, "1837-38: Rebellion Reconsidered", posits a new explanation of the events. Greer takes issue with the standard interpretation of 1837 as "a single, unilateral act" and "merely reactive: normal, unremarkable, unproblematic."<sup>16</sup> What Greer wants to do is look at the larger context of the Rebellion; rather than focus simply on the actors, he argues, historians need to pay attention to the general temper of the times, the interplay of forces, as it were, which generated the circumstances leading up to and affecting the Rebellion. One of the ways he suggests that this could be accomplished is by examining the connection of the Upper Canada Rebellion

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<sup>15</sup> Romney, "Types Riot", p. 130.

<sup>16</sup> Allan Greer, "1837-38: Rebellion Reconsidered" Canadian Historical Review Vol. 76 No. 1 (1995), p. 5.

to events in Lower Canada. The latter preceded the Upper Canada uprising and had a profound effect on both Mackenzie's thoughts and actions.<sup>17</sup> Although Greer does a reasonable job of comparing the Lower and Upper Canadian rebellions, he does not tie them together as well as might be expected, nor does he really conceptualize the problem satisfactorily. Instead, he falls back on narrative. Nevertheless, his basic point is one that merits consideration. The attempt to broaden the scope of the Rebellion by examining the larger context is one of the underlying themes of this dissertation.

#### **The History of the Rebellion: Abuses of Power**

The causes of the 1837 Rebellion date as far back as 1792, when Britain, in formulating the Constitutional Act of that year, wanted to ensure that the American Revolution would not repeat itself in Canada. Ordinary men and women were therefore permitted little say in the government; "...an appointed upper house, the Legislative Council, and a lieutenant-governor, appointed by and responsible to the British government, had also to approve legislation". The lieutenant-governor had the assistance of the Executive Council, which was also a brake on the legislative

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<sup>17</sup> Ibid., p. 7.

assembly.<sup>18</sup> Until the War of 1812, the government was able to function without major dissension, but fears of potential disloyalty among American settlers led to the passage of the Alien Bill. This was meant to prevent Americans from holding office -- and thereby subverting the government -- but instead it raised resentment over the unfair privileges enjoyed by the ruling group, the so-called "Family Compact".<sup>19</sup> Anger with the oligarchical nature of the Family Compact's rule was also directed at the denial of recognition to any other than the established churches, as well as the Crown and Clergy Reserves. The latter made prime land unavailable to settlers while enriching the government and the Anglican Church.<sup>20</sup> Over time, residents of Upper Canada also became annoyed that the Americans seemed to be enjoying far greater progress and wealth than they were themselves.<sup>21</sup>

Mackenzie himself thought Upper Canada's discontents were not just immediate to this time, but had their roots in the beginnings of the province. For example, he pointed out that Robert Gourlay had been the first to take issue with

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<sup>18</sup> Colin Read and Ronald J. Stagg, The Rebellion of 1837 in Upper Canada: A Collection of Documents Toronto: The Champlain Society, 1985, pp. xxi-xxii.

<sup>19</sup> Ibid., p. xxiii.

<sup>20</sup> Ibid., p. xxv.

<sup>21</sup> Desmond Morton, A Short History of Canada Edmonton: Hurtig Publishers, 1983, p. 35.

the incompetence of Upper Canada's administration, and had been banished from the province for his pains. However, Mackenzie assigned the Family Compact's abuses of power the major portion of blame, commenting, "the system of exclusiveness and the merciless persecution of all who refuse to bend the knee to the narrow-minded policy and arbitrary power of the Family Compact, the consequent favouritism; and the baneful spirit of monopoly' with countless evils beside...". All of these, Mackenzie argued, arose as a result of the "presumption" of the Province's privileged families,<sup>22</sup> as well as the insufferable arrogance of the government itself. In 1836, the new Lieutenant-Governor, Sir Francis Bond Head, arrived in Upper Canada and proceeded to exacerbate existing hostilities.

Mackenzie had a solid foundation on which to base his accusation. One of the most obvious abuses of power was the multiplicity of government positions held by members of the Family Compact. His "Legislative Black List" revealed some uncomfortable truths about men in positions of influence. Christopher Hagerman was one of the worst offenders. He was a "Custom House Collector; Bridge Director; School Trustee; a Judge in Johnstown District Court, member of the Board of Education; Provincial aide-de-camp; Colonel of

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<sup>22</sup> Mackenzie, Narrative of the Late Rebellion, op. cit., p. i.

Militia...(Brother-in-law to Judge Macaulay)."<sup>23</sup> If Hagerman had been the only example of multiple office-holding, Mackenzie might not have been quite so angry. But he was not. As Paul Romney has commented, "...to contemporaries, the outrages appeared as merely the tip of the iceberg...". For the Reformers, political corruption, sinecures, nepotism, and other abuses epitomized the "civil inequity" that was an established practice of the 1820s and 30s.<sup>24</sup> In other words, the abuses were merely a symptom of the complete and utter inadequacy of the Upper Canadian government, which Mackenzie blamed on the misuse of patronage.<sup>25</sup>

One of the ways in which the Lieutenant-Governor and his followers damaged their reputations was through dubious electioneering practices. Determined to win the 1836 election, the Tories, with the willing assistance of the province's Orangemen, engaged in "unconstitutional violence and outrage, practised and sanctioned by Sir F. B. Head". Observers, among them Charles Duncombe, argued that the

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<sup>23</sup> W.L. Mackenzie, Legislative Black List, op. cit., p. 5.

<sup>24</sup> Paul Romney, "Types Riot to Rebellion", op. cit., p. 114.

<sup>25</sup> See Document IV: 3, "William Lyon Mackenzie's Seventh Report on Grievances, 1835" in J.M. Bliss, (ed.) Canadian History in Documents, 1763-1966 Toronto: The Ryerson Press, 1966, p. 38.

violence worsened an already intolerable situation.<sup>26</sup> Even some well-established and reputable members of government had some doubts about Bond Head's abilities. Robert Baldwin sorrowfully commented, "...The conduct of the Executive Government cannot indeed be too strongly condemned - They are hastening the crisis which I would earnestly wish to see avoided - I suppose they do not see it..."<sup>27</sup> Baldwin was a correspondent of Charles Duncombe's<sup>28</sup> and had acted for Mackenzie in his legal proceedings against the destroyers of his printing press.<sup>29</sup>

For his part, Bond Head saw nothing at all wrong with the way his government operated. The Family Compact, which the Reformers found so obnoxious, Bond Head claimed was

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<sup>26</sup> Document #A17: "Charles Duncombe's petition to the House of Commons" [Public Record Office (PRO) CO 42, V. 437, p. 32, microfilm in PAO] in Colin Read and Ronald J. Stagg, (eds.) The Rebellion of 1837 in Upper Canada: A Collection of Documents Toronto: The Champlain Society, 1985, p. 24. See also Sean T. Cadigan, "Paternalism and Politics: Sir Francis Bond Head, the Orange Order, and the Election of 1836" Canadian Historical Review Vol. 72 No. 3 (1991), especially p. 320, which argues for the centrality of Bond Head's role in the 1836 election; and S.F. Wise, "Kingston Elections and Upper Canadian Politics, 1820-1836" Ontario History Vol. 57 No. 4 (December 1965), pp. 205-225.

<sup>27</sup> Document #A19: "Robert Baldwin to W.W. Baldwin, Cork, Ireland, 24 September 1836" [MTRL, W.W. Baldwin Papers, V. B105, pp. 151-54] in Read and Stagg, Documents, pp. 28-29.

<sup>28</sup> See, for example, Document #A18: "Charles Duncombe to Robert Baldwin, Charing Cross, England, 15 September 1836" [MTRL, Robert Baldwin Papers, Section I], in Read and Stagg, Documents, p. 27.

<sup>29</sup> Paul Romney, "Types Riot to Rebellion", p. 131.

essential to the maintenance of social order. He noted that the presence of an "aristocracy" had been a crucial ingredient in stable European governments. Far from seeing the Family Compact as a self-serving group of men, Bond Head instead praised them as "those members of...society who, either by their abilities and character have been honoured by the confidence of the executive government, or who, by their own industry and intelligence, have amassed wealth".<sup>30</sup> Nothing could have been calculated to enrage the Reformers more.<sup>31</sup>

Bond Head justified his opposition to the Reformers' ideas by arguing for the necessity of preserving elite rule as the only means of preventing social collapse. At one point in the struggle with the Reformers, he wrote, "That I was sentenced to contend on the soil of America with Democracy, and that if I did not overpower it, it would

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<sup>30</sup> Document IV: 4 "Francis Bond Head in Defence of the Family Compact" in Bliss, Canadian History in Documents, op. cit., p. 43.

<sup>31</sup> Gerald M. Craig claims that the Reformers' quarrel was not with Bond Head himself, but with his political weakness, epitomized by the power he had willingly handed over to the Family Compact. Craig, Upper Canada: The Formative Years 1784-1841 Toronto: McClelland and Stewart Inc., 1963/1993, p. 201. However, Reformers were unhappy with the Family Compact long before Bond Head became Lieutenant-Governor; as well, the contemporary documents do seem to indicate that Reformers did reserve at least part of their ire for Bond Head himself.

overpower me, were solemn facts...".<sup>32</sup> This was hardly someone likely to accede to demands for a government not based on the exercise of patronage. Oddly enough, Bond Head thought that he was doing his job well. "I have stated to your Lordship that the instructions you gave me to correct the grievances of this country had the effect of breaking to pieces the republican party. The loyal feeling which is now rising up to support me in all directions is greater than I dare describe."<sup>33</sup>

Shortly after his election to the House of Assembly in 1836, Mackenzie served notice to Sir Francis Bond Head that he was not going to be a quiescent backbencher. He pressed the lieutenant-governor for "information which the House of Assembly failed to obtain by its addresses of last year, altho' in all the cases there has been time enough given to the proper departments..."<sup>34</sup> Bond Head could hardly have been delighted to oblige, since the items on which Mackenzie requested information bear a striking resemblance to those

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<sup>32</sup> Sir Francis Bond Head, A Narrative Toronto: MacClelland and Stewart, 1969 (Originally published Toronto: R. Stanton, 1839), p. 40.

<sup>33</sup> Ibid., p. 50.

<sup>34</sup> William Lyon Mackenzie to John M. Joseph, Esq., Secretary to His Excellency the Lieutenant-Governor; House of Assembly, February 5, 1836. Public Archives of Canada (Hereafter PAC), Civil Secretary's Correspondence, Upper Canada Sundries, February 1836, (RG 5, A 1, Volume 162), p. 88,314.

mentioned in his Report on Grievances.<sup>35</sup> Perhaps to strike terror into Bond Head's heart, Mackenzie casually observed at the letter's close, "...it may happen that I will have frequent occasion to address you on public matters".<sup>36</sup>

So strong was Bond Head's aversion to democratic reform that he characterized as traitors all those who called for it. In writing to Lord Glenelg, the Colonial Secretary, he noted with disgust the Reformers' demands for an elected Legislative Council, a responsible Executive Council, legislative control of public revenue, and non-interference by Britain's Parliament and Colonial Office in Upper Canada's internal affairs.<sup>37</sup> Bond Head believed that Mackenzie's Grievance Report and similar documents were "...subversive of all discipline, and totally irreconcilable with the allegiance due from its colonies to the British Empire".<sup>38</sup> He went so far as to attempt to tie the maintenance of oligarchical rule in Upper Canada to the health of the British Empire as a whole:

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<sup>35</sup> Specifically, Mackenzie demanded information on the disposal of Post Office revenue; the Talbot settlement; the dilatoriness of government departments and of the Lieutenant-Governor himself; the inaccessibility of the Legislative Council; concerns about activities of local government; and the unnecessary expense which such delays created. Upper Canada Sundries, *ibid.*, RG 5 A 1, Vol. 162, pp. 88,314-319.

<sup>36</sup> *Ibid.*, p. 88,320.

<sup>37</sup> Bond Head, Narrative, *op. cit.*, p. 59.

<sup>38</sup> *Ibid.*, p. 56.

...if this colony be firmly secured, not only will the rest be maintained, but I believe every intelligent individual in the United States foresees that democracy must ere long produce, by a revolution in that country, the identical form of government (I mean a monarchy, which it is endeavouring to overturn in this province).<sup>39</sup>

Bond Head constantly reassured the British government that the Reformers' position was an untenable one, not just because of its threat to the social order, but because it lacked any real support. Instead, he claimed that reasonable and thoughtful men were far more likely to support him than Mackenzie, since they were well aware of the dangers of democracy.<sup>40</sup>

#### **Reformers and Constitutionals: The Division of Interests**

That Bond Head had unqualified support prior to the Rebellion cannot be entirely true. For one thing, there are the numerous petitions he received concerning the Executive Council and the "political state of the Province". From January to late May of 1836, a period of only five months, seventy-two petitions with a total of 27,496 signatures arrived from almost every settled township and county in the

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<sup>39</sup> Ibid., p. 52.

<sup>40</sup> Document #A6: "Sir Francis Bond Head's Reply to an Address of Home District Electors" [Upper Canada Gazette, Toronto, quoted in Correspondent and Advocate, Toronto, June 8, 1836] in Read and Stagg (eds.) Documents, p. 10. See also Bond Head, Narrative, pp. 51, 46, 28.

province.<sup>41</sup> Nor do contemporary writings or events bear out Bond Head's claims of heartfelt popular support. The "Reformers of Toronto", for example, countered Bond Head's description of Upper Canada as a "land of pestilence and famine" with, "We know of no pestilence besides that of your Excellency being surrounded by parasites and sycophants who will sacrifice the best interest of the province to secure their own aggrandizement...".<sup>42</sup> Then there were the Reform societies which sprang up throughout the province. The Albion Union of Boltontown had no sooner declared itself in existence than it was involved in an armed struggle with the local Tories.<sup>43</sup> Societies or "political associations" were also formed in Vaughan,<sup>44</sup> Whitby,<sup>45</sup> Sparta,<sup>46</sup> Richmond,<sup>47</sup>

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<sup>41</sup> "List of Addresses Presented to His Excellency Sir Francis B. Head, KCH, up to the 25 May 1836 -- having reference to the Executive Council, and the political state of the Province." PAC, Civil Secretary's Correspondence, Upper Canada Sundries, May 1836 (RG 5, A 1, Volume 166) pp. 90,861-863.

<sup>42</sup> Document #A7: "Reformers of Toronto to Sir F.B. Head, 1 June 1836" [Correspondent and Advocate Toronto, 8 June 1836] in Read and Stagg, Documents, p. 13.

<sup>43</sup> Document #A54: "The Battle of Albion" [Constitution, Toronto, 16 August 1837] ibid., p. 67.

<sup>44</sup> Document #A57: "Anti-Coercion Meeting in Vaughan 19 August 1837" [Constitution, Toronto, 23 August 1837] ibid., p. 69.

<sup>45</sup> Document #A60: "The Whitby Meeting 14 September 1837" [Patriot Toronto, 6 October 1837] ibid., p. 73.

<sup>46</sup> Document #A61: "The Bayham Meeting 23 September 1837" [Patriot Toronto, 6 October 1837] ibid., p. 75.

Westminster,<sup>47</sup> and other places.

Some reform societies met with disapproval from people who proclaimed their loyalty to the British Constitution and Bond Head. Tory opponents of the Reformers were not above using physical force to quell their foes. At Richmond, a pitched battle erupted between the two sides:

The meeting was organized at Richmond ... It had been reported that the Radicals would be hunted off the ground - and they accordingly provided themselves with sticks. The aforesaid Tisdal struck a Reformer and then boasted he could whip any one of them. His challenge was instantly accepted by a Mr. Cook, who thrashed him to his heart's content in less than two minutes. Another reformer was struck at the same time with a brick and a club, then the battle became general and the Tories fell in all directions...the ruffians had thus succeeded in raising a tremendous riot...<sup>48</sup>

Violence was seen by some Tories as the only way to stop Reformers. The latter were prepared to fight to the bitter end, as was recorded in this letter to Mackenzie from John Talbot:

Some of the good folks in these parts are about to form Political Unions...The Tories in this part of the parish are beginning to think that something must be done to satisfy the reformers or - they must be put down at the point of the bayonet! or revolution will take place. What think you.<sup>50</sup>

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<sup>47</sup> Document #A62: "The Richmond Riot 23 September 1837" [Constitution, Toronto, 4 October 1837] *ibid.*, p. 77.

<sup>48</sup> Document #A65: "The Westminster Reform Meeting 6 October 1837" [Constitution, Toronto, 25 October 1837] *ibid.*, p. 83.

<sup>49</sup> Document #A62: "The Richmond Riot", *ibid.*, p. 77.

<sup>50</sup> John Talbot to William Lyon Mackenzie, November 21, 1837, St. Thomas, Upper Canada. PAC, Civil Secretary's Correspondence, Upper Canada Sundries, November 1837, (RG

Other Tories decided to form their own political associations. They too suggested that reforms were needed in government, but always specified that they had no desire to overturn the existing order and were determined to quash any attempt to do so.<sup>51</sup> The defence of the British Constitution and British government was the ostensible motive for their declarations of loyalty. Describing the administration of Upper Canada as "paternal, just, and equitable", Thomas Rolph claimed that it had brought nothing but good to the province:

I am quite convinced that in the space of one month there is not a township from Cornwall to Sandwich, that would not meet to express their gratitude, satisfaction, and approbation of the happy political condition in which they live, and of the paternal solicitude of your Excellency in forwarding their interests, promoting their happiness, and furthering every public improvement which appears calculated to enhance the prosperity and ensure the lasting wealth and influence of the province.<sup>52</sup>

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5 A 1, Volume 179), p. 98,852.

<sup>51</sup> Document #A64: "The Westminster Tory Meeting 6 October 1837" [Gazette, London, quoted Patriot, Toronto, 13 October 1837] in Read and Stagg, Documents, p. 81. A similar organization in Kingston declared its intention to work for reform "consistent with the Supremacy of the British Government". PAC, Civil Secretary's Correspondence, Upper Canada Sundries, November 1837 (RG 5, A 1, Volume 179), p. 98,589.

<sup>52</sup> Thomas Rolph to Sir John Colborne, December 16, 1835, Ancaster, Upper Canada. PAC, Upper Canada Sundries, December 1835 (RG 5, A 1, Volume 160), pp. 87,412-413. Despite his surname, Thomas Rolph was in the Tory camp; he had been employed by the government to travel the province and interview settlers for the purpose of writing a guide for emigrants. Thus Rolph's sentiments were quite sincere.

### Upper Canada's Economic Crisis

Paternalism was not always beneficial to the province. By late 1836, Upper Canada was in the grip of a severe economic crisis. Crop failures were partially to blame, but the administration's short-sightedness and its general incompetence were also significant. The Family Compact had promoted improvements to the province's infrastructure, but financed them through "subscriptions and loans" to companies with close links to itself and the executive branch of government.<sup>53</sup> The Bank of Upper Canada also came under fire for nepotism and the misuse of its monopoly.<sup>54</sup> Making matters worse was the suspension of "specie payments" in response to an international monetary crisis.<sup>55</sup> Economic difficulties helped to increase support for Mackenzie and the Reformers, who seized the opportunity to remind producers and working people that it was they who felt the pinch the most. Mackenzie contended that the banks had treated farmers badly, but had themselves received an inordinate amount of assistance from their friends in government.<sup>56</sup> Contemporaries remarked on farmers' hardships,

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<sup>53</sup> Gerald M. Craig, Upper Canada: The Formative years 1784-1841 op. cit., p. 159.

<sup>54</sup> Ibid., pp. 162-163.

<sup>55</sup> Read and Stagg, Documents, Introduction, p. xxix.

<sup>56</sup> Leo A. Johnson, History of the County of Ontario: 1615-1875 Whitby, Ontario: Corporation of the County of Ontario, 1973, p. 117.

noting, for example, that "in many places there is great distress and absolute famine..."<sup>57</sup>

Farmers and labourers were not the only ones adversely affected by Upper Canada's economic troubles. Although Toronto's entrepreneurs proudly noted in 1832 that their city was the equal of Montreal in commercial growth,<sup>58</sup> by 1834 they began to complain of hard times.<sup>59</sup> Things were dire indeed by 1837; banks began refusing to issue payment. One man wrote, "Yet as of old we live upon faith and worthless paper..."<sup>60</sup> The more politically shrewd were quick to recognize the political ramifications of the crisis. William Proudfoot, a clergyman with Reform connections, happily remarked, "The Liberal party is becoming more confident and the Tories more quiet than they

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<sup>57</sup> Document #A42: "John Macaulay to Ann Macaulay, Toronto, 7 July 1837" [PAO, Macaulay Papers] Read and Stagg, Documents, p. 46.

<sup>58</sup> Document #B42: "Trade and the Growth of the Town of York" [York, Courier of Upper Canada, October 20, 1832], pp. 75-76; See also Document #B49: "'Increasing Improvement of York, Upper Canada'" [Montreal, Canadian Courant, October 12, 1833], pp. 82-85. Both in Edith Firth, ed. The Town of York 1815-1834: A Collection of Documents Toronto: The Champlain Society, 1966.

<sup>59</sup> Document #B54: "Robert Stanton to John Macaulay" [PAO, Macaulay Papers, York, 8 January 1834]. Stanton wrote, "Business is dull, and money scarce, and if I mistake not, trade is overdone among us." Firth, Town of York, p. 89.

<sup>60</sup> Document #A37: "John Grubb to Mr. Wilson, Etibicoke, 7 October 1837" [Queen's University Archives, typescript, History of the Grubb[e] Family, Letterbook, pp. 84-85] Read and Stagg, Documents, p. 44.

have been for some time back...".<sup>61</sup>

Mackenzie could not have anticipated the crop failures, nor the distress that followed. He was astute enough, however, to take the opportunity that thus presented itself to point out not only the great disadvantages under which working men and women laboured, but the contrast between them and the elite. While differences arising from wealth were the obvious ones, Mackenzie also claimed that the two groups had entirely different perceptions and ideologies.<sup>62</sup> As early as 1831, he had trumpeted his indignation with the province's inequitable socio-economic situation:

You [people of Upper Canada] complain that your interests are sacrificed in order to promote the interests and augment the profit, pleasure, and immediate advantage of a few...the prevalence of individual interests over the general welfare is the fatal defect of this government.<sup>63</sup>

Mackenzie rarely lost a chance to let the province's workers know that the wealthy thought they were degraded. "The Tories tell continually of your 'ignorance, selfishness, habits of subjection, and want of union'; they call you

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<sup>61</sup> Document #A35: "Currency Scarce Around London" [University of Western Ontario, Proudfoot Family Papers, Proudfoot Diary 27] Read and Stagg, Documents, p. 43.

<sup>62</sup> Document #A37: "W.L. Mackenzie on the Financial Crisis" [Constitution, Toronto, 7 June 1837]; and Document #A34: "W.L. Mackenzie on Taxes" [Constitution, Toronto, 12 July 1837] Read and Stagg, Documents, p. 40, and pp. 40-43 respectively.

<sup>63</sup> "To the People of Upper Canada" [Colonial Advocate, 2 June 1831] in Margaret Fairley, The Selected Writings of William Lyon Mackenzie 1824-1837 Toronto: Oxford University Press, 1960, pp. 191-192.

'rabble' and trust that you will act as if you were such..."<sup>64</sup>

Mackenzie was not one to be outdone in a war of words. He derided the wealthy landowners of the province as "hard-hearted, arrogant, oppressing and tyrannical". This was bad enough, but he went on to argue that the elites were markedly lacking in respect for "...farmers -- styled 'peasantry', clowns, rustics, etc., by them, and upon mechanics -- styled the lowest order, as if they both belonged to the brute creation".<sup>65</sup>

As the Reformers gathered support, the language of their opponents became increasingly derogatory. Reportage of the "Bayham Meeting", for example, stressed the uncouth nature of Reform's adherents: "...not one among the motley crew could audibly read the resolutions which Mackenzie had transmitted for their adoption -- and certainly a more unintellectual, ignorant and murderous-looking set of vagrants could not be gleaned from the most worthless of this District..."<sup>66</sup> In short, they were the kinds of people that one would expect to find in prisons, in workhouses, and

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<sup>64</sup> "To the Mechanics and labourers of Toronto" [Advocate, 20 March 1834] Fairley, The Selected Writings of William Lyon Mackenzie, p. 208.

<sup>65</sup> Document #A20: "'The Curse of the Canada Company' -- A. Van Egmond" [Constitution, 4 October 1836] Read and Stagg, Documents, p. 30.

<sup>66</sup> Document #A61: "The Bayham Meeting, 23 September 1837" [Patriot, Toronto, 6 October 1837] Read and Stagg, Documents, p. 77.

as beggars.

### **Social Divisions**

Even allowing for the prejudices of the government's supporters, there is evidence to support the contention that Reformers were either producers, labourers and workers, or were people on the verge of slipping into marginality. A description of the Newmarket Reform meeting observed, "...at least 20 of the [?illegible] party... were not worth more than the clothes they stood in, most of them were young lads, all strangers to Newmarket...".<sup>67</sup> Read and Stagg have provided short biographies of people named in contemporary documents, which aids in identifying the nature of Mackenzie's support. Their descriptions indicate that the bulk of Reformers were indeed working poor, artisans and farmers.

Attendees of the Toronto Political Union included the following men: James Bolton, a carpenter; James Armstrong, either a prosperous merchant/manufacturer from Kingston or a saddler of the same name; R. McIntosh, the captain of a lake steamer; Joseph Elliot, a labourer; James Hunter, a tailor; Mr. Reed, a reformer and Scot who worked as a bank clerk; James Shannon, a shoemaker; Dr. John Edward Tims, an Irish

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<sup>67</sup> "Memorandum regarding an arm'd meeting which took place at Newmarket on Saturday 18th November 1837" (signature obscured) to J. Joseph Esquire. PAC, Civil Secretary's Correspondence, Upper Canada Sundries, November 1837 (RG 5, A 1, Vol. 179), p. 98,908.

physician; Archibald Laurie, owner of a "wholesale and retail dry goods store"; David Gibson, a surveyor; Edward Wright, a tailor; Elisha Reynolds, a printer; William Ketchum, a tanner; and of course, John Montgomery, the owner of Montgomery's Tavern.<sup>68</sup> There is no way of knowing how many anonymous, illiterate men and women attended the Reform meetings. John Montgomery, incidentally, received an anonymous threatening letter complete with a drawing of a hanged man in the lower left-hand corner:

Among your party there are many who are playing a double game -- you are endangering your life by mixing with such treacherous scoundrels...All the meetings and what is said at them is known here. There are many who pretend to be your friends will they say have their property back from you and your Father, they do not forget that you never charged less than Ten per Cent they are ready to hang you like a dog although while you think them your friends. Think of your wife and children and have nothing to do with men who would rejoice to ruin you. Now mind you may never have another friendly hint.<sup>69</sup>

Although elite ideology and self-perception is relatively evident, that of the lower orders is less so. Mackenzie's supporters included artisans, farmers, tradesmen, and labourers, who were not members of the underclass,

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<sup>68</sup> Document #A47: "Resolutions of the Toronto Political Union, 27 March 1837" [Constitution, 12 April 1837] Read and Stagg, Documents, footnotes, pp. 50, 52, 63.

<sup>69</sup> Anonymous letter to John Montgomery, Tavern, Yonge Street, (undated) PAC, Civil Secretary's Correspondence, Upper Canada Sundries, November 1837, (RG 5, A 1, Vol. 179), pp. 98,680-682. Grammar and syntax verbatim from original.

regardless of what the elites said about them.<sup>70</sup>

A few things are clear from their actions, however. The lack of land appears to have been one of the chief grievances for many of the province's working people. One man, William Neal, openly expressed his disappointment with the land-granting process. He had emigrated to Upper Canada in 1825 but had been unable to procure a grant of land:

...altho' repeated applications have been made, the last information...received was that no land could be given by the government, understanding that land will now be given to discharged soldiers and sailors. Your Petitioner once more applies in hope that his claims may be taken into consideration -- he is greatly distressed with a family of small children consisting of seven, and his health is on the decline so much so, that he has been incapable of working these three years past...<sup>71</sup>

The more educated members of the Reform contingent came under attack from the Family Compact for their gullibility and susceptibility to Mackenzie's rhetoric. "The immaculate William Warren Baldwin" was the subject of S. McCall's scorn for his endorsement of a "factious document" from the Upper Canada Constitution Reform Society. McCall appears to have had a poor opinion of Reformers in general, observing

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<sup>70</sup> Incidentally, statistical returns of nineteenth-century institutions do indicate that farmers, labourers and artisans made up the vast majority of the inmate population. Inmates listed as having no occupation, or as "labourers", may well have worked in a trade before illness, old age, or insanity rendered them unemployable.

<sup>71</sup> Petition of William Neal to Sir Francis Bond Head, November 15, 1837. PAC, Civil Secretary's Correspondence, Upper Canada Sundries, November 1837 (RG 5, A 1, Vol. 179), p. 98,746.

acidly, "any person of ordinary experience, whose mind is free from Political prejudice, can on the first view detect the false and erroneous statements which, all the documents originating from that faction contain...".<sup>72</sup>

Both sides evidently regarded each other with much hostility. The violence of the rhetoric from Mackenzie is representative of his mindset as well as his desire to gain support for his cause; but even taking this into account, he and the Reformers as a whole had little respect for the Family Compact. Their anger, however, was chiefly directed at the inefficiency of government and the sheer stupidity of those in power. For their part, the governmental forces were scornful and contemptuous. They railed against Mackenzie's ideas when they threatened their own comfortable positions while choosing to emphasize the intellectual and social inferiority of their opponents.

The divide between Reformers and government was a very real one, which was generated by government incompetence and corruption. The Family Compact, however, feeling themselves -- and their sinecures -- threatened, had no concrete target. Their ridicule of their opponents served to drive the two sides even further apart. The conflict became characterized by an "us and them" mentality. The recognition

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<sup>72</sup> S. McCall to Sir F.B. Head, Vittoria, June 15, 1836. Emphasis in original. PAC, Civil Secretary's Correspondence, Upper Canada Sundries, June 1836 (RG 5, A 1, Vol. 167), p. 91,379.

of the two sides' differences became explicit through the efforts of people like Mackenzie and Charles Duncombe. They also helped to shatter the paternalistic vision of Upper Canada begun by Sir John Colborne. The farmers, mechanics, and labourers were no longer willing to accept as a given the idea that they were subject to the rules of a rigid hierarchical order.

Perceptive men did indeed recognize that the chance to make something of oneself was a distinguishing feature of life in Upper Canada. It was attractive to those at the lower levels of society, but distinctly threatening to its aspiring "gentry". No longer bound to their masters, as they had been in Britain, labourers and the poor abandoned their subservient role which had figured so prominently in their lives. Leo Johnson has argued that a "crisis in social relations" occurred as a result. His assertion is supported by the reflections of Susanna Moodie, written a few years prior to the Rebellion:

The unnatural restraint which society imposes upon these people at home forces them to treat their more fortunate brethren with a servile deference which is repugnant to their feelings, and is thrust upon them by the dependent circumstances in which they are placed. This homage to rank and education is not sincere. Hatred and envy lie rankling at their heart, although hidden by outward obsequiousness. Necessity compels their obedience; they fawn and cringe, and flatter the wealth on which they depend for bread...<sup>73</sup>

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<sup>73</sup> Susanna Moodie, Roughing it in the Bush 6th revised edition (Toronto, 1913) pp. 245-50; quoted in Leo A. Johnson, History of the County of Ontario, op. cit., p. 97.

Moodie went on to argue that once the opportunity to free themselves arose, workers would take every possible opportunity to wreak havoc on their superiors and smash the whole hierarchical edifice. Her claims might be somewhat exaggerated, given that her husband fought on the government side during the Rebellion, but they nonetheless convey the feeling of threat so often associated with the lower orders.

Alison Prentice has noted that the mid nineteenth-century in Upper Canada was a time when conceptions of society underwent a profound change. The "multi-level, hierarchical and rather static structure of interdependent ranks", which hints at a certain amount of social harmony, was thought to have collapsed entirely. In its place there was a perception that society consisted of only two classes, the wealthy and the poor, who were constantly at each other's throats.<sup>74</sup> Prentice's argument tallies with the "us and them" dichotomy so noticeable in both the pre-Rebellion years and in the institution. Unfortunately, it leaves out the middling classes, who seem to have aligned themselves with the upper ranks of society, but only when it suited them to do so. A modification of Prentice's argument would seem to be in order. Society clearly became divided, but the middle class, which was rather nebulous at this point, found itself subsumed in larger conflicts.

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<sup>74</sup> Alison Prentice, The School Promoters: Education and Social Class in Mid-Nineteenth-Century Upper Canada Toronto: McClelland and Stewart, 1977, p. 67.

### Rising Aspirations and Discontent

Stanley B. Ryerson assigns to the middling classes the name of the "rising native bourgeoisie".<sup>75</sup> According to Ryerson, these were men whose interest in political reform was accompanied by demands for a more accessible educational system, religious equality, and an end to colonial regulation and restriction of the market.<sup>76</sup> These points eventually appeared in the declarations of Upper Canada's Reform Societies.<sup>77</sup> They also were present in petitions of the House of Assembly to Bond Head.<sup>78</sup>

The importance of the "native bourgeoisie" can also be seen in Mackenzie's suggestion that merchants and lawyers (although not all lawyers) would make suitable Reform candidates for the House of Assembly.<sup>79</sup> Merchants in

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<sup>75</sup> Stanley B. Ryerson, Unequal Union op. cit., p. 106.

<sup>76</sup> Ibid., pp. 117-119.

<sup>77</sup> See, for example, Document #A1: "'A Loyal Reformer' to the Liberal 6 February 1836" [Liberal, St. Thomas, 18 February 1836] Read and Stagg, Documents, p. 3; Document #A7: "Reformers of Toronto to Sir F.B. Head, 1 June 1836" [Correspondent and Advocate, Toronto, 8 June 1836] Read and Stagg, Documents, pp. 10-13; and especially "Proclamation by William Lyon Mackenzie, Chairman pro. tem. of the provincial Government of the State of Upper Canada" December 13, 1837" CIHM Microfilm, Special Collections, Stauffer Library, Queen's University.

<sup>78</sup> House of Assembly to Sir F.B. Head, "truly extracted from the Journals" signed James Fitzgibbon Clerk of Assembly, Toronto, May 13, 1836. PAC, Civil Secretary's Correspondence, Upper Canada Sundries, February 1836 (RG 5 A 1 Vol. 162), pp. 88,550-556.

<sup>79</sup> PAC, Upper Canada Sundries, June 1836 (RG 5, A 1, Vol. 167), p. 91,185.

particular craved a free and open market, and resented the monopoly of the Family Compact on positions of power. They later became the men who fought against the vestiges of the Family Compact in the institutions, and who hoped to implement reforms consistent with the needs of the market economy for docile, obedient workers. These were men uninterested in the exercise of paternalistic control. Unfortunately for Mackenzie, only the small merchants and shopkeepers had any real interest in supporting his version of Reform; these were men largely without influence, although their principles were in the right place. The more wealthy merchants, who might have lent Mackenzie's cause some credence, were largely in favour of controlling workers rather than allowing them to become self-reliant.<sup>80</sup>

#### **Social Aspirations, Power, and the Institution**

All three social groups, and the ideas which they embodied, were present both in the Rebellion and in the later struggle for the control of the institution. The conflict between them took on an added dimension in the institution. To some extent, the struggle in the institution over power and its control has more of a class formation overtone than does that of the Rebellion itself. The Rebellion was fought over the abuse of power, whereas the situation in the institution centred on the uses of power to

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<sup>80</sup> Leo A. Johnson, County of Ontario, op. cit., p. 113.

create social differences. Nonetheless, the connection between the two rests in the recognition of power as instrumental to the establishment of social norms. In the institution, an imitation of the market economy operated to regulate inmate behaviour.

During the 1820s and '30s, the Family Compact acted to protect its interests and drove the farmers and workers even farther away from established authority. By treating the lower orders with scorn, the elites helped to alienate them and further Mackenzie's cause. The workers were more of a force to be reckoned with than the elites had first realized. As support for the Reform movement grew, so did the realization that the "bumpkins and clowns" were a threat.

The middle group, merchants, entrepreneurs, and aspiring industrialists, are more difficult to pin down precisely than the other two. The best possible explanation for their "in-between" status would seem to be that they had their own agenda and that they were as yet relatively few in number. Men of this description appear as supporters both of the Reform movement and of Upper Canada's government.<sup>81</sup> Ryerson argues that the "bourgeoisie" did not really want to become part of a revolutionary uprising. One of its goals, he claims, was the acquisition of power while maintaining

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<sup>81</sup> See footnotes in Read and Stagg, Documents, some of which are cited above, for brief descriptions of individuals.

the colonial status quo. Rather than back either side in the dispute, these elements were more inclined to make a deal with either the Colonial Office or the Compact.<sup>82</sup>

Ryerson's contention does not stand up to close examination. It presupposes a coherence of purpose, which was obviously lacking, judging by the support given by diverse individuals to either side.

The foregoing is not meant to discount the importance of capitalism's influence in class formation. Rather, it offers an additional perspective on the process which is unique to Upper Canada. Not all countries or times develop in the same way; the historical context necessarily has some effect on the process. In Upper Canada, it would appear that the tensions which led to the Rebellion helped harden antagonisms that were given more clear expression during the progress of capitalism.

Although the middling classes seemed unable to decide where their loyalties lay precisely, elites and workers divided along clearly marked lines. The elites in particular believed in their own worth and way of life; so much so, that they had tried to transplant eighteenth-century society in its entirety from Britain to the wilds of Upper Canada. Starting with Lieutenant-Governor Colborne, their ideal had been a strictly ordered, hierarchical society, in which everyone knew his or her place and showed due respect to

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<sup>82</sup> Ryerson, Unequal Union, p. 115.

social superiors. Accompanying their inherent belief in their own superiority, however, was a disturbing contempt for the less fortunate. The poor and otherwise marginal were derided as illiterates who had to be prevented from destroying themselves.

### **Paternalism, Respectability and the Institution**

Paternalism played a definite role in both the Rebellion and in the maintenance of order in the institution. Whereas paternalism in the 1820s and 1830s was closely linked to the idea of social obligation and deference, in the institution it took on a new dimension. It was still one of the guiding principles of the institutions' operations, but its counterpart, deference, was replaced with the idea of "respectability". Of course, proper obeisance to one's superiors was part of respectability, but the term also embodied such notions as cleanliness, self-discipline, thrift, and godliness. Paternalism became a watchword for the way in which upper management conducted itself as well as a power relationship.

For inmates of the penitentiary and the workhouse, respectability was an achievement that ensured success in life on the outside. For the insane under the moral therapy regimen, respectability was closely linked to a cure. A person was judged "recovered" if he or she conducted himself or herself in a manner deemed acceptable by those in charge.

In many respects, normality paralleled respectability. For Natives on Reserves, respectability was under the guise of "civilization". As so-called savages who hunted for survival, "worked" irregularly if at all, dressed barbarically, and did not worship the Christian God, the First Peoples were judged sub-human. Once civilized, however, the image was reversed; they farmed instead of hunted, professed adherence to the Christian faith, and generally exhibited all the virtues associated with middle-class status.

Respectability, while it played such a large role in the means of segregative control, has come to be regarded as the very hallmark of the Victorian-era middling classes. Perhaps the best and clearest definition of contemporary notions of respectability comes from Alison Prentice, who defines it as associated with certain character traits:

...refined manners and taste, respectable religion, proper speech, and finally, the ability to read and write proper English. In addition, both the concept and actual possession of private property were sometimes portrayed as distinguishing not only civilized from savage societies, but within a given social order, the respectable from the lower classes.<sup>83</sup>

#### Continuities between Rebellion and the Institution

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<sup>83</sup> Alison Prentice, The School Promoters, p. 68. For a different interpretation of respectability, see Peter Russell, Attitudes to Social Mobility in upper Canada 1815-1840 Queenston: The Edwin Mellen Press, 1990. Russell partially defines the degree of a person's respectability by the number of servants one was able to afford.

The arrogance and suffocating paternalism of the Family Compact; the overwhelming demand for "respectability" incorporating the idea of worker malleability; the hot resentment of the lower orders for the arbitrary exercise of power -- all found their way into the newly-established institutions of segregative control.

The men who initiated the project had some leanings toward social reform of one kind or another. Nevertheless, they too were classifiable as "elites", just of a different stripe. Hugh C. Thomson, Kingston's first MLA, was the first to suggest publicly the need for a penitentiary, but the idea had long been popular among men who were concerned about rising crime and the security of their own property. Charles Duncombe is generally credited with making the idea of a provincial lunatic asylum a reality. Yet long before Duncombe's involvement in the issue, the Magistrates of the Home District had pressed the legislature to take action with regard to the nuisances created by lunatics. As for the workhouse, Bishop Strachan, who acted as mentor to the majority of the Family Compact's members, was one of the motivating forces behind the creation of the Toronto House of Industry. The Reserve system and the project of civilizing its inhabitants grew out of the Indian Department's desire to keep the natives quiescent, as well as the well-intentioned but misguided beliefs of missionaries.

Reform, then, was not the sole factor which brought the means of segregative control into existence. The question then becomes, how did the Rebellion affect this project? This can be answered in two ways; first by giving clearer expression to the hostilities that had been germinating for some time; second, by incorporating the ideology present at the time of the Rebellion into the structure of the institutions themselves. This chapter has been an attempt to demonstrate the veracity of the first statement; the rest of the work is an indication of how the clash of ideas played itself out in the institution. Although the Rebellion was effectively quelled, the ideas about power which led to its eruption were not.

There still remains the problem of how the ideology found its way into the institution. Leaders of the Rebellion, however, had been effectively removed from public life. Those that were caught were either jailed, exiled, or executed.<sup>4</sup> Reform had been transformed into a much attenuated version of its former self. The "moderates", whom Ryerson describes as "men of the right wing of the old Reform movements", became the leading voice for change. It

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<sup>4</sup> Leo A. Johnson, County of Ontario, p. 121. Samuel Lount and Peter Matthews, two of the key figures in the uprising, went on trial for treason. In what seems like a singularly ill-advised move, their lawyer counselled them to "...plead guilty and ask for clemency on the grounds that they had been encouraged to act as they had by the oppressive political circumstances of the time". They were found guilty and hanged. Johnson, *ibid.*, p. 123.

was a style of Reform that would have irked Mackenzie and other like-minded men. The new "Reformers" were largely self-interested businessmen who sought their own advancement. They were content to maintain the status quo. The only real change they wanted was the full implementation of the market economy, with themselves in control of the process.<sup>85</sup>

For all the talk about the "progressive" nature of the institution, in the Upper Canadian context it was anything but. Asylums and the like were managed by members of the Family Compact or men who had close ties to it. The presence of the vestiges of the old elites and the ambitious entrepreneurs led to noticeable tensions between paternalism and coercive reform, as well as some re-defining of the power relationship. The two clashed so bitterly because they were divided into upper and middle management respectively. The elites of the Family Compact maintained their superior positions through domination of the inspectorate and the Boards of Directors.

Douglas Leighton has investigated the Indian Department and concluded that there was a remarkable continuity between the periods of military and civilian control. Some of the Department's and the Commission's paternalism arose from the nature of its personnel, many of whom had connections to the Family Compact or were members of it. Leighton has argued

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<sup>85</sup> Ryerson, Unequal Union, pp. 145-146.

that the majority of the Department's Superintendents at this time were men who were Compact Tories. All had similar backgrounds and outlooks. The oldest members of the Department were either British or American Loyalists. Most had had military experience of some kind. All viewed "radicals, Reformers and Americans with equal distaste". They were Anglican to a man, not particularly wealthy, but with definite connections to the powerful. Leighton has concluded that "the connection of the Indian Department with the business and political elite which surrounded it was a close, often personal, one."<sup>86</sup> J.B. Clench, for example, aligned himself with the British Constitutional Society, which supported Bond Head during the Rebellion. He was a veteran of the War of 1812 and later became a clerk in the Indian Department. He had a long career as a superintendent of various tribes which only ended in 1854 when he was found guilty of blatant mismanagement.<sup>87</sup>

A Constitutionalist meeting held in Kingston in

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<sup>86</sup> Douglas Leighton, "The Compact Tory as Bureaucrat: Samuel Peters Jarvis and the Indian Department, 1837-1845" Ontario History Vol. 78 No. 1 ( March 1981), pp. 42-44. See also J.K. Johnson, Becoming Prominent: Regional Leadership in Upper Canada, 1791-1841 Kingston: McGill-Queen's University Press, 1989; David McNab, "Herman Merivale and the Native Question, 1837-1861" Albion Vol. 9 No. 4 (Winter 1977), pp. 359-384 which describes the British government's view of the "Native problem" and how it influenced the decision-making process in Canada.

<sup>87</sup> Document #A8: "Declaration of the British Constitutional Society, Toronto, 10 May 1836" [PAC, Alpheus Jones Papers, Vol. 1 pamphlet.] Read and Stagg, Documents, p. 16.

November of 1837 reveals that some of the attendees were men later active in institutional life. Thomas Kirkpatrick, for example, who succeeded Christopher Hagerman as collector of customs, became warden of the Anglican congregation in 1825.<sup>88</sup> Kirkpatrick appears in the 1842 Report on the Penitentiary as president of the Board of Inspectors of the provincial Penitentiary.<sup>89</sup> Present at the same 1837 meeting was James Sampson, who besides being a physician and the surgeon of the penitentiary for a number of years, held several government positions.<sup>90</sup> Although his conduct toward female inmates came under scrutiny during the Brown Commission, he continued in this post until his death. J.B. Macaulay, too, had been an inspector of the Penitentiary until changed circumstances forced him to resign.<sup>91</sup>

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<sup>88</sup> Kirkpatrick's name appears in a document recording "a very numerous and respectable meeting of the inhabitants of Kingston" held on November 2, 1837. PAC, Upper Canada Sundries, Civil Secretary's Correspondence, November 1837 (RG 5, A 1, Vol. 179) p. 98,895. Kirkpatrick is also identified by Kathryn Bindon in her PhD. dissertation. See Kathryn M. Bindon, "Kingston: A Social History 1785-1830" PhD dissertation, Queens's University, 1979, pp. 443-444.

<sup>89</sup> Appendix "H": Provincial Penitentiary. JLAUC 6 Victoria 1842. Not paginated.

<sup>90</sup> Ibid., Appendix "H", No. 3: Report of the Surgeon, 1842.

<sup>91</sup> J.B. Macaulay to John Joseph, Toronto, December 15, 1836. "In consequence of my removal from Kingston, it becomes proper for me to tender, as I now beg leave to do, my resignation as Inspector of the Provincial Penitentiary...". PAC, Civil Secretary's Correspondence, Upper Canada Sundries, December 1836 (RG 5, A 1, Vol. 173), p. 94,738.

Macaulay's activities support Ryerson's contention about the conservative nature of Reform following the Rebellion. He had been an officer of the Kingston Compassionate Society as well as a supporter of other charitable concerns.<sup>92</sup>

As well as continuity, there is overlap. The Board of Inspectors of Asylums, Prisons, etc. [sic] in 1859 consisted of Wolfred Nelson, J.C. Tache, Donald A. Macdonell, John Langton, and E.A. Meredith.<sup>93</sup> Nelson had been one of two inspectors of the Provincial Penitentiary in 1855.<sup>94</sup> Macdonell had been warden of the Penitentiary following the ignominious departure of Henry Smith. E.A. Meredith later became one of the senior officials of the Indian Department. There are similar overlaps, continuities, and connections with the Family Compact in the administration of the Provincial Lunatic Asylum, particularly in its early years.

This information tallies with what is known about the patronage and advancement process of Upper Canada. Men who aspired to elite status exerted themselves to become clients of the powerful in hopes of attaining a position of power

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<sup>92</sup> Bindon, "Kingston: A Social History 1785-1830", pp. 45-56.

<sup>93</sup> Appendix #32: "Preliminary Report of the Board of Inspectors of Asylums, Prisons, etc., 1859" Canada, Sessional Papers Vol. 18 No. 4, 23 Victoria 1860, p. 22.

<sup>94</sup> Appendix #10: "The Annual Report of the Inspectors of the Provincial Penitentiary, for the Year 1855". JLAUC, 19 and 20 Victoria, 1856. Not paginated.

themselves.<sup>95</sup> Josiah Taylor wrote to his Colonel that he was doing all he could to procure some kind of government appointment: "I have also since the arrival of Sir Francis Bond Head...made an attempt to bring myself into his notice, in an application of some Civil appointment or Emolument, laying down my Military as well as Civil claims for favourable consideration...".<sup>96</sup> Men were so anxious to procure either a civil or military appointment not just because of the status it would convey, but because it often meant that one had a much better chance to receive further appointments of a similar kind and increase one's social standing and wealth.<sup>97</sup>

### Conclusion

The continuity of conflict over the exercise of power had existed prior to the Rebellion thus were present in the institution. In part, this was the result of the presence of men whose ideas about power and paternalistic control of the unfortunate dated back to the eighteenth century. The

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<sup>95</sup> See S.J. Noel, Patrons, Clients, Brokers: Ontario society and politics, 1791 - 1896 Toronto: University of Toronto Press, 1990.

<sup>96</sup> Josiah Taylor to Colonel Rowan, Perth, Upper Canada, October 25, 1837. PAC, Civil Secretary's Correspondence, Upper Canada Sundries, September-October 1837, (RG 5, A 1, Vol. 178), p. 98,412.

<sup>97</sup> J.K. Johnson, Becoming Prominent: Regional Leadership in Upper Canada, 1791-1841 Kingston and Montreal: McGill-Queen's University Press, 1989, pp. 79, 83.

poor and marginalized were regarded both with sympathy and with the desire to make them into more respectable elements of society in order to lessen their status as sources of potential social disruption. The institution became the instrument through which this was to be accomplished. The rising entrepreneurial class, whose interests lay mainly with the furtherance of capitalism, emerged as both the opponents and supporters of the elites in the institutions. Their role in the institution bears a striking resemblance to that which they played during the Rebellion.

The declaration that 1837 was a dramatic "turning point" in Canada's history deserves much more close attention than it has hitherto received. The Rebellion itself was a damp squib. But the ongoing conflict over power and its uses, which existed before, during, and after the Rebellion, had enormous repercussions for later years. Historians have pointed to the Rebellions as the first step down the path to responsible government, which is certainly an important aspect of the Rebellion, although not covered here. Still, the effect of the Rebellion on the whole social climate of Upper Canada has been given short shrift.

The institution did not come into being solely because it seemed like a good idea at the time. Its existence was linked to the historical events and the people who developed it and became its inmates. Social divisions were developing during the Rebellion era, which contributed to the breakdown

of a harmonious graduated hierarchy.

## Chapter Two: The Creation of the Underclass

Bridget F...She was not out of bed when the Visitor called at 2 p.m. yesterday, Sunday. Acknowledged that she was on the spree last night, looks and speaks as if she had taken a hair of the dog that bit her, this day. Captain Elmsley cannot recommend such a case.<sup>1</sup>

Amelia J...A widow with three children. Boy 16, and girl 14, and boy 9. Mrs. J. was not at home when visitor called but saw the eldest girl, who in reply to enquiries, said she had been out in service and hopes to get another place shortly. The place looked very clean and tidy, and they seemed a very respectable family.<sup>2</sup>

Bridget and Amelia represented the two types of poor in nineteenth-century Canada. The "deserving" poor struggled to retain an aura of respectability, thus earning themselves the approval of the powerful. Like Amelia, they kept their persons and houses clean, and professed themselves eager to work. The "undeserving poor", in contrast, shocked the privileged by their laziness and drunkenness. They were also thought to take advantage of their benefactors at every opportunity. Any assistance rendered to them therefore had to be in a form that would not encourage vice. Systematic charity distributed through a House of Industry was believed to be one of the means of ensuring the good behaviour of the

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<sup>1</sup> Case no. 1005, Monday December 31, 1860. Minutes for the Years 1860-61, Toronto House of Industry, "Visitors' Recommendations", p. 114. Box 1, Toronto House of Industry Records, (Hereafter THI) SC 35C, City of Toronto Archives (Hereafter CTA).

<sup>2</sup> Case no. 662, July 30, 1869. Minutes for the Years 1867-69 and 70, "Visitors' Recommendations", p. 253. THI, SC 35C, Box 2, CTA.

poor.<sup>3</sup>

The poor were thus subtly, yet inexorably, slotted, stereotyped and made into "outsiders" and set apart from the respectable, English-Scot, Anglican and Presbyterian settlers.<sup>4</sup> For their part, the respectable classes could and did set themselves up as models of propriety: they were church-going, abstemious, clean, and hardworking. The deserving poor had many attributes of the genteel. They attended church regularly and were often characterized as "industrious", "steady excellent worker", and the like.<sup>5</sup> The women were good housekeepers, whose homes were noticeably

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<sup>3</sup> In Britain, private charity and almsgiving was thought to encourage improvidence and laziness among beggars. See Gareth Stedman-Jones, Outcast London: a study in the relationship between classes in Victorian society Oxford: Clarendon Press, 1971, p. 245. See also Lynne Marks, "Indigent Committees and Ladies' Benevolent Societies: Intersections of Public and Private Poor Relief in Late Nineteenth-Century Small Town Ontario" Studies in Political Economy Vol. 47 No. 2 (Summer 1995), pp. 61-88. Marks notes that in Belleville, "...women were considered more suitable than men to distribute charity, not because they were more nurturing and compassionate, but because they were more tightfisted and careful in the distribution of public money". Marks, "Indigent Committees..." p. 73.

<sup>4</sup> Joey Noble, "'Class-ifying' the Poor: Toronto Charities 1850-1880" Studies in Political Economy: A Socialist Review No. 2 (Autumn 1979), p. 110.

<sup>5</sup> However, the Medical Officer at one point expressed some concern that the poor were exaggerating their illnesses and commented that they had "altogether feigned" disability in order to receive relief. Annual Report, 1870, Medical Officer's Report, Toronto House of Industry. Toronto: Rowswell and Ellis, 1871. Toronto House of Industry Records, Baldwin Room, Metropolitan Toronto Reference Library (Hereafter THI-MTRL).

neat and clean. The family, or elderly individuals, appeared to be making genuine attempts to maintain standards in the face of adversity.

The undeserving poor, however, were notorious for their failure to live up to notions of respectability, and their behaviour was sometimes interpreted as defiance. They were spendthrift; their penury supposedly resulted from a failure to save money when they were employed. Contemporaries decried the practice of giving aid to the improvident while there were many who, on the same wages, appeared able to manage well. Nevertheless, charity-providers decided that "to remove the hardships and inconveniences of impecuniosity...would cut at the root of all that is excellent and estimable in character"; in short, it would do away with one of the main reasons for hard work.<sup>6</sup> Even if work were available, the undeserving poor were thought likely to avoid it, since they were supposedly "idlers" who

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<sup>6</sup> Extract from the Daily Globe, Toronto, January 26, 1877, quoted in Michael S. Cross, The Workingman in the Nineteenth Century Toronto: Oxford University Press, 1974, p. 195. Savings banks were established specifically for the poor to encourage them to save money, but without much success. See Judith Fingard, The Dark Side of Life in Victorian Halifax Porters Lake: Pottersfield Press, 1989, p. 125, for a discussion of penny savings banks. See also Gregory Kealey, Canada Investigates Industrialism: The Royal Commission on the Relations of Labor and Capital, 1889 Toronto: University of Toronto Press, 1973.

preferred mendicancy to honest labour.<sup>7</sup> The philanthropic did admit, however, that the poor had real difficulty finding work during the winter months.<sup>8</sup>

The poor also differed in their reception of charity, depending on whether they were "deserving" or "undeserving". According to John Howison, the undeserving poor "...abuse and undervalue everything they can obtain without exertion or individual merit, partly because their pride enjoys no triumph in obtaining it, and partly because they suppose that nothing really valuable will ever be gratuitously bestowed upon them."<sup>9</sup> The deserving poor, however, realized that gratitude could only contribute positively to their situation and thus behaved accordingly.<sup>10</sup>

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<sup>7</sup> Toronto House of Industry, Second Report of the Committee for the Relief of the Poor and Destitute of the City of Toronto Toronto: Guardian Office, 1837. THI-MTRL.

<sup>8</sup> Anonymous, Views of Canada and the Colonists by a four years resident, Edinburgh: Adam and Charles Black, 1844, p. 42. See also Judith Fingard, "The Winter's Tale: Contours of Pre-Industrial Poverty in British North America, 1815-1860", CHA Historical Papers (1974), pp. 65-94. Fingard notes that although public works projects employed unskilled labour during spring and summer, when winter arrived the poor became dependent and a social burden.

<sup>9</sup> John Howison, Sketches of Upper Canada: Domestic, local and Characteristic n.p.: S.R. Publishers Ltd., Johnson Reprint Corporation, 1965 (originally published G. and W.R. Whittaker, London, 1821), pp. 64-65.

<sup>10</sup> Mrs. W.D. Powell to George Murray, [Toronto Public Library, Powell Papers] York, October 19th, 1817. Extracted in Edith G. Firth, ed., The Town of York, 1815-1834: a Further Collection of Documents of Early Toronto Toronto: The Champlain Society, 1966, p. 222. Mrs. Powell commented that a woman, whose husband had deserted

One of the most difficult concepts for contemporaries to fathom was the thin line between the "respectable" working poor and the destitute. The precarious state of industrial capitalism meant that the poor could expect periodic interruptions in earnings, usually connected with the changing seasons. Economic fluctuations and depressions, such as that experienced in 1873 in the wake of world-wide economic collapse, also meant that the poor often found themselves without work. Wage levels were such that saving money and providing for lean times was very difficult, if not impossible. A man or woman who was earning a living one day could easily be unemployed the next. For this reason, the producing classes often slid into the "marginalized" or "underclass" very quickly. Nor did contemporaries recognize that poverty, crime, and insanity were symptoms of a larger problem; instead, they blamed the underclass for their own difficulties. "Nineteenth-century social critics...fused crime, poverty and ignorance into interchangeable eruptions of moral pathology..."<sup>11</sup>

#### **Drink and Poverty: The Fatal Connection**

One of the most contentious issues facing those engaged in charity work was alcohol's connection to poverty and

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her, received charity with such deep appreciation that observers could only think that she truly deserved it.

<sup>11</sup> Lydia Morris, Dangerous Classes: The Underclass and Social Citizenship New York: Routledge, 1994, p. 81.

degradation. Drunkenness was seen as the defining mark of the reprobate. The ready availability of drink only exacerbated the situation; the price of whisky was about 7 and 1/2 pence per quart (2.5 litres), "...and many drink it to the ruin of their health and circumstances, not that the expense ruins them."<sup>12</sup>

Nor was it always the poor who were tavern habitues. The relatively well-off, as well as gentlemen who enjoyed wasting their time, were often to be found in the province's public houses.<sup>13</sup> Discharged soldiers also contributed to the problem of public drunkenness. Rather than look after the land granted to them on their discharge from service, they preferred to spend their time drinking. Consequently, "...in a very short time, the great majority of them had sold out their lands for next to nothing, and were wandering about as beggars, thoroughly demoralized and discontented."<sup>14</sup>

Thomas Crothers, the secretary of the American

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<sup>12</sup> "Effect of the Temperance Movement": Thomas Drury, York, Upper Canada, to G. Thompson, Bethnal Green; extract from *Letters from Settlers in Upper Canada* in S.D. Clark, The Social Development of Canada Toronto: University of Toronto Press, 1942, p. 255.

<sup>13</sup> Anna Brownell Jameson, Winter Studies and Summer Rambles in Canada Toronto: McLelland and Stewart Ltd., 1965, p. 41. (Reprint abridged edition). First published 1838 by Saunders and Ottley, London, England.

<sup>14</sup> "Disbanded Soldier Settlers and Intemperance" Extract from Eliot Warburton ed., Hochelaga: Or England in the New World London: n.p., 1847, Vol. I., in S.D. Clark, op. cit., p. 240.

Association for the Cure of Inebriates, demanded permanent incarceration of the "destitute and troublesome" as the only solution to society's problems:

Degenerates have an exceedingly low sense of duty, and conceptions of right and wrong... They are freighted with a peculiar diathesis, which breaks out into either criminality, insanity, inebriety or trampism, or one or more together... and are always more or less incurable... In the insane asylum they are the most troublesome of cases; in the courts they are the repeaters, that are sent to jail regularly for intoxication; and in all circles, they are the pests of society, continually drinking, committing petty crime, and outraging society by all kinds of excess... These gamblers, speculators, travelling men, showmen, patent right swindlers, dealers in alcohol and tobacco... bar-room loafers, hack drivers, low workmen, street tramps and beggars... [are] treacherous, cowardly, sensitive, commonly audacious, improvident, and possessed of a strong dislike for work, and general disgust for regular living.<sup>15</sup>

Thoughtful men were very concerned about drink's potential to cause social disruption, particularly where the lower orders were concerned. The Grand Jury of the Niagara District, for example, openly equated crime with the excessive consumption of liquor.<sup>16</sup> In the 1820s, Kingston courts took seriously their duties of licensing taverns and

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<sup>15</sup> Jim Baumohl, "Inebriate Institutions in North America" in Cheryl Krasnick Warsh, (ed.) Drink in Canada: Historical Essays Montreal and Kingston: McGill-Queen's University Press, 1993, p. 106. The author is quoting from T.D. Crothers, "What Shall we do with the Inebriate?" Alienist and Neurologist, Vol. 2 (1881) p. 179 and from Crothers, "Inebriate Criminals" Alienist and Neurologist Vol. 3, (1882), pp. 67-68.

<sup>16</sup> "Drinking and Crime", extract from Journals of the House of Assembly of Upper Canada 1836, Appendix no. 44: Report of the Grand Jury of the Niagara District on the Gaol, September 8, 1835, in S.D. Clark, op. cit., p. 241.

controlling drinking by the working poor. Servants, tradesmen and labourers were not to be permitted to drink for more than an hour at a time.<sup>17</sup> The Legislative Assembly, reflecting contemporary fears about alcohol's deleterious effects, established a committee in 1848 to study the problem. Committee members concluded that alcohol was instrumental in the creation of social disorder, blaming "groggeries" for corrupting men with promises of cheap liquor:

Stripped of the proceeds of his industry - stupefied and demoralized - the victim emerges a pauper, prepared for the commission of a crime. His children necessarily neglected, infallibly become burthens on the community, first as beggars and vagrants, then by an easy transition, as thieves, as incendiaries, and murderers. This is the invariable process - the cause of the tax levied by street beggars, of the vast expenditure incident to the administration of criminal justice and to the Police establishment.<sup>18</sup>

Convinced that drink was the root of all social evils, this committee attributed poverty, insanity, crime and disease to liquor's influence. Medical evidence of the day supported the claim that liquor was detrimental to physical and mental health, with the coroner of Montreal attributing at least ten percent of deaths to alcohol abuse. Doctor

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<sup>17</sup> Kathryn M. Bindon, "Kingston: A Social History 1785-1830" Ph.D. dissertation, Queens's University, 1979, p. 158.

<sup>18</sup> Canada, Journals of the Legislative Assembly 12 Victoria 1849, Vol. 8, Appendix ZZZ, "Report of the Select Committee appointed to inquire whether any, and what measures can be adopted to repress the evils growing out of Intemperance". York: The Queen's Printer, 1849. Original not paginated.

Campbell asserted that drink was a contributing factor in several common ailments, which included, "irritation of the stomach and bowels, vomiting, diarrhoea, schirrhous [sic] of the stomach, jaundice, hardening and enlargement of the liver, disease of the kidney, dropsy, congestion of the brain, delirium tremens, and insanity".<sup>19</sup> Montreal arrest statistics for 1847 claimed that of 4,039 "offenses" committed, 2,034 were the result of alcohol consumption. Public drunkenness accounted for 1,356 arrests that year and "drunk and disorderly conduct" for 645 arrests.<sup>20</sup> Intemperance was even thought to be one of the contributing factors in the rapid spread of cholera, especially when combined with the chaos and dirt all too often associated with the underclass.<sup>21</sup> As well, the supposed moral degradation of the poor was thought to make them more susceptible to disease.<sup>22</sup> Members of the committee thus felt entirely justified in making a broad statement on the misery caused by drink:

Intemperance leads to crime, to insanity, to pauperism. One-half of the crime annually committed, two-thirds of the cases of insanity, three-fourths of the pauperism,

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<sup>19</sup> Ibid., Appendix ZZZ.

<sup>20</sup> Ibid., Appendix ZZZ.

<sup>21</sup> Printed Ephemera from the Baldwin Room, Metropolitan Toronto Public Library; Special Collections, Stauffer Library, Queen's University.

<sup>22</sup> Geoffrey Bilson, A Darkened House: Cholera in Nineteenth-Century Canada Toronto: University of Toronto Press, 1980, pp. 158-159.

are ascribed to intemperance. No other form of words would have been sufficiently comprehensive to express the deliberate convictions of Your Committee.<sup>23</sup>

The insistence on the connection between drink and poverty was only partially based on genuine concerns about health. Drinking culture and the pub represented a considerable threat to ideas about social order and respectability. The tavern offered workingmen comforts that were absent from home, such as warmth, newspapers, and congenial male company. But most importantly, "the 'anti-home' was the 'anti-shop', and it served to transmit and perpetuate traditional male values that pre-dated capitalism."<sup>24</sup> Taverns were also commonly used as places for public meetings of political organizations.<sup>25</sup> The Irish connection was also significant in this context. The Protestant Irish, who American immigrants believed would undermine their privileged positions, habitually held Orange Lodge meetings in taverns.<sup>26</sup> Drinking establishments were also notable social centres:

Meetings of all kinds were held at taverns and it was

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<sup>23</sup> Appendix ZZZ, "Report of the Select Committee...Intemperance" op. cit. JLAUC, 1849.

<sup>24</sup> Cheryl Krasnick Warsh, "John Barleycorn Must Die: An Introduction to the Social History of Alcohol" in Cheryl Krasnick Warsh, ed., Drink in Canada: Historical Essays Montreal and Kingston: McGill-Queen's University Press, 1993, pp. 7-9.

<sup>25</sup> G.J. Lockwood, "Temperance in Upper Canada as Ethnic Subterfuge" in Warsh, Drink in Canada, p. 63.

<sup>26</sup> Ibid., p. 55.

at these places that the executives for agricultural societies, the British Constitutional Society, the St. George's Society, and many other organizations met. Practically all the dances, banquets, and similar functions took place in inns....Mrs. Jameson went so far as to say that 'taverns and low drinking houses' were practically the only places of assembly or amusement. Other uses of inns were infinite; elections were held commonly in the neighbourhood of an inn, and the first religious service held at Port Burwell, and probably in many other places, was conducted in an inn. The prevalence of taverns and their continuous use as community centres have played a marked part in the development of the province.<sup>27</sup>

### Emigration

The belief that a better life waited for emigrants was fostered by Upper Canadian officials anxious to have the province settled. One of these was Sir John Colborne, Lieutenant-Governor from 1828 to 1835. His goal in promoting emigration was partially the duplication of British eighteenth-century society in Upper Canada, with landowning lords and deferential yeomen.<sup>28</sup> Colborne even encouraged the wealthy to promote "moral and Industrious habits; the sure path to that ease and independence, which every Settler in this country can obtain, by his own

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<sup>27</sup> M. A. Garland and J.J. Talman, "Pioneer Drinking Habits and the Rise of the Temperance Agitation in Upper Canada Prior to 1840" in F.H. Armstrong, H.A. Stevenson, and J.D. Wilson, (eds.) Aspects of Nineteenth-Century Ontario: Essays Presented to James J. Talman Toronto: University of Toronto Press, 1974, p. 172.

<sup>28</sup> Robert D. Wolfe, "The Myth of the Poor Man's Country: Upper Canadian Attitudes to Immigration, 1830-1837" M.A. thesis, Carleton University, 1976, p. 21.

activity and perseverance."<sup>29</sup>

Colborne's enthusiasm lessened as problems began to develop with emigration, and the whole project came under fire from the more cautious:

In his eagerness to see the wilderness studded with respectable settlers, he sometimes went too far in encouraging gentlemen to pitch their dwellings in recently opened townships, and expend their means in that insatiable gulph [sic] -- the clearing of wild land. He thought, however, and most men did at the time, that the clearing of forest land would make an excellent return; and it is only within the last two or three years that a contrary and more correct notion has gained ground.<sup>30</sup>

The emigration process was neither facile nor comfortable. The first step was the ship journey, in itself arduous and debilitating. Conditions aboard ship were cramped, crowded and dirty. The Quebec route had an especially ominous reputation because of its high mortality rates.<sup>31</sup> Captains of emigrant ships commonly told potential passengers that the voyage was several weeks shorter than it actually was, leaving them without food for part of the journey. Without supplies of their own, the passengers' only recourse was to buy food from the captain's private stock, which was usually of poor quality and cost up to 400 times

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<sup>29</sup> Colborne, quoted in the Colonial Advocate, March 11, 1830 (no page #) in Wolfe, "Myth of the Poor Man's Country", op. cit., p. 23.

<sup>30</sup> Quote from the Canadian Emigrant, January 14, 1836, (no page #), in Wolfe, p. 176.

<sup>31</sup> H. Clare Pentland, Labour and Capital in Canada, 1650-1860 Toronto: James Lorimer and Co., 1981, p. 87.

the norm.<sup>32</sup>

Following the Napoleonic Wars, and during the Irish Potato famine of the mid-1840s, transAtlantic emigration skyrocketed. From 1815 to 1830, the port of Quebec alone took in 168,615 people. From 1830 to 1839, there were 263,089 arrivals.<sup>33</sup> The year 1847 saw the largest number of emigrants; H. Clare Pentland claims a figure of 109,680 for that year.<sup>34</sup> The Irish comprised about half of the arrivals up to 1851.<sup>35</sup> These were people whose resources had been stretched to the limit to enable them to emigrate in the first place, or who were on the brink of starvation before they boarded ship.<sup>36</sup> The rigours of the journey rendered them even more destitute and physically weak, making the search for work and land virtually impossible.<sup>37</sup> Many

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<sup>32</sup> Gustavus Myers, History of Canadian Wealth, reprint edition, New York: Argosy-Antiquarian Ltd., 1968, p. 89.

<sup>33</sup> Ibid., p. 90.

<sup>34</sup> H. Clare Pentland, op. cit., pp. 82-83.

<sup>35</sup> Ibid., Pentland, p. 105.

<sup>36</sup> For an excellent fictionalized account of the Irish famine emigration, see Jane Urquhart, Away Toronto: McClelland and Stewart Inc., 1993.

<sup>37</sup> Myers, History of Canadian Wealth, op. cit., pp. 89-90. See also Rainer Baehre, "Pauper emigration to Upper Canada in the 1830s" Histoire Sociale/Social History No. 28 (1981), pp. 339-367 in which he argues that the problem of British pauperism was transferred to British North America with the encouragement of the British government. However, Baehre also admits that emigrant destitution was often exacerbated by pre-existing conditions in Upper Canada.

succumbed to disease. Ships carrying the emigrants were often breeding grounds for cholera and typhoid, which then became epidemic among the ships' ports of call. Kingston was one of the Upper Canadian towns affected by a cholera epidemic in 1832; another epidemic in 1847, this time of typhoid fever, decimated new arrivals and left numerous widows and orphans.<sup>38</sup>

The wretched condition of the emigrants received some recognition from contemporaries, who found the importation of Britain's problems to Canadian shores distasteful and impractical:

Now, how can persons who, by reasons of infirmity, age or any other personal cause cannot in England procure a living by labour, without parish support, be able to earn a living here, where the means of earning are so much fewer? We have little capital, and no great manufactures.<sup>39</sup>

Emigrants thus became associated with poverty. This was just one of the means by which the poor were "constructed" by the province's elites. Because of the emigrants' obvious and

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<sup>38</sup> Patricia Malcolmson, "The Poor in Kingston" in Gerald Tulchinsky, ed., To Preserve and Defend: Essays on Kingston in the Nineteenth Century Montreal: McGill-Queen's University Press, 1976, pp. 292-293. According to a National Historic Sites marker in Hillview Cemetery, Kingston, Ontario, the 1847 epidemic spread quickly. Victims were housed in hastily-built "fever sheds" but the best efforts of contemporary medicine proved sadly ineffective, with one thousand lives lost during the course of events, some of whom were the attending physicians.

<sup>39</sup> Quote from the Brockville Recorder, March 15, 1832 (no page #), in Wolfe, "Myth of the Poor Man's Country" op. cit., p. 35.

usually extreme distress, those in power felt justified in interfering in and trying to improve their lives. The earliest expressions of concern for the poor were expressed through the creation of emigrant aid societies. According to Rainer Baehre, Upper Canada's "first major welfare agency" was the Society for the Relief of Strangers, formed in 1817.<sup>40</sup> Such efforts were cynically received by critics as state-sponsored attempts to further the settlement process.<sup>41</sup> William Buell, for example, observed snidely that everyone was fully aware of the real reasons for Sir John Colborne's "specious professions and demonstrations of regard for [emigrants'] welfare".<sup>42</sup>

One of the factors that prevented emigrants from making their own way was the government's short-sighted land policy. Lord Goderich, the British colonial secretary, was convinced that a restrictive land policy would create a class of landless labourers. He asked, "without some division of labour, without a class of persons willing to work for wages, how can society be prevented from falling into a state of almost primitive rudeness, and how are the

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<sup>40</sup> Rainer Baehre, "Paupers and Poor Relief in Upper Canada", *op. cit.*, p. 59.

<sup>41</sup> Wolfe, *op. cit.*, pp. 160-161.

<sup>42</sup> Quote from the Brockville Recorder March 29, 1832 (no page #) *ibid.*, pp. 160-161.

comforts and refinements of civilized life to be procured?"<sup>43</sup> Many emigrants, discouraged by the lack of prospects, went to America. Gary Teeple argues that not only did the government's restrictive land policy contribute to a loss of population, especially during the 1860s, but also such policies brought about massive social problems. In order to deal with them, the Upper Canadian state was forced to build houses of correction, hospitals, and so on. Thus the institutional structure that arose to attempt to deal with these problems was in part the indirect result of Upper Canada's land policy.<sup>44</sup>

#### **Ethnicity and Poverty**

Alien status was just one means of labelling the poor. Ethnicity was another. Irish men and women were particularly subject to being set apart and constructed as "other" because of their habits, abject poverty, and propensity for violence. Reports of their unruly behaviour were common on Canada's public works projects, especially on the canals:

...the public peace is most dreadfully disturbed - and the lives and property of the inhabitants in danger day

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<sup>43</sup> Leo A. Johnson "Land Policy, Population Growth, and social structure in the Home District, 1793-1851" in J.K. Johnson, ed., Historical Essays on Upper Canada Toronto: McClelland and Stewart Ltd., 1975, p. 49.

<sup>44</sup> Gary Teeple, "Land, labour and capital in pre-Confederation Canada" in J.K. Johnson (ed.) Historical Essays on Upper Canada, p. 59.

and night in this new town by drunken, riotous, persons employed on the works of the Rideau Canal: as there is not an evening passes - not even the Sabbath day excepted - wherein there is not a riot and general fight....<sup>45</sup>

Such disorder merely confirmed popular beliefs about the irrationality and unruliness of the Irish. Nineteenth-century respectable people viewed the Irish as the very nadir of unseemliness:

It is a singular fact, too, with the Irish, that if they can get a mud-cabin, they will never think of building one of wood. At By-Town, on the Ottawa, they burrow into the sand hills;...Here families contrive to pig together worse even than in Ireland; and when any rows or such little things are going on, the women are seen to pop their carrotty polls out of the humble doors, so dirty, sooty, smoke-dried, and ugly, that really one cannot but be disgusted...You cannot get the low Irish to wash their faces...you cannot get them to dress decently, although you supply them with ready-made clothes. They will, smoke, drink, eat murphies, brawl, box, and set the house on fire about their ears, even though you have a sentinel standing over with fixed gun and bayonet to prevent it...They absolutely die by the dozen, not of hunger, but of disease. They will not provide in summer against the incumbencies of winter. Blankets and stockings they will not purchase...<sup>46</sup>

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<sup>45</sup> To Major George Hillier, Bytown, Nepean May 18, 1827 (signature of sender obscured). PAC, Civil Secretary's Correspondence, Upper Canada Sundries, May-June 1827 (RG 5, A 1, Vol. 84) p. 94,755. See also H. Clare Pentland, "The Lachine Strike of 1843", Canadian Historical Review Vol. 29 (1948), pp. 255-277 and Ruth Bleasdale, "Class Conflict on the Canals of Upper Canada in the 1840s" reprinted in Laurel Sefton MacDowell and Ian Radforth (eds.), Canadian Working Class History: Selected Readings Toronto: Canadian Scholars' Press, 1992, pp. 107-133.

<sup>46</sup> John McTaggart, "Three Years in Canada: An Account of the Actual State of the Country in 1826-7-8" Vol. II, pp. 243, 245, 248. Emphases in original. Quoted in H. Clare Pentland, Labour and Capital in Canada, 1650-1850, p. 107.

Although relief officials had hoped that the Irish would find work on farms, there was little demand for agricultural labourers. Nevertheless, unemployment was blamed on the Irish themselves, who were portrayed as "idlers who lacked the initiative to seek out ready opportunities".<sup>47</sup>

Some historians have taken exception to the depiction of the Irish as poverty-stricken unfortunates. D.H. Akenson, in The Irish in Ontario: A study in Rural History, has argued that the Irish prospered both as landowners and farmers. However, Akenson confines his study to Leeds and Landsdowne townships, areas not known for their high urban concentration even today. Irish that were able to make it that far away from a port of entry were likely to be reasonably well-off to begin with. Furthermore, although Akenson concedes that the Irish had some difficulties during the period 1820-1850, he concentrates on the 1870s, a time well after the crisis of Irish famine immigration. Pentland notes that even by 1860, Irish immigrants at Montreal and Quebec numbered only 376 out of a total 10,150 arrivals.<sup>48</sup>

Irishness was an easily recognizable characteristic,

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<sup>47</sup> G.J. Parr, "The Welcome and the Wake: Attitudes in Canada West Toward the Irish Famine Migration" Ontario History Vol. 66 No. 2 (June 1974), p. 109.

<sup>48</sup> D.H. Akenson, The Irish in Ontario: A Study in Rural History Kingston: McGill-Queen's Press, 1984. See also Kenneth Duncan, "Irish Famine Immigration and the Social Structure of Canada West" in W.F. Mann, ed., Canada: A Sociological Profile n.p.: The Copp Clark Publishing Co., 1968, pp. 1-16.

and one that set the person apart from the rest of society. Their appearance, their behaviour, even their speech, put the Irish outside the mainstream. But what really rendered their social standing precarious was the fact of their poverty. Combined with all other "defects", this meant that the Irish, like the rest of the underclass, were regarded with a mixture of pity and scorn.

**The "other": the criminal, the insane and the aboriginal peoples**

Poverty set a person apart from the rest of nineteenth-century society, but being somehow noticeably different had a similar effect. The criminal, the insane, and aboriginal peoples also found themselves classified as "other" and treated accordingly. Natives, for example, were seen as "non-civilized" and unusually susceptible to alcoholism. They were also non-Christian. Missionaries then claimed that it was their moral duty to ensure that the first peoples were taught the error of their ways. The colonial state also became involved in "civilizing" the Natives, using a similar rationale. Anna Brownell Jamieson's comment about the native peoples of Manitoulin Island is just one example of a more generalized opinion: "More hideous, more pitiable specimens of humanity in its lowest, most degraded state, can hardly be conceived; melancholy, squalid, stupid - and yet not

fierce...".<sup>49</sup>

Far more dangerous, and perhaps regarded as even more lacking in essential humanity, was the criminal element. Susanna Moodie, visiting the Kingston Penitentiary, commented on the "very bad" faces of the men she saw there. Perhaps trying to establish a connection between physical appearance and criminal tendencies, she remarked that the Penitentiary's inmates were mostly dark-haired and grey-complexioned, with sullen or saturnine expressions; blonde or red-headed convicts were rare.<sup>50</sup> Moodie could not resist making the point that criminals were visibly different from the rest of the population:

One man in particular, who had committed a very atrocious murder, and was confined for life, had a most singular head, such an one, indeed, as I never before saw on a human body. It was immensely large at the base, and appeared perfectly round, while at the crown it rose to a point like a sugar-loaf. He was of a dull, drab-coloured complexion, with large prominent eyes of a pale green colour; his expression, the most repulsively cruel and sinister. The eye involuntarily singled him out among all his comrades, as something too terrible to escape observation.<sup>51</sup>

Nineteenth-century observers of the underclass had ample evidence to bolster their contention that the latter were most emphatically "other". Images of the poor and marginal as stupid, lazy, illiterate, uncouth and unwashed

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<sup>49</sup> Anna Brownell Jameson, Winter Studies and Summer Rambles in Canada, op. cit., p. 149.

<sup>50</sup> Susanna Moodie, Life in the Clearings Toronto: MacMillan and Co., 1959, p. 155. Originally published 1853.

<sup>51</sup> Ibid., p. 155.

were applied indiscriminately. Joey Noble has argued that the poor in nineteenth-century Toronto were "constructed" by charity activists who used stereotypical characteristics as a basis for class differentiation:

...the class relation does not arise, nor is it held in place in any way that is automatic or inevitable. It must be actively constructed by those wishing to hold onto and extend their power. It must be built as a practical everyday world of social relations.<sup>52</sup>

As a result of the practices of charity providers, the poor and others like them became objectified as "pathological [entities] susceptible to a range of containment and/or remedy efforts".<sup>53</sup>

#### **The Institution and Resistance**

The idea that the underclass needed to be contained in some way found expression in the nineteenth-century institution. The insane asylum, the penitentiary, the House of Industry, and especially the Reserve system, were all established with the goal of separating a group of people from society and re-forming them. However, there needed to be a rationale for this goal, which became the ostensible fact that the underclass were badly in need of rehabilitation because of their different or even "deviant" status. There is some undeniable truth to the assertion

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<sup>52</sup> Joey Noble, "'Class-ifying' the Poor: Toronto Charities 1850-1880" Studies in Political Economy: A Socialist Review No. 2 (Autumn 1979), p. 110.

<sup>53</sup> Ibid., p. 123.

that the penitentiary and other nineteenth-century institutions all had the same goal, that being "the integration of alienated or marginally integrated societal members into a normative social framework by the state, on behalf of the dominant social fraction whose normative definitions prevail."<sup>54</sup>

Institutionalization or "segregative control" was created by one segment of Upper Canadian society and used for the benefit of another. However, when faced with determined attempts to "re-form" them, the poor and marginal made it plain that they had other ideas. They mounted a campaign of what James Scott has termed "everyday resistance", comprising "foot-dragging, dissimulation, lying, false-compliance, insubordination" and a tactic especially effective in an institutional setting -- rule-breaking.<sup>55</sup>

Scott makes a convincing case for the importance of everyday resistance. His point is that resistance is not and cannot always be overt and collective. Among powerless, marginalized people, whose opportunities for concerted action are rare or almost non-existent, these "weapons of the weak" (as he calls them) are really the only way to

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<sup>54</sup> Richard M. Zubrycki, The Establishment of Canada's Penitentiary System: Federal Correctional Policy 1867-1900 University of Toronto: Faculty of Social Work, 1980, p. 6.

<sup>55</sup> James Scott "Everyday Forms of Peasant Resistance" Journal of Peasant Studies Vol. 13 No. 2 (1986), p. 6.

indicate one's displeasure with the status quo. He argues that the over-emphasis on organized and systematic resistance undercuts the very heart of class struggle, which frequently centres on seemingly trivial issues:

To require of lower class resistance that it somehow be "principled" or "selfless" is not only a slander on the moral status of fundamental human needs. It is, more fundamentally, a misconstruction of the basis of class struggle which is, first and foremost, a struggle over the appropriation of work, production, property and taxes. Bread and butter issues are the essence of lower class politics and resistance.<sup>56</sup>

While Scott's contentions are certainly borne out by events in the institutions of social control, his argument nonetheless carries a strong proviso. Not everything that could be construed as resistance actually is or was. Not every bed left unmade or every curseword uttered by a penitentiary inmate is evidence of resistance. When it develops into a recognizable, recurring theme, there is evidence to support Michael Katz's contention that the institution failed miserably at effecting reform, and that the inmates themselves were partially responsible for this failure: "Rates of recovery remained low, recidivism high; school systems did not eliminate poverty and vice; ungrateful inmates even, on occasion, set their institutions on fire."<sup>57</sup> Furthermore, Scott's argument can be modified to fit better into the situation of Upper Canada. Class, in

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<sup>56</sup> Ibid., p. 27.

<sup>57</sup> Michael Katz, "Origins of the Institutional State" Marxist Perspectives Vol. 1 No. 1 (Winter 1978), p. 7.

the 1830s and 40s, was not fully developed because the capitalist economy was still in its formative stages. The conflicts that erupted were rather over power and who would control it.

Institutional inmates and Natives on reservations resisted the treatment they received at the hands of the Upper Canadian elite as a means of protesting against the "re-formation" project. Like James Scott's example of the Malaysian peasants, whose dispersed and disparate situations precluded any form of collective activity, they only offered resistance on an ad hoc and individual basis. The more "effective" the institution, the more likely that resistance would not be unified.<sup>58</sup> Thus men and women who devised seemingly pointless protests were part of a larger effort to undermine the subverting of the established order. Given the opaque nature of their actions, however, scholars are somewhat reluctant to come to any definite conclusion.<sup>59</sup> Nevertheless, the possibility of being forcibly incarcerated was a common characteristic of the marginalized, as was the idea of resistance to authority once inside the institution's walls.

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<sup>58</sup> Scott, "Everyday Forms...", p. 28.

<sup>59</sup> Allen F. Isaacman, "Peasants and Rural Social Protest in Africa" in Frederick Cooper, Allen F. Isaacman, et. al. (eds.), Confronting Historical Paradigms: Peasants, Labour and the Capitalist World System in Africa and Latin America Madison, Wisconsin: University of Wisconsin Press, 1993, p. 237.

## Historiography

Although there are varying interpretations of the reasons for the development of the institution, almost all historians agree that the project of segregative, collective incarceration with the goal of reforming the inmate was a novel concept. Favourable interpretations of this innovation are concentrated in the "Whiggish" school of historiography, which argues that institutions were proof of civilization's progress and of mankind's benevolence. Historians on the Left tend to view the institution less kindly. For them, the institution was part of a growing social control ethos and in many cases represented a means for creating the "reserve army of labour" so essential for capitalism's proper functioning. Others, like David Rothman, favour the idea that the institution was a response to social instability.

The idea that the institution was an innovation is not entirely unequivocal. Russell Smandych, for one, claims that the nineteenth-century institution was merely a continuation of pre-existing practices.<sup>60</sup> He points out that private agencies dealt with the deviant in the 1820s, but he does admit that they were "often set into place by the governing elite".<sup>61</sup> Although institutions, especially

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<sup>60</sup> Russell Smandych, "The Upper Canadian Experience with Pre-Segregative Control" PhD. Dissertation, University of Toronto, 1989, p. 354.

<sup>61</sup> Ibid., p. 343.

madhouses and prisons, were common in Britain and colonial America, they were nonetheless used in an entirely new way from the late eighteenth century on. They became instruments of social policy as well as a means of reforming the character of the underclass.<sup>62</sup>

Another Canadian historian who does not see the institution as particularly innovative is Rainer Baehre, who argues that social reform in Upper Canada was the result of non-partisan cooperation between Tories and Reformers. Conflicts only occurred on certain peripheral matters; one of the issues that Baehre sees as minor is that of cost.<sup>63</sup> Real agreement nevertheless existed on the "overall thrust of social reform"; for example, both favoured the introduction of a reformed prison system and a lunatic asylum. Yet those Tories who supported the idea of an asylum or penitentiary tended to do so either from the hope of gaining a sinecure or because they thought it would end the nuisance of mendicancy. Baehre's statement on the question of class is similarly ambiguous: "This attempt at social and moral re-ordering, while reflecting middle-class values and the introduction of strategies conducive to a liberal-bourgeois order, were not the product of some abstract pre-

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<sup>62</sup> Michael Katz, "Origins of the Institutional State", Marxist Perspectives Vol. 1 No. 1 (Winter 1978), p. 9.

<sup>63</sup> This seems an odd thing to label "a matter of detail" since expenditure meant taxes and taxation tended to be rather contentious, then as now.

industrial class conflict."<sup>64</sup> Whig historians too place little emphasis on class, but analyse social reform in terms of philanthropic gestures toward the poor and unfortunate in society. The only Canadian historian to address the issue of class in the context of institutional development has been Thomas Brown, who argues that class should be considered as an essential component of asylum analysis. Denial of the asylum's class dynamics, he argues, overlooks a crucial ingredient in the reasons for the asylum's very existence,<sup>65</sup> and indeed that of other nineteenth-century institutions.

In Canada, the best-known Whiggish historian is Richard Splane, who argues that nineteenth-century social legislation was a manifestation of a corresponding social benevolence. Ontario in the pre-Confederation period was "remarkable for the degree of progress in the field of social welfare. Many developments in the period testify to a deep social concern and to a vigorous attack on the

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<sup>64</sup> Rainer Baehre, "Imperial Authority and Colonial Officialdom of Upper Canada" in L.A. Knafla and S. Binnie, (eds.), Law, Society and the State: Essays in modern Legal History, Toronto: University of Toronto Press, 1995, pp. 183-184.

<sup>65</sup> Thomas Brown, "Dance of the Dialectic? Some Reflections (Polemic and Otherwise) on the Present State of Nineteenth-Century Asylum Studies" Canadian Bulletin of Medical History Vol. 11 No. 2 (1994), pp. 267-294.

principal social problems of the times".<sup>66</sup> All this developed in an environment which was supposedly democratic, religiously nonconformist, and socially egalitarian.<sup>67</sup> Splane's optimistic appraisal of nineteenth-century Ontario is probably heavily influenced by his sources, largely statutes, government reports and Sessional Papers, none of which incorporate class or controversy.

Such a viewpoint is bound to generate counterarguments. The most telling is that of Michael Katz, who comments that relying on benevolence as an explanation for social change means that "interconnections between social context, social position, ideology, and policy" are largely ignored.<sup>68</sup> Interpretations that focus on the idea of social crisis, as well as those informed by Marxist ideology, are particularly cogent rebuttals. Foremost among the social crisis historians is David Rothman, who contends that Jacksonian Americans blamed the rise in contemporary crime and insanity on the collapse of the social order and the uncertainty of the times.<sup>69</sup> The institution would supposedly rectify all the problems created by the unsuitable social

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<sup>66</sup> Richard Splane, Social Welfare in Ontario 1791-1893: A Study of Public Welfare Administration Toronto: University of Toronto Press, 1965, p. 3.

<sup>67</sup> Ibid., pp. 14-15.

<sup>68</sup> Katz, "Origins of the Institutional State", p. 13.

<sup>69</sup> David Rothman, The Discovery of the Asylum: Social Order and Disorder in the New Republic Toronto: Little, Brown and Co., 1971, p. 78.

environment. "...[F]ree of corruptions and dedicated to the proper training of the inmate, [the institution] would inculcate the discipline that negligent parents, evil companions, taverns, houses of prostitution, theatres, and gambling halls had destroyed."<sup>70</sup>

Accounts such as Rothman's are written to counter the Whig interpretation of the institution as proof of society's progress. Revisionists, of which Rothman is one, consider not only the "political implications" of the institution but also its place in the power structures within society. Other major writers in this group include Michel Foucault and Michael Ignatieff. The latter comments, "the catalyst for institutionalized instruction was not social change itself but the way it was organized into an alarmist interpretation of disorder and dislocation by philanthropic reformers",<sup>71</sup> which is a modification of Rothman's position. Ignatieff claims that the power relationship in the institution was not one-sided; instead, there was a certain amount of interplay between "the compelled and the consensual, the bound and the free".<sup>72</sup> This ongoing state of flux can be

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<sup>70</sup> Ibid., p. 82.

<sup>71</sup> Michael Ignatieff, "State, Civil Society and Total Institutions: A critique of Recent Social histories of Punishment" in Stanley Cohen and Andrew Scull (eds.), Social Control and the State: Historical and Comparative Essays Oxford: Martin Robertson and Co. Ltd., 1983, p. 83.

<sup>72</sup> Ibid., p. 99.

found at the heart of the Upper Canadian institution, whatever form it took.

Power and its manifestations are also the chief concern of Michel Foucault. He argues that penitentiaries -- and ultimately schools, factories, hospitals and asylums -- were created to exert control over the minds of inmates rather than their bodies: "The expiation that once rained down upon the body must be replaced by a punishment that acts in depth on the heart, the thoughts, the will, the inclinations."<sup>73</sup> The "punishment" that replaced the physical was discipline, which in all its petty details and fiddling regulations not only broke the individual's spirit, but also imparted a large measure of power and control to the disciplinarian.<sup>74</sup> However, Foucault cautions against seeing power as all-pervasive; it is instead "contingent" and "vulnerable".<sup>75</sup> The vulnerability arises from what Foucault terms "popular illegalities",<sup>76</sup> which can be interpreted as similar to James Scott's everyday resistance. Power, then, is not monolithic, but comes hedged with precautions.

Marxist historiography argues that the institution's

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<sup>73</sup> Michel Foucault, Discipline and Punish: The Birth of the Prison trans. Alan Sheridan. New York: Vintage Books, 1979, p. 16.

<sup>74</sup> Ibid., p. 140.

<sup>75</sup> Steven Best and Douglas Kellner, Postmodern Theory: Critical Interrogations London: MacMillan Education Ltd., 1991, pp. 54-55.

<sup>76</sup> Foucault, Discipline and Punish, pp. 273ff.

main purpose was to act as a "reserve army of labour" upon which capital and the state could draw at will. The underclass were to be reshaped or "re-formed" by the institution so that individuals would be viable members of the work force. Relief systems, including institutions, expanded or contracted in relation to the state of the economy, according to one theory. They expanded in hard times to contain disorder, and shrank when there was less likelihood of social unrest.<sup>77</sup> The Canadian example is particularly well-suited to the Marxist perspective. Leo Panitch, for one, has made a solid case for the intertwining of the Canadian state with the business community.<sup>78</sup> Although Panitch concentrates on the links between post-Confederation government and railway interests, his comments are applicable to the mid-nineteenth century. The "benevolent" interests and those of government were often closely related in Upper Canada; furthermore, many of the men involved in charity and government were also businessmen.

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<sup>77</sup> Francis Fox Piven and Richard A. Cloward, Regulating the Poor: The Functions of Public Welfare London: Tavistock Publications Ltd., 1972, p. xiii. See also the polemical article by Robert Scott and Andrew Scull, "Penal Reform and the Surplus Army of Labour" in William K. Greenaway and Stephen L. Brickey, Law and Social Control in Canada Scarborough: Prentice-Hall of Canada, 1978, especially pp. 147-148.

<sup>78</sup> Leo Panitch, "The role and nature of the Canadian state" in Leo Panitch, (ed.) The Canadian state: political economy and political power Toronto: University of Toronto Press, 1977, p. 4.

Marxist historians also tend to focus on the question of political economy's relationship to the institution and its social context. Michael Katz, for example, claims that the growth of capitalism led to a breakdown of social relations in which marginal members of society could be assured of being cared for at home. Instead, they became inmates of "factory-like" buildings where they lived in social isolation.<sup>79</sup> The whole point of the poor house was to "discourage pauperism" in addition to caring for the poor; however, only the most destitute would ask for help since doing so involved personal degradation and humiliation. He goes on to say, "In this way, the poorhouses established in early nineteenth-century America were as much reform institutions as penitentiaries, reform schools, and mental hospitals."<sup>80</sup>

### Conclusion

There is much evidence that the move toward Upper Canadian institutionalization of the marginal received its real impetus during the 1830s and 1840s. At this time, the market economy had gained considerable foothold; wage labour had been common from the turn of the century, and urbanization was under way in Toronto, Hamilton and

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<sup>79</sup> Katz, "Origins of the Institutional State", op. cit., p. 19.

<sup>80</sup> Michael Katz, Poverty and Policy in American History Toronto: Academic Press, 1983, p. 58.

Montreal. The 1830s and 40s were notable for their social instability. The rise of the market economy led to worker discontent which manifested itself in "desertions, turn-outs, riots, worker organization, and other collective efforts".<sup>11</sup>

The historiography emphasizes two major questions; power and control. These issues not only played themselves out in the historical events of the period, but also formed the basis for the structure of Upper Canada's contemporary institutions. The penitentiary, house of industry, insane asylum, and the native reserve system all dealt with the province's "marginal" population in a way that reflected the larger struggles over power within Upper Canada. All were designed to contain -- and to some extent control -- the people designated as "other" by the elites. Yet, by their very existence, institutions helped to further the creation of the underclass by designating who was "respectable" and who was not.

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<sup>11</sup> Bryan D. Palmer, Working-Class Experience: The Rise and Reconstitution of Canadian labour, 1800-1900, Toronto: Butterworth and Co., 1983, pp. 10, 23.

### Chapter Three: The House of Industry

The Upper Canadian attitude toward pauperism is best summed up in the legislation describing the purpose of the House of Industry, which was meant to incarcerate,

...All poor and indigent persons, who are incapable of supporting themselves; all persons able of body to work and without any means of maintaining themselves, who refuse or neglect to do so...all persons living a lewd dissolute vagrant life, exercising no ordinary calling, or lawful business, sufficient to gain or procure an honest living...all such as spend their time and property in Public Houses, to the neglect of their lawful calling.<sup>1</sup>

The poor were thus seen as idle and dissolute, or at least potentially so. This idea was particularly applicable to the "undeserving" poor, although it found an echo in virtually every other contemporary institution. Institutionalization of the poor was not a practice unique to Upper Canada. It had an inglorious history both in colonial America<sup>2</sup> and Great Britain. In the latter country, it formed the cornerstone of the New Poor Law, introduced in 1834. Upper Canada's elite were a ready audience for a practice that reinforced the division between themselves and the less

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<sup>1</sup> Canada Statutes 1 Victoria Cap. 21 1837, S. 1, "An Act to Authorize the Erection, and Provide for the Maintenance of Houses of Industry, in the several Districts of this Province".

<sup>2</sup> See David Rothman, The Discovery of the Asylum: Social Order and Disorder in the New Republic Toronto: Little, Brown and Co., 1971, in which he argues that the almshouse was the "template" for all colonial institutions of segregative control which followed after, including the penitentiary and insane asylum.

fortunate.

The House of Industry was used by the elites in an attempt to show the poor who exactly was in control and where they fit in the scheme of things. Concurrently, the elites tried to re-shape their charges into "respectable" people using the disciplinary routine of the House. As might be expected, the poor fought back with the limited means at their disposal in a way that is suggestive of James Scott's arguments about resistance.

Another important aspect of the House of Industry is that it was a reflection of the ongoing struggle between the old order and the new. The elite ideas of social hierarchy and deference, which made themselves felt in the paternalistic organization of the institution, clashed with the demands of the market economy. The latter manifested itself in the discipline of the House of Industry; the former, in managerial benevolence that ultimately undermined the purpose of the House of Industry.

#### **Background - The British Poor Law**

E.P. Thompson described the 1834 Poor Law Amendment Act as "...perhaps the most sustained attempt to impose an ideological dogma, in defiance of the evidence of human need, in English history".<sup>3</sup> The "ideological dogma" was

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<sup>3</sup> E.P. Thompson, The Making of the English Working Class Harmondsworth: Penguin, 1968, p. 295.

that which incorporated "less eligibility" and the refusal of relief to all but those in desperate need, which became the overriding principle behind workhouses in England and eventually in Upper Canada. The British experience is worth considering because of parallels with Upper Canada.

Sean Stitt has tied the implementation of the New Poor Law to the growth of laissez-faire ideology in England. The real concern about relief expenditure was that it not only interfered with the free market principle of letting wages reach their own level, but also tended to drain away "resources required by capital".<sup>4</sup> Outdoor relief and allowances given to supplement wages came under particular attack because the money thus spent was thought to use up profits gained from land rentals.<sup>5</sup> Proponents of laissez-faire argued that the distribution of relief prior to 1834 was too liberal, which encouraged the poor to be lazy. The market economy could not possibly operate properly under these circumstances.<sup>6</sup>

Critics also castigated the Old Poor Law because it was thought to be morally degrading to the worker. Patrick Colquhoun, for example, pointed out the supposedly close connection between poverty and crime, arguing that

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<sup>4</sup> Sean Stitt, Poverty and Poor Relief: Concepts and Reality Brookfield, USA: Ashgate Publishing Co., 1994, p. 83.

<sup>5</sup> S.G. and A.O. Checkland, The Poor Law Report of 1834 Harmondsworth: Pelican, 1974, p. 115.

<sup>6</sup> Stitt, op. cit., p. 83.

assistance to the "casual poor" tended to encourage criminal behaviour.<sup>7</sup> Fears of social revolution, fostered by the Swing riots of agricultural workers in 1830 and 1831, led to the appointment of a Royal Commission on the Poor Law in 1832.<sup>8</sup> The Commission argued that the poor's expectations became unreasonable when they received too-generous assistance, resulting in social unrest when their hopes were dashed.<sup>9</sup> In short, the poor law badly needed reform because it led to idleness, discontent, and both the leisure and the inclination to foment rebellion.

Reform came in 1834 with the Poor Law Amendment Act, commonly known as the New Poor Law. The latter was praised as promoting the "independence of the worker". In reality, it meant that he or she was discouraged or even deterred from applying to the parish for relief. Every other avenue had to be exhausted first, including low-paid and demeaning work.<sup>10</sup> Relief for the able-bodied poor now meant incarceration in a "well-regulated workhouse". What the Royal Commission on the Poor Law meant by "well-regulated"

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<sup>7</sup> J.R. Poynter, Society and Pauperism: English Ideas on Poor Relief, 1795-1834 Victoria: Melbourne University Press, 1969, p. 201.

<sup>8</sup> Karl de Schweinitz, England's Road to Social Security New York: A.S. Barnes and Co. Inc., 1934/1961, p. 119.

<sup>9</sup> S.G. and A.O. Checkland, Poor Law Report of 1834, p. 115.

<sup>10</sup> K.D.M. Snell, Annals of the Labouring Poor: Social Change and Agrarian England, 1660-1900 New York: Cambridge University Press, 1985, pp. 119-123.

was not a kind, firm, discipline, but a regime that would cow the spirit and crush the heart. The Commissioners stated, "Our intention...is to make the workhouses as like prisons as possible...our object...is to establish therein a discipline so severe and repulsive as to make them a terror to the poor and prevent them from entering."<sup>11</sup>

The New Poor Law was so unpopular that it created considerable opposition. John Knight, for example, a radical artisan, argued that the law violated the poor's rights:

...it deprives them of the free use of their lives and limbs, by shutting them up in a prison called a poor law workhouse, and as it endangers and jeopardizes their lives, when labouring under misfortunes over which they have no control, by compelling them to subsist upon food, so small in quantity, so impure, and so obnoxious in quality, as to produce disease and premature death, it is, therefore, our duty legally and constitutionally to resist this most tyrannical, infamous and cruel law, by all the means that may be within our reach...<sup>12</sup>

Antagonism to the New Poor Law took the form of "large-scale

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<sup>11</sup> Members of the Royal Commission quoted in E.P. Thompson, The Making of the English Working Class, op. cit., p. 295.

<sup>12</sup> John Knight, quoted in John Knotte, Popular opposition to the 1834 Poor Law London: Croom Helm, 1986, p. 6. Those who found the New Poor Law distasteful perhaps felt vindicated by Blackwood's Edinburgh Magazine, which gleefully printed a satirical attack on the Poor Law Commissioners reminiscent of Jonathan Swift's A Modest Proposal. The article suggested that the skins of pauper women could be made into shoes for the poor law commissioners, or that pauper bones could be boiled down to feed workhouse inmates. "New Schemes for Maintaining the Poor" Blackwood's Edinburgh Magazine Vol. 43 No. 270 (April 1838), p. 491.

well-organized resistance" in the West Riding and Lancashire,<sup>13</sup> as well as quiet defiance elsewhere. Officials in the county of Norfolk, for example, continued to distribute outdoor relief to ease the surplus labour problem.<sup>14</sup> Ignoring the Poor Law's ukases eventually became general throughout Great Britain. Annual reports from 1840 to 1847 indicate that several thousand people in England and Wales received outdoor relief.<sup>15</sup>

The framers of the New Poor Law and their supporters thus found themselves faced with a brick wall of opposition rather than a clear road of policy implementation. As the Poor Law Commissioners eventually realized, the establishment of hegemony is rarely, if ever, complete. It is an ongoing process which requires much expenditure of time, effort, and persuasive powers to render domination palatable to those on the receiving end.<sup>16</sup> Persuasion itself implies an ongoing process; thus hegemony is dynamic,

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<sup>13</sup> Anthony Brundage, The Making of the New Poor Law: The Politics of Inquiry, Enactment, and Implementation, 1832-1839 New Brunswick, New Jersey: Rutgers University Press, 1978, p. 148.

<sup>14</sup> Ann Digby, "The labour market and continuity of social policy after 1834: the case of the eastern counties" Economic History Review Vol. 28 No. 1 (1978), p. 71.

<sup>15</sup> M.F. Rose, "The Allowance System under the New poor Law" Economic History Review 2nd Series, Vol. 19 No. 3 (1966), pp. 607-608. Rose points out that in 1843 alone, 12,800 men, 6,745 women, and 41,744 widows got outdoor relief because their wages were so low that they could not have survived otherwise.

<sup>16</sup> James Joll, Gramsci New York: Fontana, 1977/1983, p. 98.

not static.<sup>17</sup> E.P. Thompson, for one, has argued that hegemony is "an order of struggle that is constantly being disputed and negotiated."<sup>18</sup> What is central is not only the process of struggle, but what is being struggled against.

### **The Poor Law and Poverty in Upper Canada**

One of the most galling things about poverty in Upper Canada was that it was not supposed to exist. Indeed, so confident were the framers of the 1792 Constitutional Act that they omitted any legislative provision for paupers. All other laws of England were adopted without any significant changes.<sup>19</sup> The government of Upper Canada created neither laws nor institutions to deal with poverty until 1817; from 1792 to 1817, magistrates allocated relief

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<sup>17</sup> David Forgacs, (ed.) Chapter VI: "Hegemony, Relations of Force, Historical Bloc" in An Antonio Gramsci Reader: Selected Writings, 1916-1935 New York: Schocken Books, 1988, p. 195.

<sup>18</sup> Harvey J. Kaye, "E.P. Thompson" in Kaye, The British Marxist Historians: An Introductory Analysis Cambridge: Polity Press, 1984, p. 197.

<sup>19</sup> The Act clearly stated, "laws of England respecting maintenance of the poor were not to be put into effect in Upper Canada". Upper Canada Statutes 32 George IV 1792 Cap. 1 S. VI. The question of why the English Poor Law was excluded from the United Province of Canada has been the subject of historical debate. See, for example, Dennis Guest, The Emergence of Social Security in Canada Vancouver: University of British Columbia Press, 1980; J.C. Levy, "The Poor Laws in Early Upper Canada" in D.J. Bercuson and L.A. Knafla (eds.) Law and Society in Canada in Historical Perspective Calgary: Carswell Publishers, 1979.

to the poor on an ad hoc basis.<sup>20</sup> Because there was no legislation to provide for paupers, administration of poor relief became the responsibility of the Courts of the Quarter Sessions. Those who needed assistance asked for help from the courts, either in person, or by petition; but if they were refused, there was no appeal. Poverty thus became associated with criminality: "By subsuming poor relief under the criminal process, Upper Canadians helped to reinforce the stereotype image of the pauper as little different from the criminal."<sup>21</sup>

Poverty itself was seen as anomalous, particularly in the less settled parts of Upper Canada. Cases of pauperism were generally dismissed as the result of drunkenness, isolated old age, or "depraved choice". Susanna Moodie, for example, commented that Canadians were generous with aid when confronted with illness and unemployment.<sup>22</sup> If a family experienced hard times, such as illness or loss of property

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<sup>20</sup> Rainer Baehre, "Paupers and poor Relief in Upper Canada" CHA Historical Papers, 1981, p. 59.

<sup>21</sup> David R. Murray, "The Cold Hand of Charity: The Court of Quarter Sessions and Poor Relief in the Niagara District, 1828-1841" in W. Wesley Pue and Barry Wright, (eds.) Canadian Perspectives on Law and Society: Issues in Legal History Ottawa: Carleton University Press, 1988, p. 180.

<sup>22</sup> Susanna Moodie, extract from "Roughing it in the Bush" (new edition, Toronto, 1913) in S.D. Clark, The Social Development of Canada: An Introductory Study with Select Documents Toronto: University of Toronto Press, 1942, p. 227.

due to fire, neighbours helped out willingly.<sup>23</sup> There was no excuse, however, for chronic poverty, since Upper Canada presented the settler with unrivalled prospects for "plenty and independence", if he were willing to work hard:<sup>24</sup>

The hardships which poor settlers must at first encounter are sometimes rather severe and trying to their patience; but if they are active and industrious, they will become tolerably comfortable, and obtain a sort of rude independence, in the course of three or four years...Most people would rather purchase ease and abundance at the expense of a few years hard labour, than remain exposed to poverty and its attendant miseries during their whole lives, as is the lot of the bulk of the British peasantry.<sup>25</sup>

#### The Origins of the Upper Canadian House of Industry

The two earliest Houses of Industry in Upper Canada were in Toronto and Kingston, which had their beginnings in 1836 and 1847 respectively. Circumstances attending their inception were somewhat different. In Toronto, the push came from citizens concerned about visible poverty. In Kingston, a combination of the effects of an epidemic and long-standing concern about indigency resulted in the erection of a House of Industry. A John Carey had suggested in 1834

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<sup>23</sup> "Poverty and relief in Rural communities" extract from Views of Canada and the Colonies by a Four Years' Resident (Edinburgh, 1844) in S.D. Clark, *ibid.*, p. 226.

<sup>24</sup> Thomas Radcliff, Authentic Letters from Upper Canada Toronto: MacMillan & Co., 1953 (first published Dublin 1833), p. 82.

<sup>25</sup> John Howison, Sketches of Upper Canada; Domestic, local and Characteristic n.p: S.R. Publishers Ltd., Johnson Reprint Corporation, 1965 (originally published G. & W.R. Whittaker, London, 1821), p. 257.

that an institution for the poor be built in Toronto. Carey charitably attributed Lieutenant-Governor Colborne's indifference to his plan to poor advice. He nonetheless hoped to persuade Sir Francis Bond Head of its utility:

...[It could be financed] by the taxes now raised, or hereafter to be levied in each township, to erect suitable and cheap buildings, provide bedding etc. and clear at least 30 acres of land. The outlay to effect this, and the expense in supporting the establishment the first two years, are all that would be required, for the inmates themselves would from their industry raise sufficient produce to maintain themselves. Suppose...the experiment were tried in the vicinity of Toronto, and it is certainly worthy of a trial, would not the sturdy boys and girls who now infest the streets asking alms, produce more from their labour on the ground than the establishment would require for its support?<sup>26</sup>

Late in 1836, concerned men and women convened in Toronto at a meeting called by Bishop Strachan and other local worthies to consider the increasing problem of poverty in the town. The conclusion of the meeting's attendees was that although the poor's situation had been somewhat ameliorated by "the wise and benevolent arrangements made by the corporation to afford them employment.." more needed to be done.<sup>27</sup> The best solution was thought to be a House of Industry, which would discourage pauperism and give the

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<sup>26</sup> John Carey to John Joseph, secretary to Sir Francis Bond Head, Port Credit, February 13, 1836. Public Archives of Canada, (PAC), Civil Secretary's Correspondence, Upper Canada Sundries, February 1836 (RG 5, A 1, Vol. 162), p. 88,557-88,559.

<sup>27</sup> Resolution #2 of Public Meeting, December 26, 1836. Toronto House of Industry Records (Hereafter THI), Minute Book December 26, 1836 to November 27, 1837. City of Toronto Archives (CTA). Original not paginated.

able-bodied poor a means of supporting themselves and their families.<sup>28</sup> The House was meant for the shelter of the "destitute and ill", but the Committee in charge insisted that it should include a woodyard where able-bodied inmates would work.<sup>29</sup> The distress of poverty did not always meet with empathy. The Committee for the Relief of the Poor and Destitute, which had originated in the House, commented that many people who applied for relief really did not deserve it and were merely lazy or trying to finance their drink habit.<sup>30</sup>

The Kingston House of Industry took somewhat longer to get under way than did its Toronto counterpart. Although enabling legislation had been passed in 1837 to allow each county to build its own workhouse, no real progress occurred for ten years. Concern about poverty in the town had existed for some time by that point. As early as 1827, R.W. Tunney wrote to the provincial secretary to express his concern about visible privation:

There is scarcely a hut, or log-house, here but is filled with sick and needy, who are suffering, not only from disease, but also from hunger, and from almost every other misery concomitant upon the want of the

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<sup>28</sup> Ibid., meeting of December 29, 1836.

<sup>29</sup> Ibid., meeting of January 7, 1837.

<sup>30</sup> "To the Citizens of Toronto" Report of the Committee for the Relief of the Poor and Destitute of the City of Toronto January 1837. Baldwin Room, Metropolitan Toronto Reference Library, (hereafter MTRL), p. 13.

common necessities of life.<sup>31</sup>

Contemporary newspapers discussed the problem with a mixture of sympathy and derision. One writer drew attention to the destitution of female immigrants<sup>32</sup>, but articles about mendicancy generally tended to emphasize its nuisance character. For example, the Chronicle and Gazette reported that a group of women had broken windows so that they could spend the winter in jail at public expense.<sup>33</sup> A woman found dead of exposure in a shack had only herself and her "intemperate habits" to blame.<sup>34</sup>

Ambivalence toward poverty was also apparent in the ongoing debate over the utility of a workhouse. Controversy centred on issues of finance, construction and maintenance, where arguments for the negative focusing on the supposedly prohibitive costs involved. One letter to the editor contended that a House of Industry would create a huge tax burden for town-dwellers, while rural inhabitants would receive no discernible benefit from their financial outlay. The writer also expressed concern that beggars would be

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<sup>31</sup> Letter of R.W. Tunney to the Civil Secretary, Kingston, October 24, 1827. PAC, Civil Secretary's Correspondence, Upper Canada Sundries, October-December 1827, (RG 5, A 1, Vol. 86), p. 46,930.

<sup>32</sup> British Whig, October 10, 1834, p. 2.

<sup>33</sup> Kingston Chronicle and Gazette, January 27, 1836, p. 2.

<sup>34</sup> Kingston Chronicle and Gazette, October 25, 1837, p. 1.

attracted to Kingston in unprecedented numbers.<sup>35</sup> Another writer contended that expenditure on a workhouse constituted wasted funds, since there were a negligible number of paupers in Canada; in any case, kindly-disposed rural folk looked after them.<sup>36</sup>

Supporters of the project insisted that there were many in desperate need and downplayed the expense. They noted that the local jail often served as a shelter for the destitute. As one writer commented sourly, a jail's intended purpose was punishment, not the housing of the unfortunate.<sup>37</sup> Local gaols still contained inordinate numbers of the destitute even as late as 1852.<sup>38</sup> Stark evidence of poverty proved to be a strong selling-point. One argument was that a workhouse would prevent deaths from

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<sup>35</sup> Kingston Chronicle and Gazette, September 2, 1843, p. 1.

<sup>36</sup> "Comments addressed to John Mowat Esq. by one of the members of the Committee of the District Council" Kingston Chronicle and Gazette, September 2, 1843, pp. 2-3.

<sup>37</sup> Kingston Chronicle and Gazette, February 24, 1841, p. 2. Paupers often found themselves in the company of Upper Canada's entire spectrum of criminals. Thoughtful men were appalled by this, claiming it led to the corruption of the young and innocent. See Thomas E. Brown, "The Origins of the Asylum in Upper Canada, 1830-1839" Canadian Bulletin of Medical History Vol. 1 No. 1 (Summer 1984), p. 45.

<sup>38</sup> "Report of Wolfred Nelson...on the Present State...of the District and other Prisons in Canada East (Communication of the Gaoler of Montreal)" in Journals of the Legislative Assembly of Canada 1852, Appendix HH, pp. 17-18. Excerpted in S.D. Clark, The Social Development of Canada op. cit., p. 234.

exposure during Upper Canada's harsh winters.<sup>39</sup> Finally, the House's supporters appealed to people's self-interest. One person noted that Toronto's House of Industry had proved hugely beneficial to the city as a whole.<sup>40</sup> Another pointed out that taxpayers would no longer have to incur the cost of keeping the "idle and dissolute" fed and clothed in jail, since the new institution would ensure that paupers worked for their keep.<sup>41</sup> The Kingston Chronicle and Gazette reported the Grand Jury's recommendation for a House of Industry in terms that must have been heartening to its supporters:

...as the best means for correcting ...growing evils, at which the great number of idle, drunken and disorderly persons, taken up by the Police of the Town, and committed by the corporation of the Town, to the Gaol, may be more effectually punished;...besides being a receptacle for such persons, what might be considered a greater blessing, would shield them from the many dangers and temptations their exposed situations must necessarily lead them into.<sup>42</sup>

Interest in the scheme was high enough by 1843 that Kingston's City Council sent a committee to Rochester, New York, to visit the workhouse there. As it was finally

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<sup>39</sup> Kingston Chronicle and Gazette, March 24, 1841, p. 3.

<sup>40</sup> Kingston Chronicle and Gazette, December 30, 1840, p. 2.

<sup>41</sup> Kingston Chronicle and Gazette, December 11, 1841, p. 2.

<sup>42</sup> Document #10: "Report of the Grand Jurors of the Quarter Sessions of the Midland District, 1844" from the Kingston Chronicle and Gazette, April 13, 1844. Extracted in J.M. Beattie Attitudes towards Crime and Punishment in Upper Canada, 1830-1850: A Documentary Study Toronto: Centre for Criminology, University of Toronto, 1977, p. 42.

constituted, the Kingston House resembled the Rochester institution in several ways. The Rochester House was situated on a 120 acre farm just outside the city, with a school for inmate children. Some of the adults nursed resident invalids, spun wool or did laundry; others worked in the vegetable garden. The inmates also helped to raise cereal crops and dairy cattle.<sup>43</sup>

Unlike the Kingston House of Industry, influences on the creation of the Toronto House of Industry are not readily discernible. References to the New York House of Industry do suggest, however, that it may have been a model for Toronto.<sup>44</sup> One of the significant factors in determining how the Toronto House was to operate was the Old Poor Law of Britain. The Trustees were well aware of the criticisms put forth by the Poor Law's detractors, particularly with respect to indiscriminate relief:

The monstrous abuses which grew up in the poor law system of England...stand as a beacon to warn all countries whose population is increasing, and especially where large masses are collecting in cities, to guard against giving too much encouragement for public relief.<sup>45</sup>

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<sup>43</sup> Kingston Chronicle and Gazette September 2, 1843, pp. 2-3.

<sup>44</sup> Toronto House of Industry, Second Annual Report, op. cit., p. 9. Numbers of apprentices successfully placed at the New York House are cited, as are the successes of the Quebec and Montreal institutions.

<sup>45</sup> "Report of the Trustees of the House of Industry, City of Toronto, for the Year 1853". Toronto House of Industry Annual Report 1853, Baldwin Room, MTRL. Original not paginated.

Before the creation of Kingston's permanent House of Industry in 1847, the Reverends Machar and Cartwright organized a temporary refuge in 1841, located on Clarence Street opposite the jail.<sup>46</sup> The British Whig reported the House of Industry officially open in December of 1847 and noted that it was seeking apprenticeship positions for its inmate children.<sup>47</sup> The House's directors planned to solicit donations from the general public to finance its operations. They commented, "it will be worth a handsome sum to each housekeeper to be relieved of the annoyance which a pretty strong regiment of street-beggars has for some time occasioned".<sup>48</sup> Some members of City Council thought likewise, hoping aloud that the problem would thus disappear.<sup>49</sup>

It seems that the early Upper Canadian Houses of Industry did not come into being solely from philanthropic motives. Both immediate and long-term causes, which reflected the tensions between benevolence and the reform

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<sup>46</sup> Kingston Chronicle and Gazette, February 24, 1841, p. 2.

<sup>47</sup> British Whig, December 18, 1847, p. 2. The 1869 Fortification Survey, Sheet 3 Plan 15, located in the Kingston Public Library's map collection, shows the House of Industry at Centre and Gordon Streets, near the Orphan's Home. Streets have been re-named since then, but the Orphan's Home was on the site of the present John Deutsch University Centre of Queen's University, at Union and University Streets.

<sup>48</sup> British Whig, December 8, 1847, p. 2.

<sup>49</sup> British Whig, January 1, 1848, p. 2.

impulse, were factors in their development. The wish to help the poor was very real, and many did act from charitable impulse. However, the desire to put an end to the nuisance of mendicancy, remove paupers from public sight, and put them to work was also involved. Nineteenth-century charity had at its core an awareness of poverty as a real and increasing social problem. Charity providers hoped to contain, control, and if possible, eradicate it completely.

#### **Management of the House of Industry**

The tension between paternalism and reform informed both the creation and operation of the House of Industry. While the idea of the institution originated with people who were members of Upper Canada's elite group, the men responsible for its daily management were what Susan Houston has termed "the urban squirearchy".<sup>50</sup> Although Houston applied this nomenclature to the directors of the Toronto House, it is equally appropriate to the Kingston situation. The people responsible for the creation of the House, the elites and the aspiring elites, were not exactly identical in their outlook. The former still favoured a paternalistic style of management in keeping with their view of Upper Canada as a replica of eighteenth-century Britain. The

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<sup>50</sup> Susan E. Houston, "The Impetus to Reform: Urban Crime, Poverty and Ignorance in Ontario, 1850-1875" PhD. Dissertation, University of Toronto, 1974, p. 242.

latter, while amenable to some of the views of the elites, were also anxious to achieve status themselves through the furtherance of the market economy. The two points of view clashed and mingled in contemporary institutions, creating conflicts and lack of purpose. Since Kingston was a bastion of Tory conservatism with close ties to the Family Compact, there were still plenty of individuals who were bound to disagree with each other. It may be significant that both Toronto and Kingston were home to large numbers of Family Compact members, or people with close ties to them, and both were (or had been) centres of political power. In any case, there is plenty of evidence to indicate ongoing conflict between the two groups, as well as resistance by those that the elites, of whatever stripe, wanted to quell.<sup>51</sup>

The opposing forces met in Kingston's municipal government, from which most of the local power flowed. City Council regulated the way in which the House was run by means of an 1850 bylaw. It established a twelve-man board of directors, chosen annually, as the governing body. Four directors were members of Council, with the Mayor as the Chairman. Wealthy subscribers to the House constituted the remaining eight. Three of the Board members formed a Visiting Committee, whose responsibilities were to visit the House regularly and record their findings in a book kept for

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<sup>51</sup> Alison Prentice, The School Promoters: Education and Social Class in Mid-Nineteenth-Century Upper Canada Toronto: McClelland and Stewart, 1977, pp. 67-68.

the purpose.<sup>52</sup> Joey Noble has suggested that "visiting" the poor was for some people a way of overcoming the perceived enormous division between rich and poor.<sup>53</sup>

The men who constituted the Board were not generally members of the wealthy elite, but businessmen and manufacturers who aspired to elite status. Thomas Briggs was an agent of the Britannia Fire and Life Insurance Company and later manager of the Frontenac Loan and Investment Society. Edwin Chown was one of the proprietors of the Eagle Foundry and a member of Kingston's prominent Chown family. John Creighton was a bookseller, later Mayor of Kingston and eventually warden of the Kingston Penitentiary. Samuel Drennan sold dry goods, wholesale and retail, expanding into furniture at a later date. Thomas Kirkpatrick, a "barrister, conveyancer, and attorney at law", was also one of the inspectors of the Provincial Penitentiary in the 1840s.<sup>54</sup>

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<sup>52</sup> "An Act to Establish the House of Industry" May 13, 1850. "Documents" file, Box #8, Records of the Kingston House of Industry, Queen's University Archives (Hereafter KHI-QUA).

<sup>53</sup> Joey Noble, "'Class-ifying' the Poor: Toronto Charities 1850-1880" Studies in Political Economy: A Socialist Review No. 2 (Autumn 1979), p. 114.

<sup>54</sup> Horseay and Brothers Kingston Business Directory for 1856 Kingston: n.p., 1856; Mitchell and Co's General Directory for the City of Kingston and Gazetteer of the Counties of Frontenac, Lennox and Addington for 1865, Toronto: Mitchell and Co., 1865. Queen's University Archives. Thomas Kirkpatrick of Kingston is listed as President of the Board of Inspectors of the Provincial Penitentiary in the Board's annual reports for 1842 and 1846. See

Historians have debated the significance of nineteenth-century charitable enterprise. Some claim that it was a means for men -- and women, to some extent -- who sought to bolster their status through involvement in civic concerns.<sup>55</sup> Others contend that these men were trying to legitimate and reinforce their existing positions through the assumption of a role that would further their power,<sup>56</sup> in this case by exerting control over the lives of the destitute. In the Kingston House of Industry, charity and power were closely intertwined, almost to the point where the two could not be easily separated.

#### Rules and Regulation

The most ready way of exerting control over pauper inmates was through rules. Virtually every aspect of daily

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"Appendix H: Provincial Penitentiary - No. 1: Report of the Board of Inspectors" Journals of the Legislative Assembly of the Province of Canada 6 Victoria 1842; "Appendix G: Provincial Penitentiary - No. 1: Report of the Board of Inspectors", Canada, Appendix to the Fifth Volume of the Journals of the Legislative Assembly of the Province of Canada 9 Victoria 1846.

<sup>55</sup> Ian Radforth and Allan Greer, "Introduction" in Greer and Radforth, (eds.), Colonial Leviathan: State Formation in Mid-Nineteenth-Century Canada Toronto: University of Toronto Press, 1992, p. 6.

<sup>56</sup> Philip Corrigan and Derek Sayer, The Great Arch: English State Formation as Cultural Revolution New York: Basil Blackwell, 1985, p. 198.

life became subject to a directive.<sup>57</sup> The existence of such exhaustive rules indicates the definite presence of a project of reform. This was also to be accomplished in part through the principle of "less eligibility", which had informed the creation of the British Poor Law. The point of less eligibility was to make inmates' lives so uncomfortable that they would rather be productive members of society than languish at the state's expense.

Efforts at regulating the lives of paupers began even before they entered the institution. Candidates for admission applied to one of the Board of Directors, who legitimated the petitioner; once approved, the person received a "ticket of admission", generally a handwritten note to be given to the Superintendent.<sup>58</sup> Some paupers were sent to family or friends rather than admitted. They were given a note from the City Clerk requesting that they be given passage via road, railroad, or most commonly lake steamer. The relevant transportation official then billed the city. Most passengers found themselves shipped via deck passage, even in colder weather. Elizabeth W., for example, travelled in that manner from Kingston to Port Hope in early

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<sup>57</sup> The rules for inmates of the Kingston House may well have been based on those of Toronto; there are some clear similarities, and Toronto's rules are present in Kingston's files. They are alluded to in citations below.

<sup>58</sup> Ibid., "Rules for Inmates".

November of 1855.<sup>59</sup> The motive for such a practice is unclear, but a logical explanation would be that the city was unwilling to pay for their keep if there were someone else who would do so. Financial records indicate that the House charged a fee for people deemed non-residents of the area.<sup>60</sup>

One of the stated aims of the Toronto House of Industry was to "discriminate between the actual and pretended poor, and to distribute the charity accordingly".<sup>61</sup> The personnel of its Kingston counterpart also advertised that it would not assist those deemed of "improper character",<sup>62</sup> especially "unchaste women with bastard children".<sup>63</sup>

Once inside the Kingston House, all inmates could expect to have his or her life and activities closely regulated. From May to September inclusive, inmates rose at 6 a.m. and at 7 a.m. the rest of the year. Cleanliness at

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<sup>59</sup> "Vouchers for Passage" file, Box #6, KHI-QUA.

<sup>60</sup> Treasurer's Reports for 1866-67, 1868, and 1872 include "keep of inmates" as an item in the credit side of the year-end financial report. House of Industry "Reports" file, Box #2, KHI-QUA.

<sup>61</sup> "To the Citizens of Toronto" Report of the Committee for the Relief of the Poor and destitute of the City of Toronto: and Rules and Regulations of the House of Refuge and Industry established under their Care January 1837. Toronto: J.H. Lawrence, 1837, p. 13. THI, Baldwin Room, MTRL. Emphasis in original.

<sup>62</sup> Mitchell and Company's General Directory for the City of Kingston, 1865, Queen's University Archives.

<sup>63</sup> "Rules for Inmates", Correspondence 1860-1866, Box #2, KHI-QUA.

mealtimes was mandatory, as was proper decorum. The rules contained strictures against profanity, smoking, and "immoral conduct". To decrease the likelihood of the latter, men and women were housed separately.<sup>64</sup> Attendance at "divine service" was both expected and required when held at the House of Industry. Inmates also attended church in the town with special permission, but were expected to return immediately afterward.<sup>65</sup>

No separate rules for inmates remain in the Toronto records, but the "Rules for the Superintendent" provide some indication of the strictures under which they lived. Similarities to the Kingston House's rules are striking: early rising was the order of the day (5:30 a.m. in the summer months); cleanliness at meals; mandatory attendance at morning and evening prayers; abstention from drink; proper behaviour and decent language; and obedience to the orders of the Superintendent.<sup>66</sup> Inmates could not receive visitors without permission of both the Superintendent and the Weekly Committee. Sexual propriety was ensured by

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<sup>64</sup> A report to City Council in December of 1852 suggested expanding the accommodation for female inmates to ensure better separation of the sexes. "Report of the Select Committee to investigate the Management of the House of Industry", December 13, 1852. Mayor and Council Records, Volume 96 Book "B" 1852-66: Reports of Committee to Council. City of Kingston Records, Queen's University Archives.

<sup>65</sup> "Rules for Inmates" op. cit., KHI-QUA.

<sup>66</sup> "House of Industry, Toronto. By-laws" 1877 Annual Report. THI Annual Reports, Baldwin Room, MTRL.

separating men and women into distinct wards, which were secured by locked gates and doors.<sup>67</sup>

Although the Toronto House of Industry had long dealt with the "casual" poor, new regulations in 1889 indicated a hardening of attitude toward them. Tramps, on admission to the house for even one night, were henceforth required to have a hot bath and their heads soaked in a vermicide. Their clothes were taken away and fumigated, and the men were issued a clean nightshirt instead. Beds were regularly steamed to get rid of bedbugs, and dormitory air was purified by the burning of sulphur. As well, tramps were subject to usual daily routine and diet. The subjects of these rules found them irksome in the extreme. Some complained that regular bathing was hazardous to their health, and they feared catching a chill. Others were annoyed that they could no longer bring tobacco into the casual ward, although one man tried to smuggle it in by concealing it in his beard.<sup>68</sup> The similarities to the treatment meted out to penitentiary inmates on their arrival are quite striking. Penitentiary regulations contained the following phrase: "On the reception of a new convict, he shall be stripped of all his clothing, and his person

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<sup>67</sup> Ibid., Toronto House of Industry Bylaws, 1877.

<sup>68</sup> James S. Pitsula, "The Treatment of Tramps in Late Nineteenth-Century Toronto" CHA Historical Papers 1980, pp. 127-128. See also Richard Anderson, "The Irrepressible Stampede": Tramps in Ontario, 1870-1880" Ontario History Vol. 84 No. 1 (March 1992), pp. 5-53.

thoroughly washed and cleansed, his hair cropped, beard shaven, and the prison dress put on him."<sup>69</sup> Regulations such as these went far toward equating poverty with criminality.

Regulations in both places explicitly forbade drunkenness and even the presence of liquor on the premises, although these rules were not always strictly enforced. In theory, contravention of the rules concerning liquor meant immediate expulsion from the Kingston House, although the threat was rarely carried out. For other, less severe breaches of the rules, the offender was reported in writing to the Weekly Visiting Committee; a second infraction meant dismissal.<sup>70</sup>

#### **Ethnicity and the Construction of the Poor**

As part of the admission process, inmates were required to provide the Superintendent with personal information. Admission records thus provide some limited insight as to who the poor actually were. The information collected in

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<sup>69</sup> "Reception of Convicts", Document #44: "Extracts from the Report of the Penitentiary Inspectors and of the Warden with the 'Rules and Regulations' respecting the 'Discipline and Policy' of the Penitentiary (1836)" in J.M. Beattie, Attitudes toward Crime and Punishment in Upper Canada, 1830-1850: A Documentary Study Toronto: Centre of Criminology, University of Toronto, 1977, p. 128.

<sup>70</sup> "Rules for Inmates", op. cit., KHI-QUA.

Kingston varied from time to time, but was fairly consistent in recording age, sex, nationality and religion. Also entered were date of admission, length of stay, name, marital status, and committee recommending admission. Particularly in the 1840s and 50s, the Superintendent asked in which county of Ireland the inmate was born.<sup>71</sup> Toronto's admission records are lost or destroyed; nevertheless, statistical returns for 1837 to 1859 suggest that the Superintendent collected similar information. Records of the Toronto House also contain "remarks" column in which appear noteworthy exceptions such as "coloured", "spinster", and "blind".<sup>72</sup>

Despite repeated insistence that the dissolute would not be admitted, the statistical picture suggests that the admission process may not have been quite that rigorous. The much-castigated Irish poor were overwhelmingly in the majority as recipients of relief, both in Kingston and Toronto. This was especially true of the early years, when destitute Irish emigrants created an almost insupportable burden on local charities. Out of a random sample of 108 people admitted to the Kingston House of Industry in 1847, 104 were Irish. The same year, Toronto distributed relief

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<sup>71</sup> Registry book of the Kingston House of Industry 1857-67, Book #2, Box #7, KHI-QUA.

<sup>72</sup> "Statistics" 1837-1859, THI Records, Box 1, SC 35D1, CTA. There is no readily discernible pattern to these exceptions.

to a total of 233 people, 152 of whom were Irish.<sup>73</sup> The Irish in Kingston seem to have been notoriously impoverished as a group. Of 175 entries for people who received "outdoor relief" in 1848, only three were non-Irish.<sup>74</sup> Moreover, relief recipients tended to be residents of Stuartville, the crowded poor Irish section of Kingston.<sup>75</sup> Also known as farm lot #24, Stuartville bordered Lake Ontario near present-day Queen's University. Its original owner, Reverend George O'kill Stuart, had shown considerable business acumen for a priest of the Anglican church. He had divided his land into small, relatively inexpensive plots which he then sold to labourers.<sup>76</sup>

While ethnicity was statistically significant in terms of poverty, religion was much less so, even though the records of the House of Industry diligently recorded the faith of all who received relief. Although the Irish were generally in the majority in terms of admissions, the Roman Catholics were not. They usually numbered less than half the admissions in Toronto, indicating that not all Irish

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<sup>73</sup> KHI "Inmate Registers", op. cit, and THI "Registers", SC 35D1, Box 1, CTA.

<sup>74</sup> "Outdoor relief" entries, Book 1, Box #7, KHI-QUA.

<sup>75</sup> Ibid.

<sup>76</sup> Patricia Malcolmson, "The Poor in Kingston", in Gerald Tulchinsky, ed., To Preserve and Defend: Essays on Kingston in the Nineteenth Century Montreal: McGill-Queen's University Press, 1976, p. 289.

were Roman Catholic.<sup>77</sup> The prevalence of the Irish in the Houses of Industry probably gave further credence to the belief that the Irish emigrant was likely to be destitute. They were indigent from a combination of illness, the recent loss of a spouse, and the expense of a long and perilous ocean voyage, but these features tended to be overlooked. A person's Irishness was generally looked upon as the determining factor in his or her impoverishment.

Comments made about the poor of Toronto by the House of Industry's Visitors reveals much about the attitude of those who distributed charity. The practice of "Visiting" began in 1858, when the House sectioned the city into seven wards, with a pair of visitors assigned to each. The implementation of visiting was meant to ensure that the deserving poor received help quickly and that the undeserving poor were discouraged from applying. Difficult cases were referred to the Board of Directors.<sup>78</sup> Usually the Visitors recommended assistance for respectable families and individuals who were experiencing difficulties as a result of illness or desertion by the wage-earner. They also recognized that sometimes people were poor because of unfortunate circumstances:

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<sup>77</sup> Register books, THI-CTA. Although Kingston's records show Irish Roman Catholics to be in the majority in the first few years of operation, they were soon supplanted by Anglicans and Dissenters.

<sup>78</sup> Annual Report, 1858. Toronto: Rowsell and Ellis, 1859. Toronto House of Industry records, Baldwin Room, MTRL.

Ellen C...a poor simple English woman, got married to a worthless Irish man who does nothing for her, he is away at present, and she hopes he will stay away -- 3 children, boy 17, not much good, gets \$1 a week at a tobacco factory. A girl 12 at service when she can get a place, at present at home, and a grandson 2 years old the parents of which are dead. Mrs. C. is 55 years of age, very hard of hearing and injured in the right shoulder -- pays \$3 rent per month. Visitor recommends 400 lbs. coal -- 4 lbs. bread per week and soup.<sup>79</sup>

Those among the poor who did not meet the criteria for respectability were targets of considerable reproach:

Catherine T...Scotch, goes to no church, has one girl 6 years old. Isabella A., a big stout English woman, 53 years old who has several patches on her face, goes to no church, but says she is a good Christian, and a third woman raving in something like drink who said she was the only respectable one of the three. They all stop together, and visitor learned that they drink all the time, when they can get it. They are very dirty.<sup>80</sup>

On occasion, the Visitors became painfully aware of the hopeless situations in which some of the poor lived. Describing a family of five, which consisted of a mother and four children, the Visitor noted that they had no furniture and were in desperate straits. The mother drank, the landlord wanted to evict the family, and the Visitor thought that the children would be better off in the House of Industry. The casenotes concluded with the heartfelt comment, "it is one of those wretched cases in which one

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<sup>79</sup> Case no. 375, March 11, 1870. Minutes for the years 1867-68-69 and 70. Toronto House of Industry Records, CTA, p. 339.

<sup>80</sup> Case no. 37, March 9, 1863. Minutes for the Years 1863-64-65 and 66. "Visitor Recommendations", SC 35C, Box 2, Toronto House of Industry, CTA, p. 40.

really hardly knows what to recommend".<sup>81</sup>

### **Children in the House of Industry**

Toronto's records show an overwhelming number of children as recipients of relief. They were generally in the majority by quite a considerable margin over "widows and deserted wives". The first year of operation shows that 601 children received relief, as against 75 of the other categories. For the year 1859, the Toronto House recorded giving relief to 2,293 children; after 1858, the numbers never dropped below 1,000.<sup>82</sup> By contrast, the number of children in the Kingston House of Industry generally declined over time.<sup>83</sup> The startling contrast in numbers arises from Toronto's habit of recording the numbers of children assisted as outdoor relief cases as well as those who were resident in the House.

The Toronto House was heavily involved in apprenticing children. Parents who received outdoor relief, who had children ten years or older, were expected to turn them over to the Toronto House of Industry to be apprenticed. If they refused, they were only likely to get "temporary relief". The bylaws did permit the House to exercise some discretion

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<sup>81</sup> Case no. 370, January 6, 1865. Minutes for the years 1863-64-65 and 66, THI-CTA, p. 248.

<sup>82</sup> Register books, Toronto House of Industry, op. cit.

<sup>83</sup> Register books, Kingston House of Industry, op. cit.

if there were more than one child and allow the parents to keep one of the children at home.<sup>84</sup>

Pauper apprenticeship had been legally sanctioned in Upper Canada since 1799 for the purpose of providing for orphans, as was the case with the English Poor Law. Toronto passed its own bylaws dealing with pauper apprenticeship in 1846, which was soon followed in 1851 by provincial legislation. The provincial statute allowed "civic officials" to apprentice children under certain conditions. Both child and master had to consent, although the agreement of the child was in all likelihood a formality. Only children who were "orphaned and deserted", as well as those who were "children of imprisoned parents and [those] 'dependent on any public charity for support'" were eligible.<sup>85</sup>

The number of children in the House, as well as the number "placed out" gradually declined after 1869.<sup>86</sup> The drop in numbers was a result of increasing concern about

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<sup>84</sup> "Eligible for Outdoor Assistance", House of Industry Bylaws, Report of the House of Industry, Toronto, for the Year 1873 Toronto House of Industry Annual Reports, Baldwin Room, MTRL.

<sup>85</sup> Charlotte Neff, "Pauper Apprenticeship in Early Nineteenth-Century Ontario" Journal of Family History: Studies in Family, Kinship, and Demography Vol. 21 No. 2 (April 1996), pp. 148-149.

<sup>86</sup> "Comparative Statement of the Assistance Afforded to the Poor by the House of Industry, Toronto, from 1843 to 1873, inclusive". Report of the House of Industry, Toronto, for the Year 1873 CTA. Original not paginated.

child welfare. The Children's Protection Act of Ontario, first passed in 1888, was amended in 1895. Children were no longer permitted in the same institution as "dependent adults".<sup>87</sup> This meant that a House of Industry could no longer be used as an orphanage or as a place to leave children when a family experienced a crisis such as illness or unemployment. According to Stormie Stewart, "Poor houses became old age homes largely as an unintended consequence of reformist zeal for saving children from the stigma and contamination of pauper institutions".<sup>88</sup>

Apprenticeship was actually a form of indentured servitude. The trustees of the House of Industry signed the contract with the employer on the child's behalf. Wages were paid directly to the Board of Trustees.<sup>89</sup> Under the terms of the indenture agreement, the employer's responsibility to the apprentice consisted only of providing clothing and an education.<sup>90</sup> The House tried to ensure that its charges went to respectable places. Two board members were deputed to

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<sup>87</sup> Stormie Stewart, "The Elderly Poor in Rural Ontario: Inmates of the Wellington County House of Industry, 1877-1907" CHA Historical Papers (1992), p. 222.

<sup>88</sup> Ibid., p. 229.

<sup>89</sup> August 19, 1858, Charles Duckett to Widow G. Forster, pointing out that she owed four years wages for her apprentice to the Toronto House of Industry. Toronto House of Industry Records, General Correspondence, Vol. 1 SC 35K, Box #1, CTA. This book is blotting-paper copies of originals and much of it, unfortunately, is illegible.

<sup>90</sup> March 27, 1872, Duckett to James Campbell, Esq. General Correspondence, THI-CTA.

enquire of the Police magistrate about the character of one Mr. Kemp, "before either one of the children be given up to him".<sup>91</sup> Superintendent Hancock wrote an indignant letter to W. Joseph Frizzle, pointing out that the latter was not, as he had claimed, "engaged in the quiet and peaceful occupation of Butcher", but was involved in the "liquor trade". Mr. Hancock felt it his duty to remind Mr. Frizzle that the rules of the House forbade placing children in situations where liquor was sold. The Board appointed "Reverend John Pentland of Oshawa/Whitby to take charge of the children forthwith".<sup>92</sup>

Despite the best efforts of the Board, a master sometimes horribly misused his apprentice. William C. returned to the Toronto House "in a much abused condition, his hands having been frozen, having lost one of his toes, and all the toe nails off the toes of one of his feet". The Board decided to initiate legal proceedings against William's employer for "the recovery of damages on account of his ill treatment" of the boy.<sup>93</sup> Although there is evidence that many of the children in the Kingston House of Industry were apprenticed, no details of their actual

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<sup>91</sup> November 20, 1866, General Board Minute Book, Records of the Toronto House of Industry, CTA.

<sup>92</sup> July 25, 1862, Superintendent Hancock to W. Joseph Frizzle, General Correspondence, op. cit., THI-CTA. Emphasis in original.

<sup>93</sup> July 25, 1862, General Minutes Book, Toronto House of Industry Records, CTA.

apprenticeship experiences remain in the existing records.<sup>94</sup>

Thus children could be seen as the "innocent victims" in the House of Industry situation. They needed a firm hand to be prevented from being led astray, and apprenticeship and the learning of a trade was generally thought to be the means to this end. They were not really responsible for their depravity, however, and could easily be reformed. Adults were subject to a much harsher assessment of their characters.

#### The Character of the Inmates

Directors of the House of Industry loudly and publicly proclaimed their intention not to admit anyone of dubious character to the House of Industry. They made this point to ensure that the House had an exemplary moral reputation. Those deemed worthy of admission generally appeared to be people who had no other recourse. In this category were orphans, deserted children, and the neglected. The elderly and infirm who had neither family nor friends, and the incurably ill or disabled also comprised this category.<sup>95</sup> Those eligible for relief of any kind had to be absolutely bereft of any other means of support, and willing to comply

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<sup>94</sup> See "comments" in Discharge book, KHI-QUA.

<sup>95</sup> "Persons Eligible for Relief or Admission into the House", Report of the House of Industry, Toronto, for the Year 1873, House of Industry Bylaws, THI Annual Reports, Baldwin Room, MTRL.

with the stringent provisions of the House.

Designated as "ineligible for admission" were explicitly "women who are depraved in their morals and whose general characters are bad". Also denied relief were the able-bodied, or people whose friends could look after them and find them work, people with contagious illnesses, the mentally ill, and "persons from the county, the Legislature having made provision for their support by their own municipalities".<sup>96</sup> Nor were the seemingly lazy well-regarded, in Kingston as well as in Toronto. "Bridget", who requested two loaves of bread from the Kingston House, was sent away with only one. Mr. Graham, the superintendent, scribbled on the back of the request form, "Gave one loaf thought it enough as she would not go into service".<sup>97</sup>

In spite of such restrictions on who would and would not be admitted, the Kingston House of Industry Visitors' Books from the period are rife with references to the inmates' dubious characters. From the statements made about them, the reader gets the impression that the denizens of

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<sup>96</sup> "Ineligible for Admission", House of Industry Bylaws, CTA. The legislation referred to is Canada, Consolidated Statues for Upper Canada "An Act respecting the Municipal Institutions of Upper Canada", 22 Victoria, Cap. 54, 1859. Section 415 of the Act permitted every county council to establish a House of Industry and/or a House of Refuge. However, like the 1837 legislation, this was an enabling act only, and so not particularly effective.

<sup>97</sup> "Requests for Bread" file, February-July 1858, note dated March 2, 1858, from superintendent Graham to the Mayor. Box #4, KHI-QUA.

the House were indeed of the "lewd and dissolute" sort described in the 1837 legislation. However, the comments made about the inmates must be read keeping in mind the people who were making them -- Kingston's elites and aspiring elites, who were only too eager to denounce improper behaviour in their "social inferiors".

The root of the problem in Kingston's House was thought to be the admission process. Directors and Superintendent often clashed over this question, with the Directors accusing the Superintendent of admitting people who were clearly not eligible. The Board of Directors is notable for its inconsistency on this issue. Although they praised the Superintendent for his powers of discretion in 1861<sup>98</sup>, they reversed their opinion of him only a year later:

I would respectfully suggest that all possible caution should be used before granting tickets of admission - the Mayor and police Magistrate, through the assistance of the police, have better opportunities of knowing the necessities and true conditions of applicants than most other persons can have.<sup>99</sup>

The Directors' struggle to exclude petty criminals, drunks, and other unsuitable types was an uphill one. The police magistrate himself noticed with surprise the presence of a woman he had encountered in court that morning:

...amongst the inmates found one who was sentenced by me this morning to ten days imprisonment in the common jail -- the ticket of admission describes her as Mrs. Boyce -- she was tried this morning under the name of

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<sup>98</sup> January 1, 1861, Visitors' Book #6, Box #7, KHI-QUA.

<sup>99</sup> February 27, 1862, *ibid.*, KHI-QUA.

Stuart. She is not a person who should be admitted into the institution.<sup>100</sup>

One Visitor, trying to discourage the presence of women with illegitimate children, wrote that allowing mothers to come into the House from the hospital with their infants gave "an asylum and approval of their conduct".<sup>101</sup> Pregnant, unmarried women also prompted indignation:

...persons are frequently admitted who have previously been discharged...I would instance one case recently; a girl by the name of Eliza Q. who was discharged last summer and is now admitted (being in the family way). Such instances have a tendency to increase vice as she was in the House of Industry last year for the same cause as the present.<sup>102</sup>

Criticism of inmates also came from observers not immediately connected with the House. Members of the Kingston Orphans' Home and Widows' Friend Society described the House of Industry as a "crowded receptacle of misery" and its inmates as possessed of "degraded habits, predisposition to idleness, and...dubious health and morality"<sup>103</sup>. The Society also claimed that children were exposed to "vice and degradation" while resident in the

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<sup>100</sup> March 26, 1862, *ibid.*

<sup>101</sup> August 29, 1859, *ibid.*

<sup>102</sup> March 24, 1857, *ibid.*

<sup>103</sup> "Report of the Kingston Orphans' Home and Widows' Friend Society" for the years 1857 and 1858. Kingston: Printed at the Daily News Office, n.d., p. 3. Sunnyside Children's Centre, Annual Reports 1857-1966, Box #4, Series C., Queen's University Archives.

House.<sup>104</sup>

The rules for behaviour and the criteria of eligibility illustrate nicely a point about divisions between the poor and the elites. The latter had certain expectations of the former, none of them flattering. The insistence on early rising, cleanliness, abstemiousness, and general decorum presumed that the poor would not practice such a daily routine of their own volition unless forced to do so. In order to gain the elites' approval, inmates of a House of Industry had to modify their behaviour substantially. Such a modification was an admission of their inferiority and implied deference to the elite, thus reinforcing the latter's belief that a hierarchical system based on deference of inferior ranks to the superior was the ideal. It also was a reflection of the power struggle in which the two groups were engaged.

**Less Eligibility: The Creation of the Environment of Reform**

To achieve the reform of the poor, "less eligibility" was deemed an essential part of the disciplinary regimen. However, the less eligibility philosophy was never accepted whole-heartedly. Running counter to it was the idea of paternalism, which approved of discipline but integrated

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<sup>104</sup> Patricia T. Rooke and R.J. Schnell, "Childhood and Charity in Nineteenth-Century British North America" Histoire Sociale/Social History Vol. 15 No. 29 (May 1972), p. 162.

certain measures designed to let the inmates know that the discipline was for their own good and that they should be grateful to those who provided them with food and shelter. Paternalism tended to undermine less eligibility by exhibiting the Directors' concern for the inmates' welfare in ways that were not conducive to the upholding of institutional discipline. The two parties in the conflict were the Superintendent, who tried to maintain less eligibility, and the Directors, who favoured a paternalistic style of management.

One of the major elements of the disciplinary regime was the physical environment. Neither buildings nor food were conducive to comfort. Instead, both were spartan and severe. The Kingston House of Industry consisted of two frame buildings in 1870, with inmates sleeping in dormitories rather than individual rooms or cells.<sup>105</sup> The new building, erected in 1874, was somewhat better, although still utilitarian:

The New Wing is...of four stories, the basement containing a dining hall 30 feet by 18 feet, also a stair hall and pantry. The ground floor contains a day or sitting room 30 feet by 18 feet and stair hall. The two upper stories contain rooms of similar dimensions, used as dormitories, the whole building affording accommodation for about sixty persons, and costing for alterations and additions the sum of \$4,404.44.<sup>106</sup>

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<sup>105</sup> Ontario, Sessional Papers "Third Annual Report of the Inspector of Asylums, Prisons, etc., for the province of Ontario" Toronto: Hunter, Rose and Co., 1872, p. 119.

<sup>106</sup> "House of Industry Report 1874" Reports File, Box #2, KHI-QUA.

An undated inventory indicates that some inmates did at least sleep in beds, as there were thirty-three bedsteads and sixty-one ticks on the list.<sup>107</sup> Overcrowding was a common problem. The House was originally intended to accommodate forty people,<sup>108</sup> but during the winter months the number of inmates could be more than double that amount.<sup>109</sup> The Board of Directors realized this was a problem but could only make the suggestion that "...all that are able [are] to be put out".<sup>110</sup>

Diet was a further aspect of institutional life that helped to reinforce "less eligibility". The Superintendent of the Toronto House of Industry received instructions from the Medical Officer, Dr. Haswell, that the food served to inmates was to be "wholesome and plain".<sup>111</sup> As part of the effort to ensure the food's healthfulness, Dr. Haswell insisted that "the bread issued to outdoor pensioners should be stale, and not fresh and hot, the latter being both

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<sup>107</sup> "Inventory of the House of Industry" (undated) in Book #3, Daily Statistics, August 1, 1854 to April 5, 1859, Box #7, KHI-QUA.

<sup>108</sup> "Third Annual Report of the Inspector", op. cit., 1872.

<sup>109</sup> An entry for February 12, 1855 in the Visitors' Book commented that the House contained ninety-one inmates. Visitors' Book #1, Box #7, KHI-QUA.

<sup>110</sup> March 31, 1854, Visitors' Book, Book #1, Box #7, KHI-QUA.

<sup>111</sup> "Rules for the Superintendent", Toronto House of Industry By-laws, op. cit.

unwholesome and wasteful".<sup>112</sup> The usual dietary regime in the Kingston House was notable only for its blandness. Each adult received daily one pound of bread, 12 ounces of beef or mutton, and one pound potatoes. Every twelve adults were allowed daily: 1 and 1/2 ounces of tea; 8 ounces of sugar; 1 pint of milk; 1/2 pint of vinegar; 3 pounds of oatmeal; 4 ounces of salt; and 4 ounces of pepper. Gruel and sloppy stew appear to have been the mainstays of the institution's fare.<sup>113</sup>

Food was one of the areas in which the Directors interfered a great deal, perhaps because the inmates complained frequently to the Weekly Visiting Committee. Comments in the Visitors' Book make it appear as if the inmates had good reason to gripe. For example, on May 31, 1853, the soup was found to be "very bad", and on September 29, 1854, the molasses was pronounced unfit for consumption. On more than one occasion the meat was found to be spoiled.<sup>114</sup> On May 23, 1853, the meat was so rotten that the Visiting Committee told the Superintendent to warn the contractor that they would not order from him again if the

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<sup>112</sup> Meeting March 15, 1859, General Minute Book of the House of Industry, January 18, 1859 to December 26, 1882. Vol. 3, Box 1, SC35A, CTA.

<sup>113</sup> Meeting of the Board of Directors, March 29, 1853. Kingston House of Industry Minutes, 1853, Box #7, KHI-QUA.

<sup>114</sup> Entries for May 31, 1853; September 29, 1854; September 22, 1853 and April 9, 1855. Visitors' Book #2, Box #7, KHI-QUA.

next shipment was of similar quality.<sup>115</sup>

The institution's medical officer, Dr. John Mair, wrote a letter to the Daily News, arguing that serving the inmates an unvarying diet of meat shreds and watery potatoes was counter-productive. Some effort at variety would not only be more pleasing to the inmates, but "it would tend, too, to bind their hearts in gratitude to their guardians for their kind sympathy and considerate care of them, and would be favourable to their health".<sup>116</sup> Here Dr. Mair is clearly expressing what was often covert, that judicious kindness to the unfortunate would result in deferential behaviour. Some of the Directors of the House of Industry appear to have been of the same mind as Dr. Mair. They exercised a paternalistic benevolence at times, ordering special dinners for Easter Sunday and Christmas Day.<sup>117</sup>

While the issue of food was a minor one, it fits in well with James Scott's arguments about "everyday resistance". Inmates were able to complain about food because it was immediate and obvious, but not so

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<sup>115</sup> May 23, 1853, Kingston House of Industry Visitors' Book #2, Box #7, KHI-QUA. This is just a small sample of the many negative comments about the food.

<sup>116</sup> Loose clipping dated January 29, 1867. "House of Industry and Refuge for the Indigent Sick" The Daily News (no page number indicated) Kingston House of Industry Inmate records, Box #7, KHI-QUA.

<sup>117</sup> April 10, 1857, Visitors' Book #2, Box #7, KHI-QUA; Bill for Christmas dinner, undated. Bills and Receipts 1855-1856 file, Box #3, KHI-QUA.

controversial that it would cause a backlash. It was also something over which they could exercise some control and gain a small measure of autonomy. The Directors, for their part, were willing to support the inmates' complaints, again because it was a small matter that seemed of little importance. However, when they chose to, they "treated" inmates in defiance of institutional discipline in a way that suggests that they were reluctant to let go of anachronistic paternalist ideals. Both were involved in a larger power struggle, at the centre of which was the Superintendent. They both were actively engaged in undermining his position, although for different reasons.

#### **Putting the Inmates to Work**

One of the stated objects of the House of Industry was to provide its inmates with work, as outlined in the 1837 legislation. Although the management of both the Toronto and Kingston houses did their best to fulfil this goal, neither fully succeeded.<sup>118</sup> The Toronto institution's managers found it difficult to provide inmates with useful employment. Many of the women were reduced to making clothing for other inmates. Attributing the lack of work to public ignorance

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<sup>118</sup> Similar difficulties were common in other contemporary institutions. See Judith Fingard, "The Relief of the Unemployed Poor in Saint John, Halifax and Saint John's" Acadiensis Vol. 5 No. 1 (Autumn 1975), pp. 32-54; and Bryan Palmer, "Kingston Mechanics and the Rise of the Penitentiary, 1833-1836" Histoire Sociale/Social History Vol. 13 No. 25 (1980), pp. 7-32.

and apathy, the Trustees consoled themselves with the thought that if the citizens of Toronto knew the importance of the House's services, sewing and laundry would certainly be forthcoming. The Trustees also thought that a farm would render the institution successful; they hoped for one with a mill stream, perhaps so that they could build a flour mill or sawmill.<sup>119</sup>

Nor was work for paupers readily obtainable in Kingston, as John Creighton noted on one of his visits to the Kingston House. He recommended that the Directors authorize the purchase of a ton of rope to be picked into oakum. Women who could not or would not sew or knit should, he thought, be put to work at this as well as the men.<sup>120</sup> Most of the inmates did work designed either to facilitate the institution's operation or render it self-sufficient. Those inmates that were able usually worked on the smallholding, where both vegetables and meat were raised for profit and consumption.<sup>121</sup> For women who preferred needlework to picking oakum, there was sewing in abundance. Female inmates sewed most of the clothing and bed linen used in the House of Industry, although the actual cutting out

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<sup>119</sup> Second Report of the Committee for the Relief of the poor and Destitute of the City of Toronto, op. cit. Baldwin Room, MTRL.

<sup>120</sup> July 24, 1862, Visitors' Book #6, Box #7, KHI-QUA.

<sup>121</sup> 1853 Financial report, Box #4, KHI-QUA, and KHI Annual Report for 1866 from file #3, "Reports", Box #2, KHI-QUA.

was the responsibility of "the Visiting Ladies".<sup>122</sup> Male inmates were sometimes put to work breaking stone. The crushed stone was then sold locally with varying degrees of success.<sup>123</sup> Inmates also did basic maintenance work; a member of the Visiting Committee walked in one day to find the women busy cleaning, while the men were in the yard chopping wood for the stoves.<sup>124</sup>

The Toronto House of Industry seems to have realized that if work were supplied to inmates, it might undercut wages earned by the "respectable" poor who were already struggling to support themselves and their families.<sup>125</sup> Nevertheless, requiring the poor to work had the beneficial effect of discouraging the slothful; tramps put to work breaking stone soon left the premises.<sup>126</sup> Stone-breaking was also used as a means test in cases where an applicant

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<sup>122</sup> "A List of Articles Cut by the Visiting Ladies and given to the Inmates in December, 1850, and January and February 1851". Entry on back page of Discharge Book #4, Box #7, KHI-QUA. The division of tasks in this case was not as arbitrary as it may appear. Paper patterns of the kind used today were not invented until late in the nineteenth century. Women usually took apart old clothes and used them as templates for new. The women in the House probably had only the clothes they wore and would not have had the luxury of an "old" set.

<sup>123</sup> Undated loose sheet of paper, inserted into Book #1, Box #7, KHI-QUA. The House of Industry competed with the Penitentiary in its efforts to sell crushed stone.

<sup>124</sup> December 13, 1858, Visitors' Book #2, Box #7, KHI-QUA.

<sup>125</sup> Toronto House of Industry Annual Report for 1878, Baldwin Room, MTRL.

<sup>126</sup> Ibid.

was a "stranger or able-bodied person of doubtful character".<sup>127</sup>

Work within the House was only a temporary expedient. One of the aims in both Toronto and Kingston was to find work in the community for adult inmates, as well as apprentice children. Women in Kingston usually were hired as servants, while men and boys became farmhands or worked in nearby Garden Island's timber industry.<sup>128</sup> The Directors did their best to screen potential employers and make sure that they were of good moral character. However, Thomas Briggs, a member of the Weekly Visiting Committee, happened to be on the premises when a local madam tried to hire one of the inmates to work in her establishment. Briggs forestalled her just as she was getting into her carriage with the young woman. When questioned, she claimed she was reforming her ways and planned to open a tavern. In a fit of moral indignation, Briggs forbade the inmate's departure and entered an emphatic recommendation in the Visitors' Book that in future, prospective employers should provide the House with character references.<sup>129</sup>

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<sup>127</sup> October 4, 1877, General Minute book of the House of Industry, op. cit., CTA.

<sup>128</sup> Kingston House of Industry Discharge books, "Remarks" column, Book #1, Box #7, KHI-QUA. Unfortunately, there was no evidence as to what kind of work adults in Toronto were able to obtain, but it may well have been of the same kind.

<sup>129</sup> February 27, 1855, Visitors' Book #2, Box #7, KHI-QUA.

Work, discipline, moral regulation, less eligibility: these were the means by which the elites sought to keep the undesirable elements in the House of Industry under control and eventually reform them. Their efforts met with opposition from two major directions: themselves and the inmates. The Directors of the House of Industry were of divided minds and goals. They ostensibly favoured a strictly disciplinarian approach with no quarter given and every possible infraction of the rules anticipated. Such was a technique designed to break the spirit of the inmate and ultimately render him or her a disciplined, respectable person with aspirations toward middle-class status. Yet the Directors undermined themselves and their programme by reverting to paternalistic behaviour on more than one occasion. They indulged the inmates, let discipline lapse (as will be shown) and generally showed more concern for their welfare than one would reasonably expect.

The Superintendent of the House of Industry was in an awkward position with regard to both Directors and inmates. He was not one of the elite, yet he was required to act as their servant and carry out their orders. As such, he received the brunt of the inmates' anger and abuse, which was often abundant. At the same time, the Superintendent himself opposed the Directors in ways that were reminiscent of the inmates' own behaviour.

### The Superintendent

Although the Directors visited the House of Industry frequently to ensure that all was running smoothly -- and sometimes it was not -- the Superintendent was responsible for the day to day operations of the House. It was he who enforced discipline and kept the records of the House in good order.<sup>130</sup> The Superintendent was nominally a part of the House's management, but he was never part of the local elite. Applicants for the job of Superintendent were all from the "respectable" working class; they were artisans or the working poor, just slightly higher in status than their charges. William Allen, for example, an applicant for the Superintendency in 1862, was "a discharged sergeant from Her Majesty's Tenth Regiment and Foot", and a military pensioner. Another applicant described himself as "respectable" and "a shoemaker by trade". One of the more intriguing applications came from George Dunoon, a "colporteur" of the Kingston Bible Society. The body of the letter is written in beautiful flowing script, suggestive of the work of a professional letter-writer; the signature, however, is a barely legible scrawl. This may indicate that

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<sup>130</sup> "Rules for the Superintendent", Kingston House of Industry, Book #6, Box #7, KHI-QUA. The Superintendent was responsible for keeping a register of all applications as well as full particulars on admissions, as well as a record of relief given and refused, and records on employers who hired apprentices. Unfortunately, these records, except for the admission book, have been lost.

Dunoon was only semi-literate.<sup>131</sup>

The Superintendent was in an awkward position. He was only a shade above the destitute poor who made their way to the House, yet he was expected to enforce discipline and inculcate inmates with respectability. By virtue of his position, he was able to exercise some power over the inmates, but either management or inmates could and did turn on him. To the Superintendent was conceded the subtle power of the record and the immediate power of daily supervision but, in truth, his scope was limited.

Evidence suggests that the Superintendent was involved in an ongoing tug-of-war between inmates and Directors, with himself in the middle. Squeezed by both groups, the Superintendent fought back by insubordination toward the Board and brutality toward inmates. Kingston records in particular have much to say about the struggles of the Superintendent against management. An investigation into the operation of the House in 1852 found that too much money had been spent on food and straw bedding. Although the problems were attributed to poor supervision by the Committee of Management, much of the actual blame was pinned on the Superintendent. The investigation concluded that "...the funds of the Institution have been squandered in a most improvident manner, in consequence of leaving the

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<sup>131</sup> Correspondence file, 1860-1866, Box #2, KHI-QUA. Letters all date from 1862 in response to a newspaper advertisement for the Superintendent's position.

management in the hands of the Superintendent, and would therefore recommend his dismissal."<sup>132</sup>

Two names of Superintendents stand out, those of Mr. Graham and Mr. John Holmes. The Board, acting on "frequent complaints of [his] intemperance" cautioned Graham that if he were ever caught drinking again, or sent any of the inmates out to procure alcohol for his personal use, he would be asked to resign.<sup>133</sup> Problems with John Holmes were more serious. Superintendent from 1867 to 1874, he eventually resigned after a series of scandals. He had come to the Kingston House on the recommendation of Dr. Litchfield, medical superintendent of Rockwood Asylum, who had described him as "steady and reliable and humane in character".<sup>134</sup> Holmes proved to be anything but. He assaulted a female inmate in 1870, which led to charges in police court.<sup>135</sup> Holmes also found himself accused of

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<sup>132</sup> "Report of the Select Committee to Investigate the Management of the House of Industry" December 13, 1852. Mayor and Council Records, Vol. 96, Book "B", 1852-66: Reports of Committee to Council, Queen's University Archives.

<sup>133</sup> Letter from the Board of Directors to Mr. Graham, November 6, 1860. General Correspondence file, Box #2, KHI-QUA.

<sup>134</sup> Testimonial letter for John Holmes to Kingston House of Industry Board of Directors from J.P. Litchfield, M.D., Physician-Superintendent of Rockwood Insane Asylum, January 12, 1867. Correspondence file, 1867-95, Box #2, KHI-QUA.

<sup>135</sup> Report of the Committee on Charges against the Superintendent, June 7, 1871. KHI Reports file, Box #2, KHI-QUA. The charges were later dropped.

ordering more rations than necessary. He vigorously denied that he had done anything wrong, or acted to benefit himself.<sup>136</sup> The Provincial Inspector of Prisons and Asylums, J.W. Langmuir, found Holmes so unsatisfactory that he wrote a very stiff letter to the Directors, stating, "...the continuance of Mr. Holmes in his position may be a circumstance that may preclude the Government's recommendation for the provincial grant next year".<sup>137</sup>

The insubordination of the Superintendent was in part a manifestation of the ongoing power struggle between himself and the Directors, which stemmed in part from the uncertainty of his position. But it is also representative of the larger struggle taking place in post-Rebellion Ontario. The province's elites were trying to maintain power and an outdated hierarchical structure. Holmes had a definite identity; he was not an anonymous pauper who would put on a show of deference to get what he wanted. He also had some degree of autonomy denied to the pauper inmates, which he asserted through blatant insubordination.

Difficulties experienced by the Directors in controlling Holmes and other superintendents were much less than the Superintendent had in controlling the inmates. The

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<sup>136</sup> John Holmes to the Select Committee on Rations, November 11, 1873. House of Industry Reports, Box #2, KHI-QUA.

<sup>137</sup> Letter from [? Schort?] Secretary of Ontario, acting for Inspector Langmuir, to "the Managers of the Kingston House of Industry", undated. 1874 correspondence file, Box #2, KHI-QUA.

latter seized any opportunity to defy his authority and in the process, demonstrate that they retained a vestige of agency.

### **The Inmates: Ingrates and Autonomy**

Whatever the strategy of the House of Industry's managers to create reformed inmates, it was clear that the inmates had other ideas. They were not at all interested in becoming "reformed" and strongly resisted the institutional project. In part, this was a natural reaction to coercion -- any enforced programme is bound to create opposition in those who are its subjects. Resistance in the House of Industry was also generated by its emphasis on the reform or "re-production" of the inmates, which they found objectionable.

Resistance took two forms, that of covert, petty opposition, and open, unyielding defiance. Of the two, covert resistance was far more common. This is in keeping with James Scott's assertion that the more "effective" the institution or established order, the more likely it is that resistance will be individual and petty rather than collective in nature.<sup>138</sup> While the House of Industry seems to have varied in its efficacy, largely as a result of the indecisiveness of its Directors, it nonetheless represented

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<sup>138</sup> James Scott, "Everyday Forms of Peasant Resistance" Journal of Peasant Studies Vol. 13 No. 2 (1968), p. 28.

a threat to its residents. Thus resistance tended to be ongoing and niggling in nature, for the most part.

Toronto's surviving records, which are in large part official reports, tend to gloss over most rough surfaces, but nonetheless do reveal a few problems with the inmates. The Minute Books, for example, note that "...there were certain characters from time to time in the House who were in the habit of using abusive language, and setting the superintendent at defiance."<sup>139</sup> In addition, there were problems with inmates who persisted in drunken behaviour even after they had received warnings. James I., who asked to be readmitted to the House, was only permitted to return after he promised to abstain from drink while on the premises.<sup>140</sup> Another inmate, who had promised the same, made weekly excursions to "church" but invariably returned the worse for liquor.<sup>141</sup>

Drunkenness appears to have been a popular means of defiance in Kingston as well. Sarah McI., for example, was ordered expelled because of her habit of coming in drunk

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<sup>139</sup> Meeting of June 18, 1871. General Board Minute Book of the House of Industry, January 18, 1859-December 26, 1882, THI-CTA. In addition, there were a few individuals who were in the habit of coming in drunk.

<sup>140</sup> October 18, 1864, General Board Minute Book, Toronto House of Industry Records, op. cit., TCHA.

<sup>141</sup> June 19, 1860, General Board Minute Book, Toronto House of Industry Records, CTA.

every night and "causing considerable damage".<sup>142</sup> The Directors ordered Mary N. discharged for drunkenness, but she was allowed to stay after apologizing for her conduct.<sup>143</sup> This was in spite of the fact that she had been troublesome before; she had returned one day to the House intoxicated some years previously, and been ordered "dismissed at once" by the Visitor who happened to be present.<sup>144</sup> A report by Superintendent Graham detailed the conduct of an unusually recalcitrant inmate:

Report against Mrs. [M.] - went out by permission at 2 o'clock to return at 4 p.m. which she did not do. But returned at 9 o'clock at night drunk and disorderly and broke the windows of the institution. Had her arrested and sent to the station house and tried before his worship the Mayor, who sentenced her to sixty days in the common gaol. This is her second time in gaol from the house, but she has been repeatedly disorderly and intoxicated.<sup>145</sup>

The way in which the Directors dealt with inmates' drunkenness is indicative of problems with the larger issues of discipline and paternalism. Sometimes they merely excused intoxicated behaviour. Kingston celebrated St. Patrick's Day, 1860, with a parade that the Mayor permitted inmates to attend. Samuel Drennan, that day's Visitor, commented "...found the inmates noisy going down to supper, but being St. Patrick's Day I supposed it excusable". Such

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<sup>142</sup> May 22, 1855, KHI Visitors' Book #2, Box #7, KHI-QUA.

<sup>143</sup> March 7, 1856, *ibid.*

<sup>144</sup> December 1, 1853, *ibid.*

<sup>145</sup> May 15, 1862, Visitors' Book, Book #6, Box 7, KHI-QUA.

laxity had the inevitable unfortunate consequences. The Superintendent called in Drennan the next day to deal with Mrs. M., who had taken advantage of her freedom to get herself into a state of advanced inebriation. She returned to the House "almost perfectly naked having sold her clothes".<sup>146</sup>

Refusal to work was also a popular form of insubordination. On at least two occasions the Visitor complained that he had seen people in the House who were obviously strong and well able to work, but who were idle.<sup>147</sup> Mr. Beattie, the superintendent, wrote a letter to Mr. Drennan of the Board of Directors complaining that there were about a dozen women in the House clearly capable of working, but who flatly refused to do so. Beattie asked Drennan to "please come up and speak to them about their conduct".<sup>148</sup>

Many inmates simply left the House. Among the entries in the "Remarks" column of the Discharge book are frequent terse comments of "Left" or "ran away". One inmate ran away six times; the seventh time he left, the superintendent

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<sup>146</sup> March 17-18, 1860, KHI Visitors' Book #6, Box #7, KHI-QUA.

<sup>147</sup> August 16, 1856 and October 7, 1856, KHI Visitors' Book #2, Box #7, KHI-QUA.

<sup>148</sup> Undated letter; Beattie to Samuel Drennan, KHI Correspondence file 1860-66, Box #2, KHI-QUA.

noted in the record book, "gave up following him."<sup>149</sup> Others behaved in ways that guaranteed their expulsion: they were "expelled for bad conduct"; "discharged drunk"; "discharged for breaking rules"; "sent to jail for fighting". Mark R. was "three times drunk discharged", and Margaret M. was "discharged three times drunk. Never to be admitted to the House of Industry again."<sup>150</sup>

Although covert resistance was the more common, some inmates chose to express themselves violently, occasionally toward other inmates.<sup>151</sup> Even more pointed was a confrontation between Superintendent Graham and an inmate:

I asked him why he did not shave himself. He said he would do it when he was ready and thought fit. He said more fit I was in prison turn key than here for he had seen the day he would not have let me black his boots. I told him I would put him out so he pulled out of his breast a knife which he carries always on his person and said he would let me have that if I touched him. He won't do one thing no matter what it is but give abusesive talk. This is now five times that I put with him since I came so I am obliged to report him this time as I can't get him to do anything I bid him.<sup>152</sup>

Despite this confrontation, the inmate remained in the House, only to have Mr. Graham record a year later that he refused to take a bath or clean himself in any way. Indeed,

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<sup>149</sup> Undated entry, KHI Record Book, Book #1, Box #7, KHI-QUA.

<sup>150</sup> Undated notes in KHI Record Book, *ibid.*

<sup>151</sup> March 12, 1856, KHI Visitors' Book #2, Box #7, KHI-QUA.

<sup>152</sup> July 16, 1860, KHI Visitors' Book #6, Box #7, KHI-QUA. Spelling and grammar uncorrected from the original.

the inmate was so filthy that he was "full of vermin".<sup>153</sup>

Inmates fought against the disciplinary programme of the House of Industry with whatever limited resources they had at their disposal, either subtle subversion or outright violence. Because of the uncertain and contradictory nature of the correction to which they were subject, however, their efforts did not always have the effect desired. The Directors either excused their behaviour or merely reprimanded them, which kept the conflict between the two groups very low-key.

### Conclusion

The overall picture one gets of the House of Industry is not a harmonious one. Quarrels between the Superintendent and inmates, and the Board of Directors and the Superintendent, were ongoing ones that were never satisfactorily resolved. The resistance of the inmates to the institutional programme was at the root of their recalcitrant behaviour. Yet their quite marked defiance toward the ideals of respectability indicates a significant difference between the impoverished and the elite. The imposition -- or the attempt to do so -- of the elite code of behaviour on the underclass created a further division between the two groups. Those in power wanted a society in which they would be recognized as the superior. Their hope

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<sup>153</sup> August 25, 1861, *ibid.*

was that the underclass would offer them deference, not oppose them at every turn. The Directors, although largely merchants and manufacturers, still clung to the beliefs espoused by the Family Compact, as is evidenced by their paternalistic gestures. But they were also men who valued the principles of the market economy, namely hard work, discipline, sobriety, cleanliness, and obedience to one's betters, all of which were embodied in the disciplinary regime of the House of Industry. The balancing of paternalistic benevolence and rigid, even coercive, discipline, was a tricky thing, and the Directors seem never to have been quite sure how to accomplish it.

The clashes between Superintendent and Directors are common to any organization; however, it is the nature of these clashes that is significant. Like the inmates, the Superintendent's insubordination appears to have been his way of expressing scorn for the regulations and code of behaviour that the Directors held dear. It was his job to uphold the values which ruled the House of Industry; that he did not do so with respect to his own conduct is indicative of his own opinion of them. The Superintendent was in the middle between the Directors and the inmates; as such, he acted as a liaison between the two. That he would have been on the side of coercion seems hardly surprising, since obedience to discipline would make his life easier. However, his dedication to the training of the inmates sometimes

clashed with the desire of the Directors to exercise goodwill. The Directors did not have as much contact with inmates and were unable to appreciate how much their behaviour could undermine the programme of the House.

The ongoing struggles between these three groups -- the underclass, the old elites, and the rising elites -- reflected the tensions in contemporary society. The House of Industry was just one of the places where the larger conflicts played themselves out.

## Chapter Four: The Penitentiary

The Penitentiary is a very large massive stone building, situated at a short distance from the town. The number of its inmates generally varies from 500 to 1000, and within it all the trades are in full operation. A man is stationed in a box with a loaded rifle to look after so many of them, and their punishment does not seem to consist in the harshness of their treatment or in the amount of their work, but in the fact that all are bound to be mute. Not a word can be uttered morning, evening, noon or night, without the culprit's being visited with the severest punishment. The greatest order, neatness, and cleanliness pervade the whole establishment, and, but for the silence that ever reigns and the peculiar dress of the inmates, one could not otherwise detect the nature of the establishment.<sup>1</sup>

### Introduction

The Provincial Penitentiary - or Kingston Penitentiary, as it is known in its present incarnation - is perhaps the most "unsubtle" of Upper Canadian efforts to regulate the marginalized. Its purpose was supposedly the re-formation and moral cleansing of all who passed through its formidable gates. The problem with which penitentiary officials and the state grappled was how the reform of prisoners was to be best accomplished. Punishment and regulation were the penitentiary's lifeblood - indeed, virtually every facet of penitentiary life was shaped by these considerations.

In the broad structures of its discipline, the penitentiary bore a striking resemblance to the House of

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<sup>1</sup> Anonymous, A summer in America: Things seen and Heard on a Tour in the United States and Canada, 1868 Kingston Miscellaneous Collection, Box #2 File 12, Queen's University Archives (Hereafter QUA).

Industry. For disciples of Michel Foucault, this is hardly surprising. The central tenet of his work is that all institutions, whether factories, penitentiaries, schools or workhouses, were designed to exercise discipline primarily over the mind and render their inmates docile adherents of the dominant power.<sup>2</sup> Indeed, both the penitentiary and House of Industry regulated the daily routine of the inmate through early rising, set mealtimes, enforced work, and an unexciting diet.

However, the penitentiary was far more than just the House of Industry writ large. While their basic structures had an underlying resemblance, the element of correction in the penitentiary went far beyond that of the House of Industry. Infractions of discipline in the latter were punished by requiring the inmate to apologize to the Board of Directors and Superintendent, or in extreme cases, expulsion from the House entirely. Penitentiary inmates could sometimes find their penalty lessened by mustering an apology for bad behaviour. More often, an apology merely constituted part of a greater disciplinary programme.

Admissions were another obvious area in which the two

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<sup>2</sup> See Michel Foucault, Discipline and Punish: The Birth of the Prison trans. Alan Sheridan New York: Vintage Books, 1979; also Madness and Civilization: A history of insanity in the Age of Reason London: Tavistock Publications, 1967 and The Birth of the Clinic: an archaeology of Medical Perception New York: Pantheon Books, 1973.

institutions differed. The Directors of the House of Industry were at some pains to ensure that inmates were of the "deserving" sort and of good character, although they frequently failed in this respect. No such nice distinctions operated in the Penitentiary. On the contrary, denizens of the penitentiary were uniformly assumed to be of bad character and the question of whether they "deserved" to receive the care of the Penitentiary was a non-issue. Their involuntary presence in the institution was proof enough of their unsavory disposition. As in the House of Industry, officials of the Penitentiary expended much energy in trying to re-shape the character of the inmates to ensure that they were fit to re-enter society. But because the convicts were so much "worse" than the inmates of the workhouse, the emphasis on discipline and obedience overrode all other considerations. Chapter Three indicated that benevolence sometimes conflicted with discipline. The tension between these two aspects of the institution took on a new aspect in the Penitentiary. Discipline and reformation of the convict was replaced by the need to keep order and the desire to exact retribution for unacceptable behaviour.

Finally, work. Both the penitentiary and House of Industry regarded useful employment as part of the disciplinary regime. It tended to be a sporadically-enforced form of discipline in the House of Industry, but was one of the essential features of penitentiary life.

Work in the penitentiary was both a money-making venture and an essential part of the convict's sentence. The idea that the convict was partly in his situation because he lacked self-discipline found expression in the almost draconian emphasis on labour. The rationale was that the convict would learn both disciplined habits as well as a useful skill that would contribute to his rehabilitation and acceptance into general society.

While the concept of putting convicts to work was undeniably laudable in theory, in practice it proved otherwise. Penitentiary inmates were no more enthusiastic about working than were their counterparts in the House of Industry; in fact, the more they were pushed to work, the more vigorously they protested. As well, local workmen were afraid of the possibility of unfair competition, since convict labour tended to be less costly.<sup>3</sup> Contract labour within the penitentiary also presented management with potential disruptive influences. As men who came from "outside" to supervise convicts at work, the contractors were viewed with suspicion. Problems varied from the introduction of contraband to lack of concern for maintenance of prison discipline within the workshop. As well, prison officials thought it all too likely that the contractor was busy skimming off profits that more properly

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<sup>3</sup> See Bryan Palmer, "Kingston Mechanics and the Rise of the Penitentiary, 1833-1836" Histoire Sociale/Social History Vol. 13 No. 25 (1980), pp. 7-32.

belonged to the penitentiary.<sup>4</sup> Just as in the House of Industry, then, the attempts to have inmates occupy their time constructively probably created as many, if not more, problems than they solved.

Inmates of the penitentiary fought against the project of reformation with "everyday resistance". Its manifestations were far different from those exhibited in the House of Industry: more obvious, because they were more often a flagrant and deliberate breach of institutional rules, and often more furious. House of Industry records indicate violent behaviour occurred rarely. Penitentiary records record frequent confrontations between prisoners and guards, with both physical and verbal abuse common.

Discipline in the Penitentiary underwent variations in tone and severity over time, but unlike the House of Industry, it was never entirely compromised by benevolent intentions. Correction was the heart of the penitentiary; its very existence was dictated by the need to administer discipline efficiently and effectively (the two were not necessarily synonymous in the prison environment). The question then became whether convicts were demonstrating their unwillingness to comply with the class-based project of re-formation or merely opposing the oppressive regime of

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<sup>4</sup> Richard M. Zubrycki, The Establishment of Canada's Penitentiary System: Federal Correctional Policy 1867-1900 Toronto: University of Toronto, Faculty of Social Work, 1980, p. 54.

the penitentiary. A definite case can be made for resistance to the re-formation project; prisoners in many cases expressed their outright disgust with the norms of behaviour to which they were expected to conform. They were also masters at manipulating the system while appearing to be compliant, which indicates an awareness of the project and its ramifications. Convicts were largely members of the underclass or labouring poor. But if class awareness was created in the penitentiary, it was not at a very high level. It was understood that penitentiary inmates were society's dregs; both convicts and management recognized this as an undisputable fact.

There was thus a clear division between convicts and the rest of society even before the penitentiary term began. The division was exacerbated -- and exaggerated -- by the conditions of the penitentiary sentence, which drove home to the convicts how clearly unacceptable had been their conduct. At the same time, those in power -- wardens, guards, the chaplains and Inspectors -- were able to make plain the need for convict reformation. However, the penitentiary was a closed system. It was designed to ensure minimal or no contact between prisoners -- the latter was its real aim -- and failure to do so was seen as a considerable breach of discipline. There are instances in which prisoners acted in collusion to indicate their defiance of discipline; however, for the most part

resistance was individual.

Here James Scott's thesis undergoes its most severe test -- was resistance really a manifestation of a growing class consciousness, or was it something else? In the penitentiary environment it is probably safe to say that defiance was resistance to power and authority, hardly surprising under the circumstances. The powerful, who attributed bad behaviour to the naturally depraved constitutions of their clientele, argued that with reformation such negative character traits would diminish. Those at the bottom of society were primarily concerned with asserting themselves against the arbitrary exercise of power.

In keeping with the idea of power and resistance, this chapter will further develop the theme of the tension between benevolence (or paternalism) and coercion which power entails. Like the House of Industry, the penitentiary was an institution meant to quell the unruly. Since the disorderly were largely people thought of as marginal, it was a further indication of the powerful's "us and them" mentality.

Just as the tension between reformation and coercion is one of the main themes of the penitentiary, so is the idea of blame. Inmates were generally thought to have committed their crimes because of moral failure. Gary Kinsman has created the concept of sites of regulation, commenting that

"certain sites get constructed as regulatory sites while others do not".<sup>5</sup> Kinsman makes the point in reference to the AIDS epidemic, arguing that victims of the disease are blamed for causing their own problems. This in turn removes the onus to care for those afflicted from the state and health-care agencies.<sup>6</sup> His construction is pertinent to the situation of penitentiary inmates, who were named as the problem rather than the vagaries of the economy or the inadequacies of the criminal justice system. Thus the penitentiary was designed to correct the prisoner while ignoring its own faults.

The coercion/discipline aspect of the penitentiary and the inmate as site of regulation are both well-hidden within the penitentiary. They are implicit rather than explicit. Both are part of the development of state power. Discipline, of course, is essential in the state, and it could reasonably be argued that it was indeed the central tenet of regulation and control. For discipline to be properly administered, it must have an object suited to its

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<sup>5</sup> Gary Kinsman et. al., "The Regulation of Gender, Reproduction and Sexualities" in Mariana Valverde, Radically Rethinking Regulation: Workshop Report Toronto: Centre for Criminology, University of Toronto, 1994, p. 17. See also Mary Louise Adams, "In Sickness and in Health: State Formation, Moral Regulation and Early VD Initiatives in Ontario" Journal of Canadian Studies Vol. 28 No. 4 (Winter 1993-94), pp. 117-130. Adams, like Kinsman, makes the connection between regulation of disease and regulation of morality among marginalized populations.

<sup>6</sup> Kinsman et. al., *ibid.*, p. 17.

ministrations. Misdirected discipline will antagonize, not create obedience. Thus the Upper Canadian state chose its "sites of regulation" carefully; in the case of the penitentiary, it was the underclass which presented the state with the socially disruptive problem of criminality. In considering both the penitentiary as actuality and as concept, the various themes mentioned form the basis for the broader study of its operations.

### **The "Idea" of the Penitentiary**

The penitentiary as a concept has a long history. According to one account its origins lie with the medieval Roman Catholic Church, which developed the penitentiary as a means for repenting of one's sins toward God.<sup>7</sup> Ideologically, the penitentiary owes its existence to the writings of Cesare Beccaria. He argued for a system of law and punishment that deterred potential criminals rather than one which exacted society's revenge for crimes.<sup>8</sup> According to David Rothman, Beccaria's writings suggested to contemporary thinkers that cruel physical punishment of the criminal was largely ineffective. Judges and juries were

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<sup>7</sup> David Fogel, "...We are the Living Proof...":The Justice Model for Corrections Cincinnati: The W.H. Anderson Company, 1975, p. 4.

<sup>8</sup> Adam J. Hirsch, The Rise of the Penitentiary: Prisons and Punishment in Early America New Haven: Yale University Press, 1992, p. xiii. See also Alessandro Manzoni, The Column of infamy: prefaced by Cesare Beccaria's of Crimes and Punishments London: Oxford University Press, 1964.

reluctant to convict a man of a crime if they knew that the sentence was hanging; they were liable to find him innocent.<sup>9</sup> The British penal code became so brutal between 1688 and the end of the Napoleonic Wars, with almost 225 offenses designated as "capital", that it was known as the "bloody code".<sup>10</sup> Beccaria claimed that the rise in crime resulted partly from the "viciousness and thoughtlessness of the criminal codes".<sup>11</sup> Increasingly designated as "capital" were crimes against property, meant to protect the goods of the wealthy from the peasantry who bitterly resented the former's encroachment on their customary rights.<sup>12</sup> These new capital offenses included such practices as "stealing hedges, underwood, fruit from trees, and timber; damaging orchards, hop-vines or woodland; and taking fish from ponds or breaking the ponds to let fish escape".<sup>13</sup> Detention of

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<sup>9</sup> David J. Rothman, The Discovery of the Asylum: Social Order and Disorder in the New Republic Toronto: Little, Brown and Co., 1971, p. 60. See also Peter Linebaugh, The London Hanged: Crime and civil society in the 18th Century London: Allen Lane, 1991.

<sup>10</sup> Michael Ignatieff, A Just Measure of Pain: The Penitentiary in the Industrial Revolution, 1750-1850 Markham, Ontario: Penguin Books, 1978, p. 16.

<sup>11</sup> Adam Jay Hirsch, The Rise of the Penitentiary, op. cit., p. xiii. See also David Garland, Punishment and Welfare: A history of penal strategies Brookfield, Vermont: Gower Publishing Co. Ltd., 1985.

<sup>12</sup> Michael Ignatieff, Just Measure of Pain, p. 15.

<sup>13</sup> Ignatieff, Just Measure of Pain, p. 16. See also E.P. Thompson, Whigs and Hunters: the Origin of the Black Act New York: Pantheon Books, 1975.

prisoners was largely regarded as an interim measure between indictment and actual punishment until the late eighteenth century. Any prison sentences that were handed out tended to be quite brief -- usually, of a year or less in duration and never more than three -- and in Britain they were only meted out to "those convicted of manslaughter, commercial frauds, perjury, combining against employers, or rioting".<sup>14</sup>

When punishment did not involve public hanging or transportation, it meant public humiliation. Whipping or the pillory were highly favoured before 1775.<sup>15</sup> Colonial punishments copied the British example, with "the pillory, the stocks, ducking stools [and] the whipping post" the methods of choice. Mutilation of the malefactor ensured that he or she bore the mark of his or her crime for all to see forever. Criminals were often branded with letters symbolizing their crime ("H" for hog theft, for example) or had their noses slit, or parts of their ears cut off. Quakers were subject to especially severe penalties because they were regarded as religious heretics.<sup>16</sup>

All this changed in the eighteenth century. For reasons that are not wholly clear -- the influence of Enlightenment thought, which stressed the rationality of

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<sup>14</sup> Fogel, "We are the Living Proof", op. cit., and Ignatieff, Just Measure of Pain, p. 15.

<sup>15</sup> Ignatieff, Just Measure of Pain, p. 24.

<sup>16</sup> Fogel, op. cit., pp. 6-8.

man, may have been a contributing factor<sup>17</sup> -- the emphasis in punishment changed from the physically brutal to the infliction of mental anguish.<sup>18</sup> Michael Ignatieff has described this conceptual shift as a "revolution in punishment", placing it between 1780 and 1850. These are the very dates usually ascribed to the Industrial Revolution's beginnings in England. He argues that the decline in punishments that inflicted physical pain was countered with the emergence of incarceration as the preferred means of punishing "serious crime". The change was not just confined to Britain and America, but took place throughout Europe; a wave of punishment reform swept away the old penal practices and ushered in the new.<sup>19</sup> As Michel Foucault expressed it, "Physical pain, the pain of the body itself, is no longer the constituent element of the penalty. From being an art of unbearable sensations punishment has become an economy of suspended rights."<sup>20</sup>

Discourse theory explains the rise of the penitentiary in a way that draws on literary theory rather than on actual historical events. It too sees a progression in thought,

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<sup>17</sup> See Norman Hampson, The Enlightenment: An evaluation of its assumptions, attitudes and values Markham, Ontario: Penguin Books, 1968/1990.

<sup>18</sup> Ignatieff, Just Measure of Pain, "Preface".

<sup>19</sup> Michel Foucault, Discipline and Punish: The Birth of the Prison trans. Alan Sheridan. New York: Vintage Books, 1979, p. 7.

<sup>20</sup> Ibid., p. 11.

but one that is based on the simultaneous rise of the British novel and the penitentiary. John Bender argues that the emergence of the novel form parallels the "continuous narrative" embodied in the reformatory project of the penitentiary. The novel followed the course of a person's life, with a beginning, middle and conclusion, with some sort of resolution or change occurring during the course of events. Similarly, the life of the penitentiary inmate now followed a "narrative" form, with entrance into the penitentiary representing the beginning of a process that would ultimately culminate in the convict's transformation.<sup>21</sup> I mention this theory, although I find its logic dubious, as an indication that something was happening in the eighteenth century that altered the perception of punishment.

Subsequent developments in penitentiary reform were all affected by the idea that punishment should be measured, rational and highly regimented. The British penitentiary system, which served as the model for the later American and Upper Canadian institutions, ultimately derived from Jeremy Bentham's conception of the Panopticon. He developed this scheme as a means of having a substantial number of people under surveillance at once. Guards would watch prisoners from a central tower encircled by backlit cells to make the

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<sup>21</sup> John B. Bender, Imagining the penitentiary: Fiction and the architecture of mind in Eighteenth-Century England Chicago: University of Chicago Press, 1987.

prisoners visible at all times, while remaining unseen.<sup>22</sup>

The constant unwavering scrutiny meant that there was less need for the physical restraint of chains and shackles:

The Panopticon was a realization of the divine ideal, spying out the ways of the transgressor by means of an ingenious architectural scheme, turning night into day with artificial light and reflectors, holding men captive by an intricate system of inspection. Its purpose was not so much to provide a maximum amount of human supervision, as to transcend the human and give the illusion of a divine omnipresence.<sup>23</sup>

According to David Lyon, while the principles of the Panopticon were never adopted whole-heartedly or in their unadulterated form, they did serve as the basis for several penitentiaries. Among them were the Millbank Penitentiary in London, England and the Penitentiary at Mettraya, France. On the walls of the latter were inscribed "'Dieu vous voit'" for the edification of convicts. Panopticism also played a crucial role in determining the ultimate shape of the Kingston Penitentiary.<sup>24</sup>

Also central to the ideological development of the penitentiary was John Howard. After viewing virtually every prison in England, he wrote The State of the Prisons which advocated massive reform. He suggested that prisons include

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<sup>22</sup> David Lyon, "Bentham's Panopticon: From Moral Architecture to Electronic Surveillance" Queen's Quarterly Vol. 98 No. 3 (Fall 1991), p. 597.

<sup>23</sup> Ibid., p. 599 and Gertrude Himmelfarb, "The Haunted House of Jeremy Bentham" in Himmelfarb's Victorian Minds New York: Alfred A. Knopf, 1968, p. 35.

<sup>24</sup> Lyon, pp. 600-601.

solitary confinement and a regime of discipline. He also discovered a motto at the Amsterdam Rasp House which he felt best expressed his own ideas: "My Hand is Severe but my Intention Benevolent".<sup>25</sup> The motto was apparent in the operation of the Kingston Penitentiary, leading to innumerable problems and muddled purposes.

Howard and the Boston Prison Discipline Society were instrumental in promoting what came to be known as the "Auburn" system of penitentiary discipline throughout North America.<sup>26</sup> The Auburn system was one of two which were popular in America beginning in the mid 1820s. Auburn's advocates argued for the virtues of having prisoners work together during the day -- known as "congregate" labour -- with no talking permitted, and complete isolation and silence at night. The Pennsylvania system, its counterpart, demanded that prisoners spend all their time completely alone, with work being done in the convict's cell rather than with others. The latter scheme was intended to encourage the prisoner's penitence through ongoing solitary reflection on the nature of his crimes.<sup>27</sup> Critics castigated the Pennsylvania system because of its almost complete deprivation of human contact, thought to be excessively

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<sup>25</sup> Ignatieff, Just Measure of Pain, p. 53.

<sup>26</sup> C.J. Taylor, "The Kingston, Ontario Penitentiary and Moral Architecture" Social History/Histoire Sociale Vol. 12 No. 24 (November 1979), p. 397.

<sup>27</sup> Fogel, op. cit., p. 18.

cruel.<sup>28</sup>

Among those who found John Howard's ideas attractive were two prominent Kingston men, Hugh C. Thomson and John Macaulay. Thomson argued the need for an Upper Canadian Penitentiary in 1826, raising the issue in the Upper Canada House of Assembly. With John Macaulay, Thomson was appointed to a commission to look into the viability of erecting a penitentiary in Upper Canada.<sup>29</sup> Thomson and Macaulay's tour of existing penitentiary facilities left them convinced that the Auburn system was the one best suited to the proposed Kingston penitentiary.<sup>30</sup>

Thomson and Macaulay expressed in their report what they believed should be the ultimate purpose of the penitentiary:

A penitentiary, as its name imports, should be a place to lead a man to repent of his sins and amend his life, and if it has that effect, so much the better as the cause of religion gains by it, but it is quite enough for the purposes of the public if the punishment is so terrible that the dread of a repetition of it deters him from crime, or his description of it, others.

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<sup>28</sup> Jacqueline Thibaut, "'To Pave the Way to Penitence': Prisoners and Discipline at the Eastern State Penitentiary 1829-1835" The Pennsylvania Magazine of History and Biography Vol. 106 No. 1 (April 1982), p. 187.

<sup>29</sup> C.J. Taylor, op. cit., p. 386.

<sup>30</sup> Document #40: "Report of a Select Committee on the Expediency of Erecting a Penitentiary" *Journal of the Upper Canada House of Assembly* (1831) Appendix, pp. 211-212 (Appendix letter not indicated) in J.M. Beattie, Attitudes towards Crime and Punishment in Upper Canada, 1830-1850: A Documentary Study Toronto: Centre of Criminology, University of Toronto, 1977, p. 82.

And in regards to the supposed reformatory powers of a penitentiary, they stated,

It has been objected to penitentiaries, that they do not reform the people who are sent to them; this is acknowledged by the people of Glasgow, and scarcely denied by those of New York; but punishment is meant to deter, not to reform, as any indictment will inform you; or if reform is contemplated, it is only a secondary intention.<sup>31</sup>

Reformers as well as Tories wrestled with confusion about what should be the penitentiary's true function. Charles Duncombe, a prominent Reformer, argued that an increase in crime could be expected to accompany the rise in population which occurred from 1827 to 1835, thereby making a penitentiary essential.<sup>32</sup> While Duncombe recognized the importance of punishment, he also urged that benevolent paternalism be considered essential in the treatment of prisoners:

The agents of the government become...the fathers of the people; and it may surely be ranked among the duties incident to this paternal care, not only that those who are guilty of crime should receive the chastisement due to their offenses, but that no pains should be spared to remove the causes of offence, and to diminish, as far as possible, the sources of temptation and corruption.<sup>33</sup>

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<sup>31</sup> Ibid., "Report...on the Expediency of Erecting a Penitentiary" pp. 82, 84.

<sup>32</sup> Rainer Baehre, "The Origins of the Penitentiary System in Upper Canada" Ontario History Vol. 69 No. 3 (September 1977), p. 189.

<sup>33</sup> Document #43: "Extracts from the Report of the Commissioners on the subject of Prisons, Penitentiaries, etc. [The 'Duncombe Report'], Journal of the House of Assembly, Appendix No. 71" in Beattie, Attitudes, op. cit., p. 88.

There is some suggestion in the literature that the penitentiary was not entirely a Reform impulse. Russell Smandych has gone so far as to suggest that the main push came from the Tories, who were acting out of an established conservative tradition that stressed the value of hierarchy and order within society.<sup>34</sup> Rainer Baehre, for his part, has argued that penal reform was a "non-partisan" and "largely co-operative effort" between the Tories and Reformers of the period. The colonial government was supposedly in favour of a reformed prison system and a lunatic asylum. Certainly Lord Durham had proposed both in his famous Report.<sup>35</sup> However, the first documented proposal for a penitentiary and lunatic asylum actually came from Governor-General George Ramsay Dalhousie in the early 1820s, preceding that of Hugh C. Thomson's by a few years. The reaction of the Imperial government was not all positive. James Buchanan, the British consul at New York, had doubts that the penitentiary actually reformed its inmates. He thought that preventive measures, such as Sunday schools,

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<sup>34</sup> Russell Smandych, "The Upper Canadian Experience with Pre-Segregative Control" PhD. Dissertation, University of Toronto, 1989, p. 130.

<sup>35</sup> Rainer Baehre, "Imperial Authority and Colonial Officialdom of Upper Canada" in Louis A. Knafle, (ed.) Law, society and the state: Essays in modern legal history Toronto: University of Toronto Press, 1995, p. 184.

would be more to the point.<sup>36</sup>

The call for a penitentiary can legitimately be tied to concerns about social unrest. "The conservative desire for social order and stability helps to explain the great fear of the 'increase of crime' which seemed to accompany the new foreign elements entering Upper Canada in the 1830s."<sup>37</sup> This was in keeping with concerns about increasing evidence of poverty in Upper Canada at about the same time. Both can be traced to the influx of immigrants that occurred in the late 1820s and early 1830s. As had been the case with the poor, most of the blame was directed toward the Irish, who were seen as intrinsically savage with inherent criminal tendencies arising from their supposed lack of self-control.<sup>38</sup>

The penitentiary thus began its existence with the essential tension between punishment and reform already established.<sup>39</sup> Paternalism replaced benevolence, with all

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<sup>36</sup> Ibid., p. 187.

<sup>37</sup> John Gerald Bellomo, "Upper Canadian Attitudes toward Crime and Punishment: 1832-1851" Ontario History Vol. 64 No. 1 (March 1972), p. 12.

<sup>38</sup> Ibid., p. 13.

<sup>39</sup> Russell Smandych questions the centrality of Thomson's role in the penitentiary's emergence. Basing his work on an argument of Peter Oliver's, he claims that it was actually the Tory elite, in the person of Lieutenant-Governor Colborne, who pushed for the erection of the penitentiary. He asserts that "the reform of the criminal law in Upper Canada was very much a product of the traditional conservative values" of the Tory government. He goes on to say that for the Tory elite, the

its overtones of harsh discipline and authority. Prisoners got the blame for their situation -- it was they who were regulated, at least until the late 1840s, when the disciplinary measures of Warden Smith were called into question. Such was not an auspicious beginning, and the multifarious directions in which the penitentiary was pulled helped to weaken its fabric considerably.

### **The Penitentiary: The Early Years**

Hugh C. Thomson had argued that the penitentiary was necessary for five reasons: the death penalty was rarely put into effect, and only in cases of murder; "fines were unjust"; local jails, with their complete failure to separate young offenders and hardened criminals, were adding to the problem rather than alleviating it; corporal punishment was "improper and degrading"; banishment was unenforceable and in some cases not a punishment at all.<sup>40</sup> Evidently he hoped that the penitentiary would be a more effective means of punishment than any of those with which he was acquainted.

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penitentiary was simply "another control mechanism that could be employed to maintain a "well-ordered society". It was neither, Smandych argues, a panic response to social collapse nor a radical departure in penality. Russell C. Smandych, "Beware of the 'Evil American Monster': Upper Canadian views on the need for a penitentiary, 1830-1834", Canadian Journal of Criminology Vol. 33 No. 2 (April 1991), p. 134.

<sup>40</sup> C.J. Taylor, "Kingston Penitentiary and Moral Architecture", op. cit., p. 386.

The Auburn model had been chosen as the disciplinary system for the Kingston Penitentiary. Its only real difference from the Pennsylvania system was that it permitted prisoners to work together rather than isolating them in their cells. The resemblances were greater than the differences; both incorporated

...massive and austere structures, pervasive regimentation, maximum inmate capacity, minimal staff requirements, and the expectation that convict labour could both support the cost of the institution and prepare the inmate to take his place in the work-force as a docile, disciplined, industrious and productive worker.<sup>41</sup>

All this suggests the outline of the penitentiary as it was first constituted. Discipline and regulation formed the watchwords of the place. The chosen system of discipline dovetailed neatly with Upper Canada's Penitentiary Act of 1834, which mused in its preamble,

...if many offenders convicted of crimes were ordered to solitary imprisonment, accompanied by well-regulated labour and religious instruction, it might be the means under Providence, not only of deterring others from the commission of like crimes, but also of reforming the individuals, inuring them to habits of industry.<sup>42</sup>

Accordingly, when the penitentiary first opened on June 1, 1835, the disciplinary routine of the prison was already in place.

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<sup>41</sup> Zubrycki, "The Establishment of Canada's Penitentiary System", op. cit., p. 17.

<sup>42</sup> Canada Statutes of Upper Canada "An Act to provide for the maintenance and Government of the Provincial Penitentiary, erected near Kingston in the Midland District" 4 William IV Cap. 37 S. 1 (1834).

Every member of penitentiary society had a strictly regulated function. The Warden's role was one of a benevolent overseer, judging by the rhetoric of the published regulations. He was to ensure not only that prisoners were treated humanely, but also that prisoners' reformation should always be recognized as the ultimate goal of the penitentiary. To keep the peace in the prison, he was instructed to "...carefully guard against personal and passionate resentment on his own part, as well as that of his subordinate officers."<sup>43</sup> For their part, keepers and guards were reminded that it was their bounden duty to prevent convicts from communicating with each other, particularly since the entire success of the prison's disciplinary system depended on it. Keepers were ordered to punish convicts who were under their direct supervision and report "infractions of discipline" in other convicts.<sup>44</sup>

Likewise, convicts had their appointed roles. They were to render complete obedience to their keepers and work

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<sup>43</sup> Beattie, op. cit., Journal of the House of Assembly (1837-8) Appendix No. 10, "Extracts from the Rules and Regulations made by the Inspectors of the Provincial Penitentiary respecting its Discipline and Policy, under authority of the Statute 4 Wm. IV, Ch. 37, Section I: Duties of the Warden", p. 117. According to Roger Neufeld, personal feuds and conflict formed one of the essential structures of penitentiary life. See Roger E. Neufeld, "A World Within Itself: Kingston Penitentiary and Foucauldian Panopticism, 1834-1914" M.A. thesis, Queen's University, 1993.

<sup>44</sup> Beattie, Appendix No. 10, S. 3 "Appointment and Duties of the Keepers", pp. 118-119.

hard in complete silence, never communicating with each other by any means whatsoever.<sup>45</sup> The daily life of the convict also followed an unvarying routine. Prisoners arose at 5:15 a.m. in the summer, and at sunrise in the winter. (Prisoners were not provided with lights in their cells until later in the penitentiary's history.) Guards went to their assigned stations, after which the prisoners emerged from their cells to begin the daily routine. After an hour's work they were allowed to eat breakfast in the Mess Room with the other prisoners, but were not permitted to look at or talk to fellow convicts. A similar custom prevailed at the midday meal, but prisoners took their evening meals to their cells where they remained until the next morning.<sup>46</sup>

Generally, the penitentiary's rules divided the day into a series of tasks to be accomplished and dictated the comportment of convicts throughout the weekly round. Some break from the daily routine occurred on Sundays, when prisoners received a clean shirt and were taken to church. The rules against communication still prevailed; convicts were seated in the Chapel in such a way that they faced the preacher but could not look at each other.<sup>47</sup>

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<sup>45</sup> Ibid., S. 8 "Duties of Convicts", p. 123.

<sup>46</sup> Roger E. Neufeld, "A World Within Itself", op. cit., pp. 11-12.

<sup>47</sup> Beattie, op. cit., Appendix 10, S. 9, "General Rules and Regulations of the Prison", pp. 124-125.

Even new prisoners, who had just crossed the penitentiary's somewhat forbidding threshold, found themselves subject to routine and regulation in the very act of their reception. Their clothes were removed, they received a bath and their hair -- and beard if they had one -- was cut off, and prison clothing issued to them. New prisoners then proceeded to the Warden's office where "particulars" were taken, this being "description of his person, age, trade or occupation, place of nativity, name etc.," and after "receiving such brief admonition as shall be given by the Warden, or Deputy Warden", prisoners were put to work with the most suitable occupation for them decided by the Warden or Deputy Warden.<sup>48</sup> Erving Goffman, who includes both penitentiaries and insane asylums under the umbrella of "total institutions", assigns to them three essential characteristics which correspond to the treatment meted out to penitentiary inmates.

First, all aspects of life are conducted in the same place and under the same single authority. Second, each phase of the member's daily activity is carried on in the immediate company of a large batch of others, all of whom are treated alike and required to do the same thing together. Third, all phases of the day's activities are tightly scheduled, with one activity leading at a pre-arranged time into the next, the whole sequence of activities being imposed from above by a system of explicit formal rulings and a body of officials. Finally, the various enforced activities are brought together into a single rational plan purportedly designed to fulfil the official aims of the

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<sup>48</sup> Ibid., pp. 128-129.

institution.<sup>49</sup>

### Constructing the Prisoner

The "criminal element" was decidedly part of the marginalized population in Upper Canada and nineteenth-century Ontario. This underclass consisted of the poor for the most part, who were popularly believed to be dirty, indolent and drunken. The penitentiary population was no exception to this preconceived notion. Penitentiary officials ensured that their misconceptions were reinforced through record-keeping.

Statistically, the profile of the prisoner conformed to the contemporary profile of the "undeserving" poor. The 1843 Report of the Inspectors recorded the median age of the prisoner as between 21 and 30 years of age. Ninety-four were Irish; the next highest number was thirty-six of English birth.<sup>50</sup> Similar figures were reported in 1844, with the warden commenting that larceny was by far the most common crime, with horse stealing a distant second.<sup>51</sup> The

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<sup>49</sup> Erving Goffman, Asylums: Essays on the Social Situation of Mental Patients and Other Inmates Chicago: Aldine Publishing Co., 1962, p. 6.

<sup>50</sup> Appendix GG: "Provincial Penitentiary" No. 8 "Report of the Warden", Canada Journals of the Legislative Assembly of the Province of Canada (Hereafter JLAUC) 1843. Original not paginated.

<sup>51</sup> Appendix GG: "Provincial Penitentiary", No. 4, "Report of the Warden", Canada, JLAUC, 1844. The Warden recorded 70 convicts imprisoned for larceny and nineteen for horse theft.

prevalence of larceny suggests theft may have been a means of survival for some prisoners. This impression is reinforced by further statistics from 1844 which note that the youngest convict was a boy of ten years of age who had received a two year sentence for larceny.<sup>52</sup>

By 1860, the statistical profile of prisoners had changed somewhat. Roman Catholics (86) were outnumbered by Anglicans (99), out of a total of 230 new admissions. Only fifty-nine new convicts claimed to be of Irish birth, while 98 were natives of the "Province of Canada", a fact commented on by the warden with some regret.<sup>53</sup> He also noted "the fact of re-commitments to the Provincial penitentiary" as evidence of not only the difficulty of effecting reform, but also the intrinsic depravity of the convicts.<sup>54</sup> Statistical information for the same year as to the "remaining" population indicates the marital status and occupation of convicts. Occupations are evidence that convicts were largely drawn from the bottom ranks of the labouring classes. Of 784 inmates in the penitentiary, 405 claimed to be labourers, 73 were seamstresses, and 57 were

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<sup>52</sup> Canada, JLAUC, 1843, op. cit., "Report of the Warden". Document B: "Return of Convicts discharged from the Provincial Penitentiary in the Year ending 1st October, 1842".

<sup>53</sup> Canada Sessional Papers No. 24: "First Annual Report of the board of Inspectors of Asylums, Prisons, etc., 1860" 24 Victoria 1861. Original not paginated.

<sup>54</sup> Ibid.

shoemakers.<sup>55</sup>

The Warden's careful record-keeping -- and in some cases, his interpretation of the records -- acted to confirm popular opinion concerning the penitentiary population. The "Liberation Questions", an interview undergone by convicts on the completion of their sentence, reinforced these beliefs. The phrasing of the questions and the type of questions asked reveal as much about the interlocutors as they do about the convicts themselves. In all likelihood, convicts gave their keepers the answers they wanted to hear. They all seem to have been remarkably contrite and felt they received the punishment they deserved. The convicts were asked to what they attributed their predilection for crime (Question #27) and if they thought their penitentiary term had effected moral reform and rendered them fit for participation in society (Question #38).

Answers to Question #27 included "I was not guilty some other man took the money"; "I was not guilty I had been drinking"; "Bad company"; "I do not consider that I committed a crime in what I did"; "Being reduced in the World and being too fond of grog"; "Disobedience towards my parents and Sabbath breaking".<sup>56</sup> The Liberation Question

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<sup>55</sup> Ibid.

<sup>56</sup> Kingston Penitentiary Records (Hereafter KPR) Series Eleven: Liberation Question Book. Book One: 5 August 1836-3 November 1845. "Answers to Questions put to Convicts", QUA.

book, and the warden's statistics, are concrete examples of Gary Kinsman's "sites of regulation". The Warden's statistics merely confirmed what many people already thought; as established members of the underclass, inmates of the penitentiary fully deserved to be incarcerated and thus were to blame for their own situation. The questions, as they were phrased, placed the blame for conviction on the prisoners themselves. In addition to questions mentioned previously, convicts were asked, "In what manner in regard to your moral and religious duties were you brought up by your parents?" and if they had ever learned a trade. Recidivists were asked about their drinking habits and if they were reconvicted because of collusion with former inmates.<sup>57</sup> The Prison Inspectors were pleased with the idea of the Liberation questions, commenting somewhat naively that they conveyed valuable information concerning discipline and prison conditions.<sup>58</sup>

Convicts were surprisingly acquiescent when asked about punishment on their release. Again, they were very probably trying to tell their questioners what they thought they wanted to hear, but their responses are nonetheless valuable. Specific questions about punishment were numbers 2 and 3, which asked: "Have you been punished by whipping or

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<sup>57</sup> Ibid.

<sup>58</sup> Inspectors' Books; Book #6 Memorandum 4 March 1860 - 10 November 1874. Entry for April 19, 1860. KPR, Series Five, QUA.

otherwise during your confinement?" and "Have you seen any punishment inflicted which you consider cruel or so severe as to injure the health of a convict, or prevent him from attending to his daily work?" Most seemed satisfied that they had received the punishment they deserved, although one or two complained that the corporal punishment had been severe enough to send them to hospital.<sup>59</sup>

Convicts furnished the warden with further proof that dissolute living had led to their incarceration for crime when they answered questions about their lives prior to their conviction. The 1835 Annual report notes "Particulars of former lives, habits, etc., of the several convicts, furnished by themselves". (See Table One). Table One covers several themes that are present in concerns about the undeserving poor as well. Framers of the questions in Table One seem to have been concerned to prove that inmates were drunken, without parental guidance, irreligious, unlettered, and without trades.

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<sup>59</sup> Liberation Question books, op. cit.

Table One: "Particulars of former lives, habits, etc. of the several convicts, furnished by themselves"

PARTICULAR	1835	1836
Under influence of spirits when crime was committed	35	25
Intemperate parents	2	3
Parents died before convict 10 years of age	1	1
Parent died before convict 15 years of age	5	5
Instructed in Sunday school	32	8
In daily habit of reading the Bible	13	6
Know the decalogue	14	13
Observed the Sabbath	27	15
Single	33	18
Married	25	25
Widow	1	0
Widowers	3	3
Husband or wife died previous to conviction	4	3
Left husband or wife before conviction	9	8
Lived with husband or wife when arrested	16	13
Lived in adultery	2	?
Had been educated at college	1	2
Had common education	27	13
Had inferior education	27	18
Are uneducated	13	13
Can read	21	5
Can read and write	30	27
Were excessively intemperate	6	9
Were moderately intemperate	12	20

Were intemperate	11	11
Were temperate drinkers	26	20
Were abstinent	6	5
Had learned trades	19	19
Had begun to learn trades	8	4
Followed trades when convicted	13	15
Were owners of real estates	16	10

Source: 1836 Annual Report, Kingston Penitentiary Museum Records.

### The "Project" of the Penitentiary

Whether to punish or reform was the question occupying the minds of thinkers and some penitentiary officials. Most seem to have reached an uneasy compromise; they hoped for the eventual reformation of the convict, but nonetheless recognized that their hopes were not easily realized. Cynicism prevailed, particularly among the Board of Inspectors, which noted as early as 1839 that "...it is easier to restrain than to reform". As far as they were concerned, "...the preservation of convicts from falling into bad company, and to guard against a return to those former evil habits, remains as yet, a desideratum".<sup>60</sup>

Nevertheless, after a tour of Britain's penal system, the Inspectors issued a strong statement on the purpose of the penitentiary:

The great and special aim of imprisonment should be to enforce such correction and restraint as shall deter the offender from further crime, and impress upon the illdisposed [sic] a strong sense of the penal consequences which certainly attend a violation of the laws...<sup>61</sup>

Thus Warden and Inspectors initially appear to have been in some agreement about the overall purpose of the penitentiary; restraint of bad behaviour, with efforts at

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<sup>60</sup> "Annual Report of the Board of Inspectors of the Provincial Penitentiary for 1839" Kingston Penitentiary Museum Records (Hereafter KPM). Original not paginated.

<sup>61</sup> "Second Report of the Inspectors to Visit the Different Prisons of Great Britain, 1837" London: W. Clowes and Sons, 1837. KPM.

reformation in the hope that it would ultimately have some good effect. One way they hoped to achieve the latter was by the appointment of a chaplain, whose responsibility it would be to "awaken the moral feeling of the convicts". The Warden and Deputy Warden did what they could but felt that their efforts were perhaps not as effectual as they wished, given the other constraints on their time.<sup>62</sup>

Twenty years and more of the penitentiary's existence did not significantly improve the Warden and Inspectors' hopes for the reformation of convicts. The annual report for 1860 records the comment of the Warden that he tried to improve the convicts' characters, but it was often a losing battle.<sup>63</sup> Although he viewed punishment as regrettable, it was nonetheless essential to keep order. There were certain groups of prisoners who delighted in being disruptive and who could not be controlled in any other way. Perhaps feeling the need to justify his actions, the Warden commented that discharged convicts agreed with him that there were "a class of prisoners who could not be kept in proper subjection, were it not for the fact that they are aware of the cats being kept in reserve for acts of violence

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<sup>62</sup> "Report of the Penitentiary Inspectors" 1836 Annual Report. KPM.

<sup>63</sup> Canada Sessional Papers, No. 24: "Report of the Inspectors of the Provincial Penitentiary", 1860, op. cit.

and general bad conduct".<sup>64</sup>

By 1862, one Inspector was almost entirely disillusioned with the supposed reformatory powers of the Penitentiary. E.A. Meredith argued that the rigidly coercive nature of penitentiary discipline did much to harden the criminal and thus render it impossible for him either to improve himself or to hope for any amelioration of his condition:

...A few months insight, as Inspector, into the inner life of the Penitentiary, sufficed to bring home to my mind the painful conviction, that the system of discipline there pursued, however admirable for the purpose of order, was nearly, if not altogether ineffectual, for the reformation of convicts brought under its influence. The system...has plainly been implemented rather with a view to deter from crime, rather than to reform the criminal. The former is doubtful, an important object of all penal institutions. But assuredly the penal institution of a Christian country should not neglect the latter. To deter from crime is a social instinct - to reform our criminals a Christian duty...<sup>65</sup>

Judging by Meredith's criticisms, it appears that by the 1860s the reforming project had become secondary.<sup>66</sup> This was despite Hugh C. Thomson's initial assertion that the Penitentiary's purpose was deterrence rather than

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<sup>64</sup> Ibid., "Report on the Provincial Penitentiary", Warden's Report.

<sup>65</sup> Canada Sessional Papers 1862, No. 19: Annual Report of the Inspectors of Prisons, Asylums, etc. "Memorandum on the Provincial Penitentiary". Original not paginated. E.A. Meredith was later one of the officials of the Indian Department.

<sup>66</sup> Ibid., 1862 Report.

reform. The general report of the Inspectors differed slightly from Meredith's bleak assessment, but nevertheless put punishment and deterrence before the reformation of the prisoner. They argued that while the penitentiary had reasonable success in punishment and deterrence, reformation was "of much more difficult attainment" and that greater effort needed to be expended in this area.<sup>67</sup>

The tension between punishment and reform in the "project" of the penitentiary is exemplified by the contrast between the Warden and Inspectors' comments and those of the Chaplain. The latter continued to argue for the primacy of reformation, emphasizing the importance of religion for a good life.<sup>68</sup> The chaplain did, however, recognize the importance of discipline, but viewed it as a means to repentance rather than as a means in itself:

I have endeavoured to impress upon the convicts the absolute necessity of an acknowledgement of their guilt; the justice of their punishment, as well as an undeviating conformity to the rules of the institution, laid down for their observance. Many who at first boldly denied their guilt, have upon reflection, made an ample confession, and acknowledge that punishment was not awarded according to their desserts.<sup>69</sup>

Education of the convict as a means to reformation was a special goal of the chaplain. The 1843 report contained his recommendation that convicts receive schooling daily

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<sup>67</sup> 1861 Sessional Papers, op. cit.

<sup>68</sup> "Chaplain's Report" 1836 Annual report, op. cit., KPM.

<sup>69</sup> "Chaplain's Report" 1839 Annual Report, KPM. Emphasis in original.

rather than three times a week. More frequent instruction was needed, he felt, because the convicts' minds were so "degraded" and their time in prison so short. This speaks poorly of the chaplain's assessment of the prisoners' natural intelligence.<sup>70</sup> Nevertheless, the Chaplain eventually had to admit that reform of prisoners was not easily achieved. Punishment of the convict was ineffective, and education a task of Sisyphean magnitude.<sup>71</sup>

Neither time nor a change in personnel diminished the chaplaincy's conviction that reformation of prisoners should be the penitentiary's aim, and that religion and education were the only real means of achieving it. Hannibal Mulkins, the Protestant Chaplain in the 1860s, argued that the very word "Penitentiary" implied the Christian nature of the institution, with its goals being the penitence and eventual piety of the convict.<sup>72</sup> Mulkins did make concessions to the harsh reality of the penitentiary; he made the rueful comment that although reformation of the convict was desirable, there was certainly no reason to hope that it

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<sup>70</sup> Canada JLAUC Appendix GG, op. cit. No. 6 "Report of the Chaplain". Original not paginated.

<sup>71</sup> Canada JLAUC, Appendix GG: "Provincial Penitentiary: Statement of the Accounts and Affairs of the Provincial Penitentiary, for the years 1842 and 1843" No. 2, "Report of the Chaplain". Original not paginated.

<sup>72</sup> Canada, Sessional Papers 1860, op. cit., No. 32, "Report of the Protestant Chaplain", p. 81.

might be universally achieved.<sup>73</sup> The chaplain's reports after 1870, however, de-emphasize the reform aspect of penitentiary life, focussing instead on efforts to inculcate the prisoners with religious feeling.<sup>74</sup>

Remission of sentences was part of a new system of rewards and punishments introduced into the penitentiary structure under the Penitentiary Act of 1868.<sup>75</sup> The programme of remissions was not original to the Canadian government. It had its origins in the Irish penal system where it was introduced about 1860 by Sir Walter Crofton. Convicts received rewards for good behaviour which permitted them to earn up to five points per month. The points were then used to reduce the length of a sentence. Reports of the Warden subsequent to the introduction of the remission system describe its benefits in glowing terms, commenting

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<sup>73</sup> Canada, Sessional Papers, 1862, op. cit., "Report of the Protestant Chaplain".

<sup>74</sup> See specifically "Annual Report of the Protestant Chaplain" p. 23, and "Annual Report of Acting Roman Catholic Chaplain" p. 25, Second Annual Report of the Directors of Penitentiaries, in Canada Sessional Papers No. 5: 33 Victoria 1870. See also "Protestant Chaplain's Annual Report", p. 61, and the "Roman Catholic Chaplain's Annual Report", p. 62 in Report of the Minister of Justice as to Penitentiaries in Canada Canada Sessional Papers No. 14: 39 Victoria 1876. The chaplain's reports of this period are more remarkable for their brevity and lack of real information than anything else.

<sup>75</sup> Canada Statutes "An Act respecting Penitentiaries, and the Directors thereof, and for other purposes" 31 Victoria Cap. 75, 1868. Penitentiaries became the responsibility of the federal government following Confederation.

that, on the whole, it had led to much improved conduct on the part of the convicts.<sup>76</sup>

The actual remission records were set up so that the prisoner's transgressions were side by side with his or her points earned. Each prisoner had a "Registration number" (his or her convict number) and the punishments received were recorded beside each name for a six month period. Punishments listed included "Meals bread and water", "Nights without bed", "Solitary cell" and "Cats switches". The next column listed "Conduct and Industry", which were recorded separately, then days remission, and finally classification. Prisoners were ranked as first, second or third class.<sup>77</sup> Michael Meyers, for example, #1775, was recorded as having six meals bread and water in January and 12 in March; he spent three nights without a bed in January and three days in the dark cell in March. For "conduct" he received no points at all in any month, but for "industry" got 25, 24 and 22 points respectively, with the maximum points possible being 26. But Adam Walker, #7177, had no recorded misdemeanours, yet received 3, 0 and 3 1/2 points for

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<sup>76</sup> "Annual Report of Donald Aeneas MacDonell, Warden of the Kingston Penitentiary, for the year 1868" in First Annual Report of the Directors of Penitentiaries of the Dominion of Canada for the Year 1868 in Canada, Sessional Papers No. 5: 33 Victoria 1870, and "Warden's report of Kingston Penitentiary, for 1869" in Second Annual Report of the Directories of Penitentiaries, 1869, op. cit.

<sup>77</sup> The classification columns were empty in the records I saw, therefore there is no way I can tell what the classifications constituted.

"conduct", and 15, 0, and 18 points for "industry". Prisoners could apparently be denied points for no discernible reason, suggesting that the system was somewhat arbitrary.

Despite the good reports of the remission system, the prisoners were nonetheless made to understand that they themselves were the "site of regulation". The Warden wrote in his 1870 report, "...the prisoners' whole deportment is modified by the knowledge that it depends on themselves to abridge the period of their imprisonment...".<sup>78</sup> Generally, however, there still remained the tension between reform and discipline, with lip service being paid to the efficacy of kindness over coercion. The Inspectors were nonetheless eager to advocate repressive measures when they deemed them essential:

But while sensible of the valuable agency of moral influences in the work of reform, the Directors cannot ignore the necessity of severity, when dealing with the hardened or intractable. Indeed, in all cases where reform is the object sought, a portion of the imprisonment - and that the earliest - should be made intensely penal; then the relaxations and indulgences, which follow upon good behaviour and industry, will be appreciated, and efforts made to earn them.<sup>79</sup>

The Inspectors changed their tune somewhat in their

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<sup>78</sup> "Report of the Acting Warden of the Kingston Penitentiary, for the year ending 31st December, 1870" in Third Annual Report of the Directors of Penitentiaries of the Dominion of Canada for the Year 1870 in Canada, Sessional Papers No. 60: 34 Victoria 1871, p. 8.

<sup>79</sup> Ibid., Third Annual report of the Directors of Penitentiaries of Dominion of Canada for the Year 1870, p. 1.

1879 report, singing the praises of benevolent treatment and denying the effectiveness of the harsh treatment meted out to prisoners in the 1830s.<sup>80</sup> Only three years before, however, the Warden of the Kingston Penitentiary had noted that punishments were more severe and more frequent than they had been for some time past, owing to the transfer of prisoners from St. Vincent De Paul penitentiary, who were hardened criminals and not used to proper discipline.<sup>81</sup> The message here was that only those deemed fit to receive humane treatment were likely to get it.

The Warden's bleak outlook on his job is clearly evident in this quote from John Creighton, appointed to the post in 1870:

To govern 700 to 800 convicts and some seventy officers, such as usually make up the population of this Penitentiary, is a source of increasing anxiety -- irksome beyond description; and no matter how faithfully the duty is performed the Warden receives little favourable consideration -- rather detraction and fault-finding, both inside and outside the Penitentiary. He has to bear the obloquy for everything which goes wrong, although the very parties who censure and criticise [sic], within the walls at least, are often the wrong-doers themselves -- think they are clever if they can put the Warden into a

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<sup>80</sup> "Fourth Annual Report of the Inspector of Penitentiaries of the Dominion of Canada for the Year 1879" Canada Sessional Papers No. 17: "Report of the Minister of Justice as to Penitentiaries in Canada for the Year Ended 30th June 1879", 43 Victoria, 1880, p. 8.

<sup>81</sup> "Annual Report of the Warden for 1875" in First Annual Report of the Inspector of Penitentiaries of the Dominion of Canada, for the Year 1875 Canada Sessional Papers No. 14: "Report of the Minister of Justice as to Penitentiaries in Canada for the Year Ended 31st December, 1875" 39 Victoria 1876, p. 28.

corner.<sup>82</sup>

From the remarks of the Warden and Chaplains, as well as the comments made about the penitentiary when it was in its planning stages, some tentative conclusions can be drawn about the nature of the Penitentiary project.

First, and most obviously, it was designed, deliberately, to incarcerate Upper Canada's criminal underclass and remove them from the rest of society. Many stole to survive. The designations "labourer" and "seamstress" were in all likelihood euphemisms for vagrants and prostitutes.<sup>83</sup> The penitentiary was also meant to render this group of potentially troublesome people docile and industrious. The characteristics with which the penitentiary hoped to imbue them were very similar to those thought desirable by the management of the House of Industry: honesty; cleanliness; abstemiousness or at least temperance; industriousness; self-restraint; and deference to authority. As well, literacy was to be imparted to convicts, presumably in an effort to make them more employable. The penitentiary inmate, at the end of his or

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<sup>82</sup> "Warden's Report", Canada Sessional Papers, (No. 12), 1882 p. 1. Quoted in Roger E. Neufeld, "A World Within Itself" op. cit., p. 32.

<sup>83</sup> See Sally Alexander, Woman's work in nineteenth-century London: a study of the years 1820-1850 London: Journeyman Press, 1983 as well as Gareth Stedman Jones, Outcast London: a study in the relationship between classes in Victorian society Oxford: Clarendon Press, 1971.

her term, would thus be fit to join society and make a useful contribution to it. Finally, the penitentiary project was rife with uncertainty. Wardens and Inspectors were unsure of its real goal.

Punishment of prisoners, then, appears to have been inseparable from discipline and reform. The implementation of the Remission system was a token bid at making punishments more systematic and having the prisoners recognize that their "good" behaviour could bring them real rewards.

#### **Punishment and Resistance: the Prisoners**

The penitentiary was decidedly not a place in which transgressions of discipline were looked upon indulgently. However, the punishment of prisoners did not follow a pre-determined course; wardens experimented with various types and degrees of punishment over the years. Punishments were meant to enforce discipline and make sure that convicts knew they could not hope to get away with the slightest infraction. The emphasis on the maintenance of order seemed to override considerations of reform.<sup>4</sup>

Severe corporal punishment of a prisoner was hedged

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<sup>4</sup> The rationale behind the type of punishments meted out is explained in Canada Sessional Papers No. 5: 33 Victoria 1870, "First Annual Report of the Directors of Penitentiaries of the Dominion of Canada for the Year 1868", in "Annual Report of Warden Donald Aenaes Macdonell", p. 20.

with precautions. The Warden and Surgeon were required to be in attendance at each administration of flogging, although it was guards who did the actual punishment. The Surgeon also had to certify to the Inspectors that he had examined the convict's health to ensure that he was fit enough to withstand the punishment. To add to the prisoner's misery, flogging was "inflicted in the presence of the Convicts at such times as the Board may direct".<sup>85</sup>

Penitentiary Punishment Books kept detailed records both of the offense and of the punishments given. Bread and water meals were the penalty for trivial offenses. Convict #2567 (Alex D. Matthews) received 3 meals bread and water for "barking like a dog" while in his cell.<sup>86</sup> William Smith, convict #1158, was punished with three bread and water meals on May 1, 1849 for "talking at shaving" and again for talking at the punishment table on May 3, 1849.<sup>87</sup>

For unusually recalcitrant prisoners, the penitentiary's authorities tried virtually every remedy they could, and some that were resorted to out of desperation. For example, William Miller, convict #2879, was on report October 25, 1853 "for not doing a sufficient quantity of work". While this in itself does not strike the reader as

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<sup>85</sup> Inspectors' Letter Book, December 14, 1846, op. cit, KPR-QUA.

<sup>86</sup> Punishment Book #6, July 9, 1849, KPR-QUA.

<sup>87</sup> Ibid., May 1, 1849 and May 3, 1849.

serious, notes in the punishment column indicate that such behaviour on an ongoing basis constituted a profound challenge to discipline:

This convict having evinced a bad spirit and continually idling his time in the [illegible] shop and having been repeatedly urged and admonished but without effect, and ordinary punishment having failed - it is ordered that he be punished with the cats successively 'til such time as he manifests a better feeling and performs more work.<sup>88</sup>

Other convicts also chose to erode discipline by a continual chipping away at its structure. Alex (or Alexis) Laffleur, convict #1597, for example, never indulged in a violent outburst, but chose to irritate the authorities by non-compliance over a long period of time. Beginning March 24, 1849, Laffleur was on report twice that day: once for leaving his cell without permission; later in the day for getting up from his work with the express purpose of kicking another convict "saying it was he informed on Ross and had him put in the Black Hole". The latter action drew a penalty of ten meals bread and water and Laffleur was "ironed" as well.<sup>89</sup> On April 10, Laffleur dallied for the purpose of getting a handkerchief from "one of the solitary men".<sup>90</sup> Laffleur was reported on April 14 as having been "impudent to his keeper" and refusing to keep his needles on

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<sup>88</sup> Punishment book #3, September 29, 1853 to March 22, 1854. Entry for October 25, 1853. KPR-QUA.

<sup>89</sup> March 24, 1849, Punishment Book #6, KPR-QUA.

<sup>90</sup> Ibid., April 10, 1849.

his workbench.<sup>91</sup> April 18 saw Laffleur accused of "outrageous conduct in the tailor shop" namely, picking a fight with another convict. He received 2 dozen "cats" for this.<sup>92</sup> The very next day he strolled through the tailor's shop, ignoring the guard who told him to stop; for this he received 6 meals bread and water.<sup>93</sup> Quiescent for about two weeks, Laffleur's next outbreak occurred May 3rd, when he was punished for "idling at his work", and "when spoken to by the guard, said he would work more if he would give him his grub". For this, Laffleur received 4 meals bread and water as well as the "Box".<sup>94</sup> He was again on report two days later for "leaving the punishment table without liberty and getting shaved".<sup>95</sup>

The "Box" was first proposed as a punishment in the Penitentiary in July of 1846, although not put into use until 1849. Warden Smith noted that it had been used successfully while transporting prisoners to Van Diemen's Land (Tasmania).<sup>96</sup> T.A. Corbett, the president of the Board of Inspectors of the Penitentiary, had nothing but good to

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<sup>91</sup> Ibid., April 14, 1849.

<sup>92</sup> Ibid., April 18, 1849.

<sup>93</sup> Ibid., April 19, 1849.

<sup>94</sup> Ibid., May 3, 1849.

<sup>95</sup> Ibid., May 5, 1849.

<sup>96</sup> Penitentiary Inspector's Minute Book, July 18, 1846, KPR-QUA.

say about the "Box". Its use as a punishment had, he claimed, resulted in a significant reduction in the number of punishments in the three months since it had been instituted. The Inspectors as a group were so convinced of its usefulness that they wanted the Governor-General to make its presence permanent.<sup>97</sup> Although not obviously injurious to the convict, the Box was extremely uncomfortable. A person stood in the Box with enough room to move his body, and his feet were confined so that he was forced to remain standing throughout the course of the punishment, which lasted for nine hours.<sup>98</sup>

The petty rebelliousness of the convicts can legitimately be seen as a prime example of James Scott's "everyday resistance".<sup>99</sup> It often resulted in little more than greater attention, and even harrassment, from the

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<sup>97</sup> Inspectors' Letter Book, June 4, 1847, KPR-QUA.

<sup>98</sup> Ibid., June 30, 1847.

<sup>99</sup> See, for example, April 3, 1854, Michael Mitchell, who went on report for talking, looking at the Guard in a threatening way (according to the Guard) and throwing his work on the floor. July 20, 1849, Pierre Charbonneau was insolent to the guard; June 8, 1849, J.W. Clarke was punished for talking at the breakfast table; March 10, 1849, Frances Dube was "very stubborn and refused to work" and so on. All examples from Punishment Book #6, op. cit. From punishment book #3 (Note: this book largely illegible) August 3, 1857, William Condon was on report for "idling his time laughing and talking with other boys at every opportunity leaving his seat contrary to the orders of the teacher and manifesting in all his ways a general bad conduct." July 24, 1855, Isaac Dennis, for talking to one of the guards at the dining table "in a most impertinent manner". (Punishment Book #11). All, KPR-QUA.

guards. Eric Charbonneau, for example, was reported for "idling" and signalling to other convicts on April 26, 1854. But his real offense was that his conduct was "continuing to be subversive of the discipline", which earned him 48 hours in the Dark Cell. Unrepentant, a week later he picked a fight with another convict. The warden commented, "this convict's conduct being at all times bad, it is ordered that he receive 60 lashes with the cats. To be chained and confined to the dark cell until further orders".<sup>100</sup>

Everyday resistance was necessarily indirect and covert. Its effectiveness lay partly in its furtive nature. However, violence by convicts was also a common feature of penitentiary life. When they expressed themselves with savagery, they also tended to verbalize their aversion to the institution. For example, David Donnelly defied his keepers physically and verbally:

Rising in open rebellion throwing down his work swearing in an awful manner that he would not work no more [sic] when ordered to be quiet became more violent calling on God to come and destroy the Matron using the most vile and disgusting language going on his knees and taking the most solemn oath that the moment he was out of prison he would take the life of the matron let what would be the consequences and for three hours continued the same course of conduct his language being most vile...<sup>101</sup>

Frustration with convicts' behaviour is evident from comments in the punishment books. The Deputy Warden caught

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<sup>100</sup> Punishment Book #10, April 26, 1854 and May 3, 1854. KPR-QUA.

<sup>101</sup> Punishment book #6, March 9, 1849. KPR-QUA.

convict John Walsh (#5518) stealing apples from the Warden's garden and received a punch in the face for his pains.

Perhaps to relieve his affronted feelings, the Deputy Warden wrote,

This is a most worthless convict and insolent in the extreme - continually engaged in vicious pursuits - this fellow and other insolent convicts are destructive to the discipline and the kindness which is extended to them is repaid by general bad conduct and acts of violence...<sup>102</sup>

Female prisoners, much more than their male counterparts, seemed to have had a talent for invective, although their transgressions of gendered understandings of propriety may simply have called more attention to themselves. One woman convict with a quite astounding facility in vituperation was Anne Irvine. She felt moved to call the Matron a "bloody whore, a concubine, and a blind trollop" and capped her performance with singing "indecent" songs.<sup>103</sup> Punishment for verbal abuse of the matron and her assistants involved spending time in the Dark Cell or receiving bread and water meals.<sup>104</sup> The women also refused

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<sup>102</sup> Punishment Book #18, October 3, 1863. Walsh was punished with 5 dozen lashes and confined to the Dark Cell for an indefinite period. KPR-QUA.

<sup>103</sup> Punishment Book #6, July 20, 1849. KPR-QUA. See also Kingston Penitentiary Museum, Female Punishment Book 26 December 1850 to 27 December 1856, which lists further infractions of Anne Irvine, mostly involving use of bad language and threatening the matron or another convict.

<sup>104</sup> There are numerous examples of female convicts who, while not as creative as Anne Irvine in their use of bad language, nevertheless gave vent to tirades that landed them in trouble. June 3, 1852, Sarah Higgins, #3090,

to work on occasion, just as the men were apt to do. Annie Brennan one day declined to do her sewing, because it was not the kind of work she wanted, and was "very bold and defiant" in her noncompliance.<sup>105</sup>

The women tended to have a single specific object for their anger in the Matron, who received much abuse. Male prisoners were of course recalcitrant, and often directed their insults at either the Warden or a guard with whom they had some dispute. The Matron, however, being in charge of a relatively small population of female prisoners, had daily contact with inmates and was thus a visible embodiment of the penitentiary's authority. In this respect she functioned in much the same way as did the Superintendent of the House of Industry. She acted as an intermediary between Management (the Warden and Deputy Warden) and the prisoners themselves. The Matron also incurred wrath for her supposed favouritism toward certain prisoners. Inmate Margaret Gibson one day accused the matron of having "pets", favouring in particular French-Canadian Roman Catholic prisoners.<sup>106</sup>

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disobedience and contempt towards the matron; June 5, 1852, #3037 J. Harris, impertinent and disobedient to the matron; June 21, 1852, Bridget Donnelly #2874, swearing and cursing with other bad language; February 19, 1853, Donnelly, making use of abusive and filthy language to the convicts. All from Punishment Book #3 of Punishment Books, Female, KPR-QUA.

<sup>105</sup> July 18, 1871, Punishment Book #4, Female, November 9, 1865 to January 4, 1895, KPR-QUA.

<sup>106</sup> Ibid., Punishment Book #4, May 16, 1871.

Although female convicts were punished in much the same way as the men, there were occasions on which the women were punished in ways peculiarly humiliating to them. Mary Ann Whitford was put on report for a variety of offenses that might loosely be termed "lacking in propriety", particularly offensive to middle-class norms of respectability. Whitford had apparently engaged in "clandestine correspondence" with male convicts on her own behalf and for others. She had scribbled "improper things" on her prayer and hymn books. As well, she behaved in a "bold and defiant" manner. None of this behaviour would be deemed acceptable for a "respectable" female. The Warden wrote a lengthy note in the punishment book complaining of her intransigence:

I have admonished this woman Mary Ann Whitford very often, but without any beneficial effect. She does not appreciate kind or generous treatment and has become utterly reckless in her conduct. She admits the truth of the charge against her - but the correspondence found convicts her without any admission on her part. She is sentenced to lose all remission to date, to have the hair cut off her head, and to be kept in solitary confinement, on bread and water till further notice.<sup>107</sup>

None of the male prisoners ever had their hair cut off as punishment, although at least one other woman was shorn. Mary McDonough had her hair cut off for fighting with another prisoner and verbally abusing the matron, threatening the assistant matron and trying to hit her with

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<sup>107</sup> Ibid., Female Punishment Book #4, August 27, 1880. KPR-QUA.

a tin cup.<sup>108</sup>

Sometimes the inmates' resistance bore unexpected fruit. Prisoners were not permitted to have tobacco but nonetheless were able to procure it through contractors and foremen. Its constant clandestine use meant that inmates were continually in contravention of the rules. Because of the impossibility of enforcing the rule, the Board of Inspectors decided to allow the prisoners some latitude and permitted tobacco as snuff or for chewing. Its distribution of became the Warden's responsibility; the Board instructed him to withhold it from convicts undergoing punishment.<sup>109</sup> The relaxation of the rule led to other problems. While visiting the Roman Catholic chapel, the Inspectors noticed evidence of copious tobacco-spitting on the chapel floors. With obvious revulsion, the Inspectors commented "the guards and keepers on duty in these places should report to the Warden the parties who thus defile the very house of God itself, in order that he may stop their tobacco".<sup>110</sup>

It can certainly be said that convicts expended considerable energy in doing everything they could to undermine the disciplinary project and make known their dissatisfaction with it. The major function of the

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<sup>108</sup> Ibid., Punishment Book #4, August 7, 1875. KPR-QUA.

<sup>109</sup> Op. cit., Inspectors' Minute Books, June 1, 1860. KPR-QUA.

<sup>110</sup> Op. cit., Inspectors Minute Books, January 28, 1874. KPR-QUA.

penitentiary was to make the inmates fully aware of the reforming project. The marginalized people of Upper Canada were perhaps largely and deliberately oblivious to the aspirations of the middle class to make them into model citizens. Only once they had been subjected to the reforming project while an institutional inmate could they become aware of it, since every moment of their life was then governed by the ideology of reform.

#### **Discipline in the Penitentiary - Guards and others**

While the focus of the penitentiary was on the disciplining of the prisoner, there were other sources of disorder as well. Guards, for one, were a significant disruptive element in the penitentiary. Henry Smith's wardenship was a time of considerable chaos, with almost all the officers of the institution contributing to the tumult. Although Smith's wardenship has been dealt with elsewhere<sup>111</sup>, most of the focus has been on George Brown's 1849 Commission of Inquiry. Smith's brutal treatment of prisoners caused an outpouring of public indignation. The

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<sup>111</sup> See, for example, W.C.G. Norman, "A Chapter of Canadian Penal History: The Early Years of the Provincial Penitentiary at Kingston and the Commission Inquiry into its Management, 1835-51" M.A. Thesis, Queen's University, 1979; J.M. Beattie, op. cit., pp. 25-35; Michael Jackson, Prisoners of Isolation: Solitary Confinement in Canada Toronto: University of Toronto Press, 1983, pp. 25-31; and finally, "First Report of the Commissioners Appointed to Investigate into the Conduct, Discipline and Management of the Provincial Penitentiary" JLAUC Appendix B.B.B.B., 1849. Not paginated.

existing literature does not delve into the almost complete breakdown of discipline present during the latter part of Smith's wardenship.

Noticeable cracks in the orderly facade of the penitentiary began late in 1847, when trouble arose with the "Kitchen Keeper", Warden Smith's son. He had supposedly caused a convict to lose an eye by shooting an arrow at him as well as "taking improper liberties with the convicts". The Board of Directors dismissed both charges, arguing that they were based on completely unreliable evidence.<sup>112</sup> The Penitentiary Surgeon, James Sampson, was next to find himself in hot water when the Matron charged him with treating convict Neville (a female) with "undue familiarity". The Board confessed itself to be at a loss as how to proceed, since the investigation of charges of this kind "against an officer of ... standing" was a delicate matter; however, they invoked the statute as giving them the authority to proceed.<sup>113</sup> For his part, Sampson dismissed the whole matter by arguing that the Board had no

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<sup>112</sup> Op. cit., Inspectors' Minute Book, December 3, 1847, Corlett to Daly. KPR-QUA. Charges against the Kitchen Keeper reached the breaking point in the summer of 1848. Smith tendered his resignation in late August, giving as his reason that the Commission of Inquiry had decided to investigate charges against him of which he had already been cleared by the Board.

<sup>113</sup> Ibid., February 28, 1848 Corlett to James Sampson Esq. KPR-QUA.

jurisdiction over him at all.<sup>114</sup>

Sampson obviously felt the charges against him were egregious, claiming that they were motivated by "animosity and deceit" on the part of the matron. The Board appeared to be far more concerned about the possible effects of the charges than the actual accusations:

It will at once be obvious ... that if there is any one Institution in which order and subordination are indispensable, and where also the slightest misconduct on the part of those in charge should be promptly inquired into and repressed, it is one in which about 500 convicts are congregated together many of them the worst of characters and any [?cabbaling?] or communication among whom may be productive of the most awful consequences.<sup>115</sup>

Sampson fought against the Board's attempt to discipline him by "Publishing the proceedings of the Board of Inspectors pending the decision of the Governor General and Council therein, and endeavouring to bring the Board into contempt with the public". He was also charged by the officers of the Penitentiary with "improper conduct, refus[al] to attend the Board of Inspectors when they tried to investigate the charges against him, and generally def[ying] the Inspectors."<sup>116</sup> Eventually the charges against Sampson became insupportable, and Dr. Horace Yates replaced him on June 21, 1848 "during the progress of the

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<sup>114</sup> Ibid., March 8, 1848, Corlett to Daly. KPR-QUA.

<sup>115</sup> Ibid., March 18, 1848 Corlett to Daly. KPR-QUA.

<sup>116</sup> Ibid., June 24, 1848. J. Hopkirk to Hon. Adam Ferguson, President of the Board of Commission of Inquiry, Provincial Penitentiary. KPR-QUA.

investigation".<sup>117</sup>

The Board had also to deal with unfavourable reports of the Penitentiary's activities which had begun appearing in the local newspaper, the Chronicle and News. Fearing a conspiracy to undermine institutional discipline, the Board claimed not only dissatisfied staff, but discharged prisoners had aired their grievances in the local press. The Board's real concern was that the reports might reach prisoners still in the penitentiary, some of whom had "threatened their Keepers with the declarations they will make when they get out". At this point, the Board began to think that the appointment of a Commission to investigate the Penitentiary's management from its inception would probably put the public's fears at rest, quash the "unfounded allegations" and identify the person slandering the penitentiary's management.<sup>118</sup>

What the Board of Inspectors had not anticipated was that they themselves might come under scrutiny. The Commission investigating Penitentiary operations appears to have accused them of obstruction, or strongly implied it, a charge the Inspectors vigorously denied.<sup>119</sup> Eventually

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<sup>117</sup> Ibid., June 21, 1848. Sampson later returned to his post at the Penitentiary. KPR-QUA.

<sup>118</sup> Op. cit., Inspectors' Letter Book, March 11, 1848, Corlett to Daly.

<sup>119</sup> Inspectors' Letter Book, *ibid.*, November 14, 1848. KPR-QUA.

growing angry at the Commission's undue interference, the Board tendered its resignation en masse on November 27, 1848:

The Board further feel that this open disapproval of their proceedings and reversal of their decision in the face of the Penitentiary placed under their charge, must tend to subvert their authority and destroy their usefulness as Inspectors, inasmuch as their decisions will henceforth be considered as nugatory and subject to reversals [?in] the representation of other parties...<sup>120</sup>

However, they agreed to stay on for the duration of the investigation, but were strikingly ineffectual for the rest of their tenure, perhaps deliberately so. A fire on the 25th of November, 1848, destroyed much of the Penitentiary's East Wing, but it was not until December 12 that the Board reported that they had discovered a conspiracy among the convicts working in the Carpentry shop to burn down the entire penitentiary. At first they blamed Keeper John Richardson, whose discipline at the shop had been extremely lax. However, the Board somewhat shamefacedly admitted they had been well aware for several months of the chaos present in Richardson's shop. Rationalizing its lackadaisical attitude by citing the generally confused state of affairs in the Penitentiary, the Board was reluctant to offer any suggestions. Instead, it officiously expressed the opinion that it was "more courteous to leave all these matters to be

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<sup>120</sup> Ibid., November 27, 1848. KPR-QUA.

decided on by [the Lieutenant-Governor]<sup>121</sup>. The Board may also have been indirectly responsible for the severity of punishments inflicted by Warden Smith, essentially sanctioning his brutality:

The Board have [sic] only one conclusion to make - that where such a numerous body of convicts are collected together, many of them guilty of the most heinous crimes, that the greater part of whom for these hardened characters there is no mode of influencing except by the inflicting of physical suffering, it seems absolutely necessary to resort to some such system and until some other mode of punishment is suggested, the Board consider it more expedient to resort to that of the Box than to the continued of the lash which as his Excellency must be aware is repugnant to the feelings of the Public.<sup>122</sup>

The anarchy of the 1840s was not that surprising. Penitentiary records are rife with instances of disorder among the staff. Guards, who were most immediately responsible for the good behaviour of inmates, were almost as unruly as their charges. It was a constant battle for the Warden and administration to ensure that the guards were doing their job properly. The staff Daily Reports book is an ongoing record of guards' undermining of prison discipline through their carelessness and apathy. Guards' behaviour while on duty was recorded fairly closely. For example, Guard John Wood did not turn up for work one day, having been out drinking the night before. When he did arrive, the Warden thought him unfit for duty as he was

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<sup>121</sup> Ibid., December 12, 1848. KPR-QUA.

<sup>122</sup> Ibid., December 16, 1847. Emphasis added. KPR-QUA.

either severely hungover or still drunk.<sup>123</sup> Keeper C. Reid was so ineffectual in his punishment of convict Matthew Ryan that Ryan actually laughed. The Warden noted that this had the effect of "tending to bring the Discipline of the prison into ridicule".<sup>124</sup>

A scandalous flouting of prison regulations was discovered in August of 1852. The Board of Inspectors wrote to the Governor-General, "the Inspectors conceive it their duty to acquaint Your Excellency of a very unpleasant occurrence in the Provincial Penitentiary. The Warden in his report informs us...that convict Anne Irvine is in a state of pregnancy". Apparently the culprit was one of the guards who had visited Irvine while she was in solitary confinement from February 7 to February 27, 1852. The Inspectors suspected a person who the female prisoners testified was not suitable to be an officer at the penitentiary. "At all events, he has been guilty of gross negligence", they noted.<sup>125</sup>

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<sup>123</sup> October 8, 1845, Staff daily reports Book 1, 1 January 1843 to 31 December 1852. KPR-QUA.

<sup>124</sup> Ibid., Daily Reports Book 1, July 13, 1847. Other examples of guards' lack of respect for the rules abound. Keeper Henry Gross left a cell unlocked (Staff Daily Reports Book 1, June 18, 1848). A guard was found asleep at his post (Staff Daily Reports Book 2, 1853-1859, February 10, 1857 -- this was actually quite a common occurrence).

<sup>125</sup> Op. cit., Inspectors' Letter Book, August 13, 1852. A. Dickson to Governor-General. KPR-QUA.

### Questions of Discipline and Power

That the guards undercut prison discipline is all too obvious. Whether their behaviour can be classified as "resistance" is unclear. Certainly, they were not in the position of having to conform with the project of respectability or be punished, unlike the convicts. But their situation was somewhat akin to that of the Superintendent at the House of Industry, and of the Matron in the Penitentiary. They were responsible for enforcing the discipline, and it was they who were punched, spit on, and verbally abused when they tried to do so. There is evidence that despite the best efforts of management to prevent collusion between guards and prisoners, conversations and other kinds of contact did take place. Many guards obviously did not feel overwhelming support for prison discipline: the entries in the Daily Report Book, of which I have cited only a fraction, are overwhelming evidence of this.

As with the prisoners, whether such behaviour constituted out and out resistance is difficult to discern. Only partially, perhaps. It was to their advantage, after all, that their charges did not get out of hand and riot. However, the guards had their own way of giving the Warden "the bird" by demonstrating an ongoing indifference to the rules and regulations they were required to follow. What strikes the reader of the Daily Report book is not evidence

of resentment, but of overwhelming apathy and pettiness. The guards simply did not care and seem to have had no reason to do so. This in itself is telling. The disciplinary reformative project did not affect them directly, but the guards had no intention of kowtowing to management either.

### Conclusion

Although the Penitentiary was built with high hopes, the reality of keeping order soon dashed them. Prisoners fought against a disciplinary regime meant to reform them. Guards wantonly disdained rules for their own convenience, thus constantly imperilling institutional discipline. Outright anarchy ruled from 1848 to 1849, with no-one willing to take responsibility for their own actions let alone those of the prisoners. The near-destruction of the penitentiary was the result.

All this led to a profound deepening of the confusion as to the purpose of the penitentiary. While the prison's chaplains struggled to uphold the primacy of reform, their voices were drowned out by calls for the necessity of ensuring order. The problem became where to draw the line between coercion and brutality. There were some modifications to the disciplinary regime over time, but they were largely window-dressing. Reformation of the prisoner was increasingly seen as secondary, and even at times

dismissed as illusory. Nevertheless, it remained an underlying current of thought that continued to tug at the consciences of the penitentiary's administration. They rationalized punishment as something that needed to be done for the good of the prisoners, the maintenance of discipline, and the benefit of society as a whole.

What of the prisoners themselves? It is difficult to discern their feelings about the discipline they received, as the only record available of their comments and action is the Penitentiary Punishment Books. These are filtered through the bias of the prison's guards, matrons and wardens, who in most cases were not sympathetic toward their charges. The "Liberation questions" are not a reliable guide to prisoner thought either, since the newly-discharged prisoner was well aware of the answers desired, after having spent a lengthy period of time in close contact with those who controlled his or her life.

Some general conclusions are possible, however. Prisoners disliked the disciplinary regime and some did what they could to subvert it, or at least register their defiance. Some engaged in petty "everyday resistance" which, while earning them reputations as chronic troublemakers, provoked the administration so much that they were punished out of all seeming proportion to their misconduct. Others reacted violently to the disciplinary regime and were punished accordingly. Both were a threat to

penitentiary discipline, which was based on the premise of making the prisoner into a good and productive citizen.

The penitentiary project, because of its uncertainty and, ultimately, unattainability, thus foundered in a morass composed of good intentions and demands for restitution. The administration could not decide between the conflicting demands of the penitentiary. What tilted the balance, however, was ultimately the convicts themselves, who in their efforts to frustrate discipline, demonstrated the wobbliness of the penitentiary edifice. They left the warden and inspectors rushing to shore it up with an ongoing commitment to coercive prisoner discipline.

## Chapter 5: The First Nations and the "Indian Department"

### Introduction

Previous chapters have suggested that the Upper Canadian state dealt with its marginal population through a combination of benevolent coercion and/or institutionalization. The Native population of Upper Canada and Ontario was not immediately subjected to institutionalization, although schools played a role in their re-formation, particularly in the latter part of the period. Native peoples were separated from the white population, ostensibly for their own good, through the "reserve" system. The Indian Department's goal was to re-make the aboriginal through the "civilizing project". This project aimed to teach the Natives farming and make them into good Christian folk; in other words, they were to be transformed from members of Upper Canada's marginal population into "respectable" people, just like the poor, the criminal, and the insane.

The Indian Department was undoubtedly "racist", although that will not be the focus of this chapter. It saw the aboriginal population as "inferior" to the whites, but this attitude was part and parcel of nineteenth-century British imperial thought. Belief in white superiority was bolstered and even instigated by missionaries, who were at

pains to demonstrate the benighted state of the "heathen" in foreign parts, sometimes for their own selfish purposes. The essential point is that Natives, like the rest of society's dispossessed, were regarded with self-serving disdain by those in power, who then sought to reform and remake them, offering sometimes charitable pity, at other times coercive contempt.

However, the Upper Canadian state could never quite regard Native peoples as only inferior. The poor, insane, and criminal represented a somewhat nebulous threat to the social order. The First Peoples, in contrast, for several years were key players in the balance of power on the North American continent, as well as a definite military threat. The colonial government, following the defeat of the French and the victory of the Americans, was careful to cultivate the natives' goodwill and ensure that they remained allied to the British. Their desire for friendship was increasingly tempered with benevolent ideas about "civilizing" the native population and covetousness toward their land. The two processes eventually became intertwined. The need for land as settlement pressure increased became coupled with plans to assimilate the aboriginal people. The Department first "bought" land, then assumed stewardship of it as various bands "surrendered" their lands to the state in return for annuities.

Paternalism was central to Native-white relations, just

as it was in the elites' interaction with the rest of Upper Canada's marginal population. The men who ran the Indian Department were either veterans of the War of 1812 or members of the Family Compact, or had close ties to the latter. They were not inclined to view Natives as members of a nation equal in pride and strength to their own. Instead, the appointees of the Colonial office thought of the First Peoples as potential military allies at best, and as a confounded nuisance at worst. In either case, there was no recognition of aboriginal peoples' inherent worth. They were simply dismissed as "savages" who desperately needed civilizing to prevent their own ultimate demise.

During the course of the nineteenth century, the Indian Department and its bureaucracy assumed an air of paternalistic benevolence. They asserted that they knew what was best for their charges, likening Natives to children who needed training and educating to pursue the proper course in life. The paternalistic relationship was in part furthered by the terms used by the First Peoples to refer to white officials. Although they addressed officials as "father" as a term of respect, and termed themselves "children" for the same reason, the Indian Department seized on the terminology and used it to reinforce the Natives' inferiority, thus justifying the use of paternalistic coercion. Natives had the impression that their relationship was a reciprocal one, which implied responsibilities on both

sides. While records of the First Peoples' thoughts on this issue are scanty, their speeches during meetings with Department officials indicate that they were somewhat puzzled by the whites' failure to take the point.<sup>1</sup>

Reinforcing the division between the two nations was the issue of "presents". Natives began receiving twice-yearly packages of goods in "payment" for lands given up to the Crown and came to rely on them as a source of much-needed supplies. There was a larger dimension to the giving of these presents. As Ian McKay has noted, "gifts are not innocent; they suggest not just supplication but an assertion of reciprocal rights and obligations".<sup>2</sup> The giving of gifts confers an obligation on the recipient to recognize that the relationship between the two sides is a reciprocal one, and that the parties involved are equals.<sup>3</sup> For the First Nations, at least, the presents did not represent a means of subjection, but the recognition of an obligation.

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<sup>1</sup> See also Francis Jennings, The Ambiguous Iroquois Empire, New York: W.W. Norton, 1984, which argues that neither the English nor the Iroquois understood each other's political arrangements, nor could they, since each were operating with a concept completely alien to the other. The English thought of the Iroquois as an "empire", which meant to their way of thinking that the latter were fair game for conquest. The Iroquois regarded their relations with the English as part of a "covenant chain" or loose confederation, for which the English had no equivalent.

<sup>2</sup> Ian McKay, "'By Wisdom, Wile or War': The Provincial Workmen's Association and the Struggle for Working-Class Independence in Nova Scotia, 1879-97" Labour/Le Travail 18 (Fall 1986), p. 31.

<sup>3</sup> Ibid., p. 33.

The Bagot Commission of 1845 quoted from a memorial of the Seven Nations to the Governor of Lower Canada, written in 1837, that indicated the origins of present-giving lay with the French:

Father, these 'presents' (since we are taught to call them by that name,) are not in fact presents. They are a sacred debt contracted by the Government, under the promise made by the Kings of France to our forefathers, to indemnify them for the lands they had given up, confirmed by the Kings of England since the cession of the country, and, up to this time, punctually paid and acquitted.<sup>4</sup>

As the Natives became more dependent on the government, the annual presents did indeed become a symbol of their subjection.

The historiographical debate revolves around the question of "agency", specifically whether the First Peoples were victims of the European invasion or whether they welcomed Europeans because it suited their own purposes. Bruce Trigger, in Natives and Newcomers, for example, argues that fifteenth-century European explorers gained a foothold in the New World because the aboriginal tribes let them.<sup>5</sup> Similarly, Trigger's The Children of Aataensic tries to eliminate the notion that natives were less "rational" than

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<sup>4</sup> Quoted from Parliamentary Papers, June 17, 1839, No. 323, page 62 in Appendix EEE "Report on the Affairs of the Indians in Canada" Laid before the Legislative Assembly, March 20, 1845 (Report of the Bagot Commission). JLAUC 8 Victoria 1844-45. Original not paginated.

<sup>5</sup> Bruce Trigger, Natives and Newcomers: Canada's "heroic age" reconsidered Kingston: McGill-Queen's University Press, 1985.

Europeans by garnering a wealth of evidence that the Huron had a highly developed culture of their own, although one that was foreign to European understanding.<sup>6</sup> On the "victim" side of the debate, George Hunt's Wars of the Iroquois claims that the European fur trade strengthened the position of the Iroquois so much that they were able effectively to eliminate any rivals, but in the process were themselves destroyed.<sup>7</sup> Francis Jennings portrays the first European colonists in North America in an extremely unflattering light; he contends that they deliberately wanted to "conquer" the Natives and rationalized their actions by claiming superiority over them.<sup>8</sup>

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<sup>6</sup> Bruce G. Trigger, The Children of Aataentsic: A History of the Huron People to 1600 Kingston: McGill-Queen's University Press, 1976/1987.

<sup>7</sup> George Hunt, Wars of the Iroquois: a study in intertribal relations Madison: University of Wisconsin Press, 1940/1960.

<sup>8</sup> Francis Jennings, The Ambiguous Iroquois Empire New York: W.W. Norton, 1984. See also; W.J. Eccles, "The Fur Trade and eighteenth-century Imperialism" William and Mary Quarterly, Vol. 40 No. 3, (1983) pp. 341-362, which argues that the fur trade was used by France as a political weapon with the assistance of the Iroquois. Eccles's point is that the success or failure of European groups was largely dependent on the actions of Native groups; Arthur J. Ray, "Fur Trade History as an Aspect of Native History" in Getty and Smith, (eds.) One Century Later: Western Canadian Reserve Indians Since Treaty Seven 1978, which claims the Natives were fully cognizant of the potential benefits to them from participation in the fur trade; Sylvia Van Kirk, Many Tender Ties: Women in Fur-Trade Society in Western Canada, 1670-1870 Winnipeg, Manitoba: Watson and Dyer, 1980 which assigns Native women a large share of the success enjoyed by European fur traders.

This chapter supports the pro-agency argument, with some qualifications. The aboriginal population was exploited and victimized, but native peoples were not as subjugated or as submissive as the Indian Department wanted to believe. In many cases, tribes made a show of accepting what the Whites had to offer, but pursued their own course regardless. They often took what was offered because they thought it could be used to further their own ends, particularly with regard to education.

Always, however, the Natives drew their own boundaries and asserted their own needs within them. Paternalistic coercion almost always met with resistance. Most of it was of the everyday sort encountered in the penitentiary and workhouse; overt resistance was rare. Natives also demanded what they believed to be theirs. Under such continuous pressure, the benevolent veneer of paternalism cracked and its ugly, coercive aspect became visible. This chapter explores how the tensions between paternalism, benevolence, and reform became translated into a purely coercive paradigm as the result of ongoing resistance by the "subordinate" group.

The Indian Department did not and could not implement its programmes without some real difficulties. Correspondence between the First Peoples and Department officials indicates that the former resisted the Department's initiatives. Although the Indian Department

tried to make them into passive victims, Natives actively advanced their own concerns throughout the period under consideration.<sup>9</sup> They demanded (and generally got) the schools and teachers that they wanted. Even when the residential school programme was implemented, neither Native parents nor their children meekly acquiesced to the scheme.<sup>10</sup> They farmed, but only when it suited them. Superintendents frequently complained to their superiors that crops were left unattended while their charges took part in the traditional annual hunt. Aboriginal bands protested the appointment of corrupt local superintendents. Perhaps the issue that generated the most friction between the First Nations and the Europeans was that of land. The Indian Department desperately tried to justify its seizure of aboriginal lands and monopoly over timber rights, but the First Nations continually thwarted their actions. The latter repeatedly emphasized the original land rights conferred on them by the 1763 treaty, and reminded the Department that their job was to look after and protect aboriginal interests. Throughout, the Indian Department tried a variety of strategies to make Natives submissive,

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<sup>9</sup> See especially, J.R. Miller, "Owen Glendower, Hotspur, and Canadian Indian Policy", Ethnohistory Vol. 37 No. 4 (Fall 1990), pp. 386-415.

<sup>10</sup> For the most recent - and exhaustive - review of the residential school's inception and downfall, see J.R. Miller, Shingwauk's Vision: A History of Native Residential Schools Toronto: University of Toronto Press, 1996.

but their success was limited.

### **The Native as Threat and Military Ally**

During the European wars for the control of North America, the First People played an important role as the allies of the British.<sup>11</sup> The Royal Proclamation of 1763 recognized their assistance to the British Crown by granting them protected status with respect to land. "Private persons" were prohibited from buying land from Natives, particularly that which had been set aside for the latter's use. Land could only be sold under certain conditions over which the Crown maintained strict control.<sup>12</sup> The 1763 Proclamation observed that it was essential to the "interest" of the government and the "security of our colonies" that Natives "...should not be molested or disturbed" in the territories that they owned or used as hunting grounds.<sup>13</sup> King George III asserted that it was "necessary and expedient to cultivate and maintain a strict

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<sup>11</sup> For a concise discussion of the First Nations' role in these wars, see Chapter 4 in J.R. Miller, Skyscrapers Hide the Heavens Toronto: University of Toronto Press, 1989.

<sup>12</sup> Document #A2 "Royal Proclamation of 1763" in Derek G. Smith, ed., Canadian Indians and the Law: Selected Documents, 1663-1972 Toronto: McClelland and Stewart, 1975, p.3.

<sup>13</sup> Ian L. Getty and Antoine S. Lussier, As Long as the Sun Shines and Water Flows: A Reader in Canadian Native Studies Vancouver: University of British Columbia Press, 1983, p. 33.

friendship and good correspondence" with the First Nations, in order to make them "good subjects and "good neighbours".<sup>14</sup> Likewise, at the end of the eighteenth century, colonial officials regarded the friendship of the First Nations as essential and were anxious to avoid antagonizing them:

With regard to the tract on the Grand River, if the Five Nations choose to hold it under the title given by General Haldimand, in preference to any that has since been offered, no other should be forced upon them; for it certainly would be very impolitic to enter into a serious dispute as to the mode of conveying lands which have been given to them as a "Reward for Services".<sup>15</sup>

Implicit was the idea that the aboriginal population was a definite threat to the security of British possessions in North America following the Revolutionary War. Britain was anxious to maintain the goodwill of the First Nations, but also wanted to sustain a show of strength despite her defeat: "At [this] moment our evacuation of the Posts and the weight and authority we should preserve with the Indians seem to require that our conduct should not wear the appearance of withdrawing our accustomed protection from that quarter."<sup>16</sup> The King's anxiety was based on his fears

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<sup>14</sup> Document #A3 "Instructions to Governor Murray, December 7, 1763" Derek Smith, op. cit., p. 4.

<sup>15</sup> RG 10, Vol. 1, "Extract from Lord Dorchester's letter No. 52, to Major General Simcoe, dated 26 May 1796". Indian Department, Lieutenant-Governor's Office, Upper Canada Correspondence 1796-1806, p. 61.

<sup>16</sup> December 13, 1796, Whitehall -- Courtland to Lieutenant-Governor Prescott. RG 10 Vol. 1 Indian Department, Lieutenant-Governor's Office, Upper Canada Correspondence

of potential French and Spanish incursions. There were numerous rumours that the Spanish had acquired Native allies "to commit acts of hostility" on the American frontier.<sup>17</sup> Frantic land negotiations with Chief Joseph Brant and the Five Nations followed; Lord Russell admonished Lieutenant-Governor Prescott not to charge "fees of office" as doing so would be both "injudicious and improper" under the circumstances.<sup>18</sup> Nor, said Russell, should the lands of the Five Nations be "diminished" as such a step would be "...inimical to His Majesty's dignity in the eyes of the Indians, and to the immediate tranquillity of the Province".<sup>19</sup>

Such efforts to ensure the First Peoples' continuing loyalty persevered to the War of 1812. One British official expressed concern about the hostile intentions of the French. He maintained that there should be no time or effort lost in ensuring that the Natives' ties were to them rather than to the opposing side.<sup>20</sup> The latter were wooed not just

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1796-1806, p. 26.

<sup>17</sup> June 2, 1797, Lord John Russell to Lieutenant-Governor Prescott, RG 10 Vol. 1, pp. 46-47.

<sup>18</sup> July 31, 1797 Russell to Prescott, RG 10 Vol. 1, pp. 57-59.

<sup>19</sup> Ibid., p. 58.

<sup>20</sup> York, June 6, 1808 Sir James Craig to Lieutenant-Colonel Claus, RG 10 Vol. 2, Indian Affairs. Lieutenant-Governor's Office - Upper Canada Correspondence 1807-1808 p. 876.

with promises to secure land, but with "presents". Those in power were well aware that they were a means of keeping their potential allies quiescent and friendly toward the British government:

To this end liberal provision was made for the distribution to them of presents, and the duty of seeing that these were given to the Indians at regular intervals at appointed places, formed for many years the most important of the duties of those entrusted with the arrangement of their affairs.<sup>21</sup>

The practice of present-giving became contentious and somewhat troublesome for the Indian Department, as it was equated in their minds with questions of loyalty and duty. As well, the Indian agents opposed the practice of giving presents, since they thought Natives would "lose both to the whites for liquor and other useless articles".<sup>22</sup> The expense was such that the "Committee of the House of Commons on Military Expenditure" had recommended that they be discontinued entirely, a move that those in power were reluctant to sanction. Colonial officials felt that discontinuation of annual presents was not only "unjust and impolitic", but might result in serious dissatisfaction.<sup>23</sup>

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<sup>21</sup> RG 10 Vol. 5887, Indian Affairs General Orders 1814-1830, p. 5. No date.

<sup>22</sup> Robert J. Surtees, "Indian Reserve Policy in Upper Canada 1830 - 1845" M.A. Thesis, Carleton University, 1966, p. 167.

<sup>23</sup> RG 10 Vol. 718, Indian Affairs, Indian Department, Macaulay Report, 1839. Original not paginated.

### **The Weakening of the Native Position**

By the end of the War of 1812, Natives were still recognized as valuable allies, but to a lesser extent than they had been in the pre-war years. Robert J. Surtees has one explanation for their loss of standing during this period. He has suggested that the War of 1812 itself had a devastating effect on the Upper Canada's First Peoples, shattering the Western Confederacy and separating them from their allies in America. Increased white settlement reduced them to less than ten percent of the province's population, a substantial diminution from their position prior to the War of 1812. White settlement also encroached on hunting and fishing grounds, pushing the Natives toward the unsettled interior. This made it extremely difficult for them to congregate at their usual places along lakeshores and in river valleys, thus further contributing to their fragmentation.<sup>24</sup> The Americans insisted that Britain leave the tribes resident in America alone, which separated Canadian and American aboriginal nations even more.<sup>25</sup>

Historians have argued that the weakening of the Native groups rendered the acquisition of land by the Canadian government very much easier. At this time there occurred a substantial shift in the way land was acquired which allowed

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<sup>24</sup> Robert J. Surtees "Indian Land Cessions in Upper Canada, 1815-1830" in op. cit., Getty and Lussier, pp. 67-69.

<sup>25</sup> Ibid., p. 65.

the Upper Canadian government to buy more of it. After 1815, the government bought land by payment of annuities rather than with a lump sum.<sup>26</sup> The regions acquired from Native tribes were then sold to settlers, who paid a yearly amount meant to represent the interest on the principal owed the government. This amount was in turn paid to the original owners, who had surrendered their lands in return for a guaranteed annual payment in perpetuity.<sup>27</sup> Thus the cost to the government was minimal, and the First Nations were kept quiet with the promise of an annual income.

The practice of "giving presents" was supposedly a factor contributing to the increased sale of land. The British had attracted Native support through presents; the First Peoples gradually became accustomed to the practice, then dependent on it, which made them all the more susceptible to the blandishments of the British government.<sup>28</sup> There is some suggestion that Natives were particularly vulnerable to exploitation because they did not fully understand the concept of private ownership of land. Instead they thought "they had made a series of useful and profitable rental agreements", while the British

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<sup>26</sup> J.R. Miller, Skyscrapers, op. cit., p. 92.

<sup>27</sup> Donald Purich, Our Land: Native Rights in Canada Toronto: James Lorimer and Co., 1986, p. 73.

<sup>28</sup> Donald B. Smith, "The Dispossession of the Mississauga Indians: A Missing Chapter in the Early History of Upper Canada" Ontario History Vol. 73 No. 2 (June 1981), p. 71.

congratulated themselves on having successfully removed native title.<sup>29</sup> The claim that the First Peoples could not understand the whole issue of land ownership revives the somewhat outdated notion that they were victimized by unscrupulous whites. In fact, this argument is fraught with difficulty. Court decisions of the nineteenth and early twentieth centuries used the concept of individual land ownership to argue in favour of white property rights, claiming that because they did not believe in private property, Natives could not possibly have any land rights.<sup>30</sup>

Some aboriginal nations were well aware that their security was being threatened. The Onandaga Chief, Echo, appealed to the British in his plea for their recognition of Native rights to land, arguing that the Onandaga's women and children were likely to experience hardship as a result of land losses suffered by the British:

...during the last War [War of 1812] several officers promised us that we should not lose our property if we were to assist. We do not suppose that the Great King, our Father, would allow his people to suffer. He appointed officers in this country to see that we should lose none of our property while serving under him...<sup>31</sup>

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<sup>29</sup> Ibid., pp. 73-74.

<sup>30</sup> Donald Purich, Our Land: Native Rights in Canada, p. 39.

<sup>31</sup> "Address of the Onandaga Chief Echo to the Deputy Superintendent General". RG 10 Vol. 716, Indian Affairs, Indian Department, Six Nations Council at Ancaster, 1819. Original not paginated.

Chief Echo went on to express his anxiety that his people would find themselves squeezed out of their lands, since the Americans were rushing to expropriate former aboriginal territory and the British were rapidly buying all the land they could in British North America: "Let the King give us lands, to the value of what we have lost on the American side, that we may all have the benefit of it". To compensate his people for their losses in America, Chief Echo asked not only for land but also for grist mills, saw mills, and a school teacher.<sup>32</sup> His demands do not appear to be those of a man who was unaware of land ownership's importance and indicate that Chief Echo and his people were shrewd negotiators with a strong sense of what was theirs by right.

The response of the Deputy Superintendent-General to Chief Echo is telling for its obvious lack of respect for Native concerns, as well as the paternalism which was a feature of the Indian Department. He evidently saw Echo's people as willful and wayward children who were unable to look after their own affairs properly. Replying to the Chief's fears for the welfare of the tribe's women and children, he commented, "...should misfortune befall them it must be entirely your faults" and went on to remind him of the King's benevolence:

...[The King] purchased a large and fine country for you to retire to and if you are not happy you must impute it to the [? rapacity] of the Whites and your

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<sup>32</sup> Ibid.

own loose manner of making bargains with them, which are not binding on the Whites, as the sanction of the Government had not been previously obtained.<sup>33</sup>

The two sides clearly did not understand each other, and did not want to. The people of the Six Nations, for example, thought of the guardianship of the Indian Department as similar to an alliance. They stated, "we have learned with great satisfaction that your heart is warmed with sentiments of affection and regard towards the Indian Nations, and whilst we the Six Nations rejoice in being placed under your guardianship, we exhort you to be strong in defending our rights and protecting our liberties."<sup>34</sup> Such a statement could easily be misconstrued as an invitation to precisely the kind of paternalistic control which the Indian Department exercised.

### **The First People as "Marginal" and the Civilizing Project**

The Crown's solution to the pressing problem of the First People and their demands for security was to embark on a project of assimilation. This meant settling the Natives in villages, discouraging them from hunting, and teaching

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<sup>33</sup> Ibid.

<sup>34</sup> "Proceedings of a general council of the Six Nations and Delawares held at the Mohawk Village on the 3rd and 4th of July, 1828". RG 10 Vol. 45, Indian Affairs, Deputy Superintendent's Office, Correspondence, 1828-1829, p. 23,559.

them agricultural and industrial skills.<sup>35</sup> The importance of agriculture as an inducement to permanent settlement was first recognized in Lower Canada in 1828. In a letter to a superior, P. Beland wrote that the aboriginal peoples of Isle Verte had prepared the ground and eagerly planted the seeds provided to them. Beland argued for the merits of agriculture in developing useful citizens and promoting loyalty to government.<sup>36</sup> Some were rather more sanguine about the First Nations' chances of success in agriculture. One person gave it as his opinion that it was a project doomed to failure, because "in the first place the whole of their tribes are a [set] of lazy indolent people much addicted to liquor, most independent and fond of a changeable and roving life". In his estimation, they much

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<sup>35</sup> Mariana Valverde, Lykka de la Cour, and Cecilia Morgan have presented an argument that the civilizing project was a direct blow to the role of women in Indian culture because it removed agriculture from the women's sphere and made it into an exclusively male domain. Their contention is part of a larger argument about the masculinization of the state through regulation. Lykke de la Cour, Cecilia Morgan, and Mariana Valverde, "Gender Regulation and State Formation in Nineteenth-Century Canada" in Allan Greer and Ian Radforth, (eds.) Colonial Leviathan Toronto: University of Toronto Press, 1990, pp. 173-175.

<sup>36</sup> P. Beland to Mons. Le Tachereau Duchenay, Isle Verte, 23 August, 1828. "Je crois que rien n'est plus propre a les fixer dans un endriot que cet encouragement a l'agriculture, et les rendre consequemment plus utile a la societe...Il y'aurait lieu de croire que le Gouvernement se les attachera fortement en les favorisant." RG 10 Vol. 21 Indian Affairs, Superintendent-General's Office, (Sir John Johnson) Correspondence, 1828. Original not paginated.

preferred hunting.<sup>37</sup> Ignoring such misgivings, the Military Secretary, Lieutenant-Colonel Napier, instructed his subordinates to supply him with statistical information concerning the amount of land needed, the "nature and expected duration of the aid they would require", as well as the numbers of people to be relocated, stating that it was "necessary and desirable to induce the Indians to become farming settlers, and to adopt the habits of civilized life...".<sup>38</sup>

The civilizing project in many respects resembles the institutional project of rendering a marginalized group acceptable to respectable society, as does public perception of the First Peoples. Contemporary observers drew parallels between the conditions of the Irish, the poor and Natives; all were seen as people whose lives were capable of improvement via the "panaceas of education and religion".<sup>39</sup> Most striking, however, are comments about the Natives' laziness and wretchedness. An anonymous writer sympathetically remarked that the aboriginal peoples he saw

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<sup>37</sup> RG 10 Vol. 22, Indian Affairs, Chief Superintendent's Office, Correspondence, January-June 1829, p. 24,778. The first page, the address, date and signature of this letter are missing, but it occurs in a volume of letters dated late 1828 and early 1829; the preceding letter (p. 24,776) is dated March 13, 1829.

<sup>38</sup> March 13, 1829, Lt. Col. Napier, Military Secretary, to [illegible], RG 10 Vol. 22, p. 24,776.

<sup>39</sup> David McNab, "Herman Merivale and the Native Question, 1837-1861" Albion Vol. 9 No. 4 (Winter 1977), p. 359.

were "gradually wasting away" because their hunting grounds were becoming so drastically depleted, and they had no other means of survival. However, his sympathy was marred by the observation that they did not make any notable effort to exert themselves. Their addiction to alcohol was especially damaging, he thought, because it ruled their lives and made them incapable of doing anything to better their situation;<sup>40</sup> its effect on them was much the same as it was on the poor.<sup>41</sup> Natives were well-acquainted with the white community's opinion of them. Chief Shinguacose of the Chippewa noted with some scorn the role of the whites in his peoples' downfall:

I suppose our Father [the Lieutenant-Governor] thinks we are like children, always sitting and warming ourselves at the fire, and also thinks we are as such, as regards the Rum; but it is not so with us, for during the winter we live upon meat and fish and any other game we may chance to get in the woods: but when we see the white people in the spring, they offer us a glass, and we take it.<sup>42</sup>

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<sup>40</sup> Anon., "A Traveller's Impressions in 1792-93" in Gerald M. Craig, ed., Early Travellers in the Canadas, 1791-1867 Toronto: The MacMillan Company of Canada Ltd., 1955, p. 6.

<sup>41</sup> F. Laurie Barron, "Alcoholism, Indians, and the Anti-Drink Cause in the Protestant Indian Missions of Upper Canada" in Ian A.L. Getty and Antoine S. Lussier, As Long as the Sun Shines and Water Flows: A Reader in Canadian Native Studies Vancouver: University of British Columbia Press, 1983, p. 91.

<sup>42</sup> "The Speech of a Principal Chief of the Ojibway [sic] or Chippewa Nation, named Shinguacose, in their behalf, on hearing the Address read from the Society". Appendix B of Third Annual Report of the Society for Converting and Civilizing the Indians and Destitute Settlers of Upper Canada for the year 1833, p. 52. Special Collections,

The official mind made an essential distinction between Natives and others. The former were an "alien" and "uncivilized" race, whose social norms bore virtually no resemblance to those of Europe. The poor and criminal might defy convention, but they were familiar with all the paraphernalia that "civilization" entailed. Most important, to the nineteenth-century mind, the First Peoples had no concept of "work", meaning tasks done regularly according to a recognized routine.<sup>43</sup> Natives did not "work" the land, nor did they own private property. The majority of early European accounts of the aboriginal population emphasized its peculiar inertia. For the European, the perception of what constituted work and what did not was coloured by what he daily saw in his own society. Hunting, fishing and war, the daily activities of Natives, were conventionally limited to aristocrats who had the leisure to engage in these pursuits. Natives' apparent freedom and their rejection of the European norms made it difficult to persuade them of the value or necessity of "work".<sup>44</sup> Nor did Europeans think that

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Stauffer Library, Queen's University at Kingston.

<sup>43</sup> Annie Jacob, "Civilisation/Sauvagerie: Le Sauvage américain et l'idée de civilisation" Anthropologie et Sociétés Vol. 5 No. 1 (1981), p. 19. See also Jean Usher, "Apostles and Aborigines: The Social Theory of the Church Missionary Society" Histoire Sociale/Social History Vol. 7 No. 11 (April 1971), pp. 28-52.

<sup>44</sup> Jacob, "Civilisation/Sauvagerie", pp. 28-29, 31. See also Calvin Martin Keepers of the Game: Indian-animal relations and the fur trade Berkeley, California: University of California Press, 1978. Jacob sheds some

they were capable of appreciating or understanding its value.

The first official discussion about civilizing the aboriginal population of Upper Canada occurred in 1827. Major-General Darling, the Superintendent General of Indian Affairs, wrote to the Military Secretary, Colonel Givins, suggesting that the best way of dealing with the Natives in the years to come was to teach them white culture. Givins, clearly impressed with Darling's proposal, passed it along to Lieutenant-Governor Colborne, where it also met with a favourable reception. For financing the effort, Givins suggested that part of the money set aside for the annual payments be used. He thought the program would meet with a favourable reception from the tribes who participated:

...those who participate in the payments would have it in their power to set an example worthy to be followed by other tribes who do not possess the same advantages, and would necessarily require the aid of Government, which would eventually be compensated by producing industrious agriculturalists, always ready to defend their soil.<sup>45</sup>

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light on an obscure corner of history with her discussion of the derivation of "travail", which may explain why work was so poorly regarded by the labouring peoples until Protestantism and the Industrial Revolution made it both essential and desirable: "Etymologically, 'travail' is derived from 'trepalium', a device with three stakes used to restrain horses while at the farrier which was later used as an instrument of torture. From the twelfth to the sixteenth century, 'travailler' meant to torment, to suffer, or to constrain. The 'travailleur' was thus the executioner [or hangman]." Translation mine.

<sup>45</sup> York, December 8, 1827, Colonel J. Givins to Major-General Darling. RG 10 Vol. 497, Indian Affairs, Indian Department. Military Secretary's Correspondence, 1827,

The Deputy Superintendent-General noted that Natives he had met were anxious to become "civilized", and that they had expressed themselves eager to live in villages and take up farming.<sup>46</sup> This was probably because they knew that with increased white settlement, which was pressing them harder every year, they had no other chance of making a life for themselves. This was in July of 1828. The Deputy Superintendent was astute enough to recognize the potential benefits of these new enthusiasms:

I also submit whether this disposition of the Indians should not be encouraged by the British government as the most certain means of rivetting their affection and securing their loyalty and attachment, which will naturally incline to that power from whence they are sensible their chief good is derived...they appear however very simple, and such as would not be attended with any considerable expense to government, and would probably amply repay the outlay in a few years by the discontinuance of the Annual Presents, which would become of less importance to the Indians as they advance in civilization.<sup>47</sup>

Such a contention might have borne weight if the "presents" had been strictly utilitarian and reflected the everyday needs of the Native people. However, the list of annual presents does not reflect the Department's rhetoric about promotion of self-sufficiency. For example, in 1834, some

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pp. 31,908-31,909.

<sup>46</sup> Report, Quebec July 24, 1828, "To His Excellency The Earl of Dalhousie, Commander of the Forces, British North America". RG 10 Vol. 586, Indian Affairs, Deputy Superintendent General's Office Letterbook, 1826-1828, p. 24,545.

<sup>47</sup> Ibid., p. 24,546.

time after the above comment was made, Native groups received as presents an assortment of cloth, ammunition and trinkets, none of which were useful in agriculture.<sup>48</sup>

The Darling Report of 1828, sometimes called the "founding document of the whole 'civilizing' programme",<sup>49</sup> warned Lord Dalhousie, to whom it was addressed, that if its suggestions were not soon followed, the aboriginal population would become a millstone around the neck of the state. Alternatively, Natives would "starve in the streets of the country towns and villages" or become the primary occupants of the province's jails, joining the rest of the marginal population in their destitution. Darling also warned that the Natives, if no longer "protected" by the Crown, were all too likely to renounce their loyalty to Britain entirely:

...they will turn their backs with indignation on their Father in whose promises of protection they have with confidence for so many years relied and will throw themselves with vengeance in their Hearts, into the arms of the Americans who are ever ready to receive them, and who are now endeavouring to seduce the tribes in Upper Canada, with whom they have the readiest intercourse, to accept of [sic] lands on the

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<sup>48</sup> "Quantity and Value of Indian Goods issued Indians in 1834", RG 10 Vol. 56, Indian Affairs, Chief Superintendent's Office, Upper Canada, (Colonel J. Givins) Correspondence, July-December 1834, pp. 58,831-832.

<sup>49</sup> L.F.S. Upton, "The Origins of Canadian Indian policy" Journal of Canadian Studies Vol. 8 No. 4 (November 1973), p. 57.

Mississippi.<sup>50</sup>

Thus, despite the Natives' much reduced status, they still represented a sizeable threat to the British crown as potential allies of the Americans. Concerns about American invasion appear to have been widespread at the time. Colonel Givins wrote to the Governor-General, Sir Peregrine Maitland, to reassure him that he had asked the various tribes of the Bay of Quinte "to hold themselves in readiness" in case of American aggression.<sup>51</sup> More vague, but still indicative of the possible American threat to British territory, is a speech by Nayocantag, the Winabago Chief, made in June of 1828. The Chief expressed concern that he and his people might be asked to go to war against the Americans, since he felt the ultimate benefit to him and his people would be minimal.<sup>52</sup>

The attempt to weld the First Nations indissolubly to the British crown was tempered with a mixture of benevolence and in some cases what appeared to be genuine concern for the First Peoples' welfare. The Society for Promoting

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<sup>50</sup> Report, Quebec July 24, 1828, "To His Excellency The Earl of Dalhousie", RG 10 Vol. 586, op. cit., pp. 24,635-636.

<sup>51</sup> York, November ?, 1828 (date partially obscured) L. Givins to Sir Peregrine Maitland. RG 10 Vol. 21, Indian Affairs, Superintendent-General's Office, (Sir John Johnson) Correspondence, 1828. Not paginated.

<sup>52</sup> Ibid., "Minutes of a Speech delivered by Nayocantag the Winabago Chief at Drummond Island, the 30th June 1828..." Another Winabago chief expressed similar concerns a few months later. See "Remarks on the Winabago Chief Four Legs Speech", October 10, 1828, *ibid.*

Education and Industry in Canada managed to draw the attention of some colonial officials to the importance of religious knowledge in social advancement.<sup>53</sup> Perhaps it was the Society's influence, or the general "humanitarian" tone of the times<sup>54</sup> that influenced the call for a change in policy. The Colonial Office noted that circumstances had dictated that the First Peoples be seen solely as a potential military allies. Despite new circumstances, the British Crown had continued in this course, "rather as a matter of routine, than on any well-considered grounds of preference...". Some of the blame was thought to lie with the Natives themselves, who were supposedly warlike by nature and habit and who were not inclined toward a sedentary way of life.<sup>55</sup> Nevertheless, the time had come to shift the emphasis and encourage settlement and farming. Not just "civilization" and defence were motives for the new policy, but also the reduction of expenditure. Lieutenant-Governor John Colborne, for one, championed making the native tribes self-reliant in order to achieve

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<sup>53</sup> "Copy of a letter to Sir James Kempt respecting the Indians in the North American Provinces". G. Murray to Kempt, Downing Street, January 5, 1830. RG 10 Vol. 24, Indian Affairs, Chief Superintendent's Office Correspondence, January-June 1830, p. 25,726.

<sup>54</sup> Getty and Lussier, As Long as the Sun shines and Water Flows, p. 13.

<sup>55</sup> Op. cit., RG 10 Vol. 24, pp. 25,721-722.

such a goal.<sup>56</sup>

The Colonial Office believed that the Natives themselves wanted to change their way of life. This meant that if Britain did embark on a new direction in policy, it would have a reasonable chance of succeeding.<sup>57</sup> Colonial officials did recognize that the implementation of new policy would be bound to encounter some obstacles in the form of opposition from chiefs and other tribal men and women of influence. The Indian Department feared that the latter would oppose the new policy, as it would tend to undermine tribal authority. Natives were thought liable to resent both the loss of "nationality of each separate tribe" as well as the attempt to assimilate them into the general population. This was thought likely to be overcome by bribing influential individuals with promises of extensive land grants.<sup>58</sup>

The civilizing project as it was eventually devised had four basic components. Native groups were to be collected into villages with enough land to support them; they were to receive religious education as well as basic schooling; they were to be encouraged to build houses with the government

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Elizabeth Cooper "Religion, Politics and Money: The Methodist Union of 1832-1833" Ontario History Vol. 81 No. 2 (June 1989), p. 97.

RG 10 Vol. 24, op. cit., p. 25,724.

Ibid., p. 25,723.

supplying seed, livestock and tools.<sup>59</sup> Also thought important to the success of the project was the presence of missionaries. Wesleyan Methodists were to be sent from England to counter the influence of the Episcopalian Methodists, one of the most influential missionary groups on the North American continent. The Episcopalian Methodists had a decidedly un-Christian motive for encouraging Indians to abandon their pagan ways, according to Elizabeth Cooper:

Indians and Indian missions provided the glamour necessary to persuade pious communicants to part with their hard-earned money. To eastern urban dwellers, the image of savage, devil-worshipping, sexually promiscuous Indians being brought to kneel before the gentle Jesus stirred them more deeply than thoughts of ragged settlers hearing a minister's sermon in some squalid backwoods village.<sup>60</sup>

The Methodists protected their successes jealously and demanded "complete control of every aspect of the Indians' lives in those places where Methodism had gained ascendancy". The missionaries were also quite anxious to have their charges learn "regularity, self-discipline, and obedience to authority" as well as "agricultural and artisanal" skills, for without these new habits, their Christianity would certainly fall away.<sup>61</sup>

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<sup>59</sup> May 20, 1830, Sir James Kempt to Sir George Murray, "Explains the principles upon which it is proposed that the settlement and instruction of the Indians at Lower Canada should be conducted and transmits an estimate of the probable expense of the measure. RG 10 vol. 24, op. cit., pp. 26,065-067.

<sup>60</sup> Cooper, "Religion, Politics and Money", p. 94.

<sup>61</sup> Ibid., pp. 95-96.

Thus the decision to undertake the formidable task of "civilizing" the Native population was prompted by a variety of factors. Considerations of expense, defense, and also to a small extent of magnanimity were all part of the British Crown's decision to re-fashion the First Peoples. While the official version of events emphasized the humanitarian angle of the new policy, there was also a darker, less acceptable agenda. Natives were still a threat, or were perceived as having the potential to be so. Steps had to be taken to assuage and smooth any possible rough spots. Natives were also rapidly becoming a problem in the same way as other marginal groups. They represented a social burden because of their purported overwhelming fondness for drink, their grinding poverty, and appalling ignorance. The next problem was how actually to implement the new policy that would lead to the Natives' advancement.

Sir James Kempt, the Colonial Secretary, outlined in a letter to Governor Murray what he thought the best means of "settling and instructing" the Native population.<sup>62</sup> Most important was to let them know, through their Grand Councils, "of the conditions on which they may settle". Perhaps drawing on previous experience with discontented tribes, Kempt commented, "these conditions ought to be most

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<sup>62</sup> Although Kempt proposed these policies in regard to Lower Canada, the general context of his letter suggests that they were based on strategy developed for Upper Canada. I did not see a similar document for Upper Canada.

distinctly and unreservedly explained to them, to prevent them from hereafter upbraiding the government with any violation of faith".<sup>63</sup> Kempt wanted to leave nothing to chance; he went so far as to outline the proposed dimensions of their houses and the size of their agricultural plots. Assimilation of the Aboriginal population was clearly Kempt's goal:

The rooted aversion entertained by the Indians to intermix with the white population and with other Indian tribes renders it necessary that they should be located in small bodies comprising approximately one hundred families of the same tribe and the vicinity of other tribes and white settlers.<sup>64</sup>

Such a measure would enable the Natives to draw on well-established examples for their own farming efforts, as well as accustom them to living in close proximity with whites and other groups of the First Nations.<sup>65</sup> That Kempt had to make this point at all indicates that the First Peoples were not always willing participants in the settlement process and that the Indian Department was looking for ways to coerce them gently into compliance.

One who thought the whole project pointless was Sir Francis Bond Head, who became lieutenant-governor of Upper

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<sup>63</sup> Sir James Kempt to Sir George Murray, May 20, 1830, "Explains the principles upon which it is proposed that the settlement and instruction of the Indians at Lower Canada should be conducted and transmits an estimate of the probable expense of the measure". RG 10 Vol. 24, op. cit., p. 26,064.

<sup>64</sup> Ibid., p. 26,065.

<sup>65</sup> Ibid., p. 26,065.

Canada in 1836. Bond Head travelled the province to see for himself its state of affairs, and came to some chilling conclusions:

1. The attempt to make Farmers of the Red Men has been, generally speaking, a complete failure.
2. Congregating them for the purpose of civilization has implanted many more vices than it has eradicated; and consequently
3. the greatest kindness we can perform towards these intelligent, simple-minded people, is to remove and fortify them as much as possible from all communication from the whites.<sup>66</sup>

In Bond Head's opinion, the Native population was doomed to extinction and attempts to civilize them were an exercise in futility. Accordingly, he proposed that they should be shipped off to Manitoulin Island, well out of the way of the White population, where they could live out their remaining days and die off as quickly as possible.<sup>67</sup> Bond Head's suggestions were hardly popular. They garnered opposition from the Aborigines Protection Association, the Wesleyan Methodists, and even Lord Glenelg, who disagreed with Bond Head that the First Peoples were doomed to extinction.<sup>68</sup>

### The Reserve as Structure

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<sup>66</sup> PAC, Q Series, Vol. 391. Head to Glenelg, November 30, 1836. Quoted in Surtees, M.A. thesis, op. cit., p. 42. Bond Head is known to have been a Poor Law Commissioner in Britain prior to his appointment as Lieutenant-Governor, which may explain his ruthless attitude to the unfortunate.

<sup>67</sup> J.R. Miller, Skycrapers Hide the Heavens, pp. 103-104.

<sup>68</sup> Surtees, M.A. thesis, pp. 43-46.

At the instigation of the colonial government, the First Nations went from being wandering peoples to sedentary ones. They were no longer permitted free rein over their traditional hunting grounds; instead, they were confined to a circumscribed area of land. Not all, however, were acquiescent. The Bagot Commission's Report indicated that in addition to the "resident Indians" there were roughly 3,300 "wandering" Natives. The latter were described as "for the most part, wild and uncivilized, dependent upon the chase and fishing for subsistence, and constantly exposed to the severest privations". As well, there were approximately "2,000 to 3,000" Natives known as "Visiting Indians" who had been allied with the British in the various wars, but who had retained their lands in America.<sup>69</sup>

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<sup>69</sup> Appendix EEE - Report of the Bagot Commission. JLAUC 8 Victoria 1844-5. Original not paginated.

**Table Two: Existing Settlements in Upper Canada  
and Numbers of Natives Resident, 1844.**

Superintendencies.	SETTLEMENT.	TRIBE.	NO.
1	On the Grand River, ... ..	{The Six Nations, with a few other small tribes, ... }	2223
2	2. At New Fairfield, on the River Thames, in the Township of Oxford, Western District,	Delawares, (Moravians), ... ..	153
	3. At Munsey Town and Colborne, on the River Thames, in the Township of Caradoc,...	Chippewas and Munsees, ... ..	620
3	4. At New Oneida, in the Township of Delaware, adjoining the last Settlement, ... ..	Oneidas, ... ..	436
	5. The Wyandott or Huron Reserve, near Am- herstburgh, ... ..	{Chippewas, Hurons, Shaw- nees and Munsees, .. }	368
4	6. Point Pellée, ... ..	Chippewas, ... ..	741
	7. St. Clair Rapids or Upper St. Clair Reserve, in the Township of Sarnia, ... ..	{Chippewas, with some Pot- tawatimies, ... .. }	741
5	8. At the River aux Sables on Lake Huron, 9. At Kettle Point, near the last Settlement,	{Chippewas, Pottawatimies and Ottawas, ... .. }	1140
	10. Walpole Island or Chenail Ecarté, ... ..	Chippewas and Ottawas, ... ..	1098
6	{11. Manitoulin Island, two Settlements, Manitow- awning and Wequemakong, ... .. }	Mohawks, ... ..	383
	12. Bay of Quinté, Township of Tyendenaga, ... ..	Mississagas, ... ..	239
7	13. Alnwick, on Rice Lake, ... ..	Do. ... ..	220
	14. Rice Lake, ... ..	Do. ... ..	114
	15. Mud Lake, ... ..	Do. ... ..	94
	16. Balsam Lake, ... ..	Do. ... ..	90
	17. Rama, Lake Simcoe, ... ..	Chippewas, ... ..	184
	18. Beansolcil Island, Matchadas Bay, Lake Huron,	Do. ... ..	232
	19. Snake Island, Lake Simcoe, ... ..	Do. ... ..	109
	20. Saugceng, Lake Huron, ... ..	Do. ... ..	197
	21. Big Bay, Owen's Sound, Georgian Bay, ... ..	Do. ... ..	130
	22. In the Township of Bedford, near Kingston, ... ..	Algonquins, &c., ... ..	91
	Total, ... ..		6362

Source: App. EEE, Report of the Bagot Commission, 1844-45

**Table Three: Statement of the Names and Number of the Several Tribes of the Six Nations, with the quantities of improved Land, Houses, Barns, Agricultural Implements and stock, belonging to each in the year 1843.**

**T A B L E .**

*STATEMENT of the Names and Number of the several Tribes of the Six Nations, with the quantities improved Land, Houses, Barns, Agricultural Implements and Stock, belonging to each in year 1843.*

Names of the Tribes.	No. in each Tribe in 1843.	No. of acres.	Houses.	Barns.	Wagons.	Sleighs.	Ploughs.	Harrow.	Horses.	Oxen.	Cows.	Hogs.
Upper Mohawks.....	361	1163	61	8	17	28	29	21	36	90	107	377
Lower Mohawks.....	310	1648	60	15	18	28	28	23	32	74	110	253
Bay of Quinté Mohawks.....	91	183	11	2	5	5	6	2	13	8	15	92
Clear Sky's, Onondagas.....	219	700	51	3	7	2	14	5	55	109	126	184
Barefoots, Onondagas.....	64	111	12	..	1	1	2	1	3	9	9	44
Nckarontasa's, Senecas, included in the Onondaga Return.....	55	..	..	..	..	..	..	..	..	..	..	..
Kaghneghtasas, Senecas, ditto ditto.....	52	..	..	..	..	..	..	..	..	..	..	..
Oncida, Joseph.....	42	124	6	1	3	6	5	5	7	12	9	30
Peter Green's Aughquagas.....	75	283	15	4	3	5	5	5	8	10	19	45
Upper Cayugas.....	114	417	18	1	5	7	10	4	33	26	36	161
Lower Cayugas.....	287	1003	76	7	10	21	25	12	58	82	161	403
Tuscaroras.....	192	500	38	7	7	10	21	9	44	76	105	183
Tuteillies, included in the Upper Cayuga Return.....	40	..	..	..	..	..	..	..	..	..	..	..
Delawares (Tom).....	127	347	29	2	3	6	5	5	22	23	38	167
St. Regis, included in the Onondaga Return.....	6	..	..	..	..	..	..	..	..	..	..	..
Mantures, included with the Lower Cayuga Return.....	20	..	..	..	..	..	..	..	..	..	..	..
Old Nantecokes, included in the Delaware Return.....	30	..	..	..	..	..	..	..	..	..	..	..
New Nantecokes.....	17	169	6	3	3	3	5	3	14	17	25	61
Aughquagas (Joseph).....	82	260	11	2	3	5	8	5	25	27	41	70
Canada family, (included in the Lower Mohawk Return).....	9	..	..	..	..	..	..	..	..	..	..	..
Rayentagowa, included in the Upper Mohawk Return.....	14	..	..	..	..	..	..	..	..	..	..	..
Brant family, ditto ditto.....	10	..	..	..	..	..	..	..	..	..	..	..
<b>Total.....</b>	<b>2223</b>	<b>6003</b>	<b>397</b>	<b>55</b>	<b>85</b>	<b>127</b>	<b>153</b>	<b>97</b>	<b>350</b>	<b>561</b>	<b>700</b>	<b>2070</b>

Source: App. EEE, Report of the Bagot Commission, 1844-45.

The remaining "Resident" natives were numbered at 8,862 in 1844. (See Table Two.) Thus almost two fifths of the Native population was not settled on reserve lands by mid-century.

The Bagot Commission reported on the status of the various tribes, recording the amount of improved lands, the acreage of the reserve, and the numbers of agricultural implements held by each. All were taken to be evidence of "civilization". For each tribe, the Commission listed the number of houses, barns, wagons, sleighs, ploughs, harrow, horses, oxen, cows, hogs, and sheep (see Table Three). In addition, each of the First Nations in Upper Canada was the subject of a brief report which outlined its "progress" or lack thereof. What strikes the twentieth-century reader is the amount of land originally granted to each Nation, and the amount surrendered. For example, the Six Nations of the Grand River were granted 694,910 acres along the Grand River by Sir F. Haldimand in 1784, which was confirmed by Lieutenant-Governor Simcoe in 1793. By 1841, the original grant had been reduced by over 470,000 acres to approximately 220,000 acres. The reduction was effected by a series of "surrenders" to the Crown. The lands were given up

to the Crown, in trust, to be sold for the benefit of these tribes, and some smaller portions have been either granted by the Government in *fee simple*, to purchasers, with the assent of the Indians, or have been alienated by the Chiefs, upon lease, which although legally invalid, the Government did not at the

time, consider it equitable or expedient to cancel.<sup>70</sup> The decrease of territory was thus in part blamed on the Natives themselves, whose ignorance of the law -- and by implication, their greed -- led them to sell some of their lands to Whites. However, the greatest source of land loss was undeniably the government itself.

Loss of land, however, was deemed to be of minor importance by those in power. What really mattered to them was the progress toward civilization made by the various First Nations. Of the Six Nations, the Commission proudly noted that everyone lived in log houses, and not a single individual was forced to live in a wigwam, thus indicating the "wealth" of the tribe. The Delaware of the Thames, who originally were granted 50,000 acres, retained 25,000 acres in 1844, having been "induced by Sir F. Head to surrender a large portion of their lands, about six miles square, in exchange for an annuity of L150". Their actual settlement consisted of "a village, which contains one frame, and thirty-four log-houses, with ten barns. They have 292 acres under cultivation."<sup>71</sup>

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<sup>70</sup> "Six Nations Indians of the Grand River", Bagot Commission Report. The Commission noted with regard to the lands surrendered, "Of the earlier surrenders, the greater portion has been already sold, and the proceeds have been invested either in Consols in England or in the Grand River Navigation Stock. The survey of the portion last surrendered is not complete, but a considerable part is already occupied by settlers or squatters, and the whole will probably be soon settled."

<sup>71</sup> Ibid.

Similarly, the Huron at Amherstburg had originally been granted 22,390 acres on the Detroit River, but in 1836 the pressure of settlement led to the surrender of a large part of their lands. Sir Francis Bond Head persuaded them to give up two thirds of the remaining land, "the proceeds of one third to be applied to their exclusive benefit, and those of the second and third for the general purposes of the Indians in Upper Canada", leaving the Huron with a much-diminished reserve of 8,000 acres. On that land, they had a village of thirty-four houses, no wigwams, ten barns, and twenty-three stables. The Bagot Commission proudly noted, "Many of them are good farmers, and they are annually becoming more prosperous and happy. About twelve years ago, they had scarcely any agricultural implements but the hoe. They now possess nineteen ploughs, ten harrows and six fanning mills...".<sup>72</sup> For the members of the Commission, happiness was equated with wealth and a settled way of life.

The Commission was reluctant to admit that any of the First Nations regretted the loss of their traditional way of life. Buried in the Report, however, is an indication that the effort to confine the Natives to the boundaries of a reserve was not always without problems:

The Chippewas...who had never, until collected at Manitoulin, cultivated the soil, were slow in adopting a new mode of life. For some time they were reluctant to settle in a fixed place of residence; they frequently shifted their camps, and although many of

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<sup>72</sup> Ibid.

them lived within a day's journey from the new settlement, and admitted the benefits arising from a change of life, still it required much persuasion and perseverance to induce them to make a commencement...The Chippewas...were all heathens, and the work of conversion only commenced among them in the same year....<sup>73</sup>

Even among the First Nations who were settled, there were some difficulties, as was the case with the Mississagas of Alnwick. The missionary at Alnwick commented, "we have, however, to regret their infirmities, among which is a want of industry; with some exceptions, they are fond of roving, by which the best of the season is lost for farming".<sup>74</sup>

While the Native peoples were not incarcerated in institutions, as was the case with the rest of the marginal population, they were nonetheless subjected to similar restrictions and limitations. Their lands were much diminished from their original size, supposedly for their own benefit. They were required to live in houses, for the most part located in villages. Instead of obtaining their food by hunting and gathering, they were set to work on farms and supplied with the trappings of material wealth, a concept alien to them. They were persuaded to give up their "heathen" ways and become Christians. In short, the project of re-formation was in force on the reserve just as it was in the penitentiary and elsewhere. The people of the First Nations were deemed to be unacceptable in their original

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<sup>73</sup> Ibid.

<sup>74</sup> Ibid.

state and were remade in the image of respectability.

### **Civilization and Resistance**

Two of the earliest concerted attempts to "civilize" the Natives were at Manitowaning on Manitoulin Island and at Coldwater and the Narrows, near Penetanguishene, Ontario. Neither was notably successful. White settlement on Manitoulin Island had seriously depleted the available stocks of game. Although there was still plenty of fish, officials thought it likely stocks would eventually drop off as well. Farming was believed to ensure a stable means of livelihood and to avert the alternating periods of plenty and want characteristic of Native life.<sup>75</sup>

Although the tribe appeared to have mastered the art of farming by 1842, the Superintendent at Manitowaning had some serious reservations about the experiment's success. He complained that the Natives farmed unsystematically, never staying in one place long enough to make proper use of the tools that the government supplied.<sup>76</sup> Attempts to teach the Native settlers "useful trades" such as shoemaking, blacksmithing, carpentry and coopering proved a failure because so few children received any instruction. Similarly, only four children out of the entire population

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<sup>75</sup> Ruth Bleasdale, "Manitowaning - An Experiment in Indian Settlement" Ontario History Vol. 66 No. 3 (September 1974), p. 149.

<sup>76</sup> Ibid., p. 150.

attended school with any regularity; the rest tended to accompany their parents on hunting trips or worked in the fields with them.<sup>77</sup> Noting that parents were reluctant to send their children to school, the schoolmaster decided it was because the stove operated erratically. The Roman Catholic priest often stood up to his ankles in snow when he tried to conduct a church service in the building.

Furthermore,

several of the Indian people have refused to send their children to school which they consider a place of punishment by reason of its extreme coldness. And in truth, when it is considered that children go unwillingly to the most comfortable school, the parents cannot be blamed for withholding their children where they would be likely to contract disease by walking through the winter snow thinly clad and sitting inactive in wet garments in a cold room for hours.<sup>78</sup>

By the late 1840s, George Ironsides, who was the local Superintendent at Manitowaning, complained to his superiors that his charges were not progressing satisfactorily. He partially excused the situation on the grounds that it was "...such as may be expected from a people just emerging from a state of ignorance".<sup>79</sup> Things failed to improve. May of 1847 saw the superintendent virtually in despair over the state of affairs:

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<sup>77</sup> Ibid., p. 151.

<sup>78</sup> October 1, 1846, Arthur Gore, schoolmaster, to George Ironside, Superintendent Indian Affairs, Manitowaning. RG 10 Vol. 572, Indian Affairs, Deputy Superintendent-General's Office, Letterbook 1846-1852. Original not paginated.

<sup>79</sup> RG 10 Vol. 572, August 8, 1846.

...the farming operations...are conducted without that skill or management which would otherwise under their labours be profitable, inasmuch as they continue to practise the slovenly mode of husbandry followed many years ago. They [the local Natives] are of course totally unacquainted with the benefit arising from rotation of crops, the application of [? manure ?] and the precision which the present system of tillage requires...<sup>10</sup>

Ironsides went on to say that the cattle and expensive farming equipment provided by the government were useless because the tribespeople could not look after either properly. Therefore, "in consequence of their thoughtlessness [they are] quite unfit for such charge".<sup>11</sup>

Ironsides also complained about the general lack of cooperation among the Native settlers. Two young men that he had thought of as among the most "civilized" of the tribe had been caught bringing in kegs of whiskey to the village. He demanded that they be punished by a combination of public humiliation and withholding of their presents for that year.<sup>12</sup> He was also upset that the band was selling timber without government permission. The chief of the Manitowaning First Nations settlers incurred the Superintendent's particular wrath. Ironsides described him as "altogether unworthy of the rank he holds. He will sacrifice the interests of the tribe for selfish purposes and [his]

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<sup>10</sup> RG 10 Vol. 572, May 19, 1847.

<sup>11</sup> Ibid.

<sup>12</sup> July 17, 1853, Manitowaning. RG 10 Vol. 573, Indian Affairs, Deputy Superintendent-General's Office Letterbook, 1852 - 1862. Original not paginated.

integrity is more than doubtful."<sup>83</sup> What Ironsides saw as ignorance and recalcitrance may well have been resistance.

Similar problems plagued the Coldwater settlement. Things began with high hopes in 1830. Initial progress appeared to be good; Superintendent Anderson proudly informed his superior in 1834 that Coldwater possessed a barn in which was stored wheat, peas and potatoes as well as hay and oats for cattle. The saw mill was fully operational, and the grist mill was grinding almost daily. Nevertheless, there were problems as well. In the same letter, Anderson bitterly reported that his charges had decamped to their fishing grounds, taking most of their children with them and leaving the fields virtually deserted.<sup>84</sup>

The First Peoples settled at Coldwater did more than offer resistance. They also asserted what they felt to be their rights. Superintendent Anderson, in February of 1831, grumbled that the villagers were constantly asking him about the hay money that had not been paid them.<sup>85</sup> Likewise, the

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<sup>83</sup> February 18, 1846, Manitowaning, Ironsides to Higgins, RG 10 Vol. 572, op. cit.

<sup>84</sup> October 25, 1834, Coldwater, Superintendent Anderson to Col. Givins. RG 10, Vol. 56, Indian Affairs, Chief Superintendent's Office, Upper Canada (Colonel J. Givins) Correspondence, July-December 1834, p. 58,842.

<sup>85</sup> Coldwater, February 4, 1831, T.G. Anderson, Superintendent Indian Affairs to Colonel Givins, Chief Superintendent Indian Affairs, Upper Canada, York. RG 10 Vol. 47, Indian Affairs, Chief Superintendent's Office, Upper Canada, (Colonel T. Givins) Correspondence January-May 1831, p. 54,134.

Chief John Aisence and members of his tribe did not hesitate to let Givins know what supplies they wanted to have bought for them so they could farm more efficiently.<sup>86</sup> Chiefs Yellow Head, John Aisence, and the chief of the Snake tribe also demanded that the Department supply them with a physician and furnish him with a house and land.<sup>87</sup>

The Coldwater and Manitowaning experiments, while ultimately failures, are important for the historian of Native-white relations because they indicate that the Natives had their own ideas about the civilizing project. The record of events at Coldwater can be read two ways. Originally, the tribe appeared eager to become "civilized", but a closer reading reveals that they were also possessed of a strongly independent spirit and a desire to benefit themselves. They saw civilization as something more than acquiescence and subordination. From the beginning, the tribe put pressure on Superintendent Anderson to ensure that they received what was fully their due. It is difficult to discover the true purpose of resistance, but there is no doubt of a "hidden transcript", one that spoke of compliance

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<sup>86</sup> Ibid., February 22, 1831; "List of articles which John Aisence and his tribe wish to have purchased on account of their annuity for the year 1831". p. 54,192; and p. 54,194 which is a document giving the chiefs' consent to have an advance on their annuity used to buy various articles including "...articles of husbandry, together with provender, provisions and some articles of clothing".

<sup>87</sup> March 19, 1831, Coldwater, Anderson to Givins, *ibid.*, RG 10 Vol 47, p. 54,279.

while creating defiance. They acquiesced in the project, but only to a certain point, and were not reluctant to press their own demands while doing so.

Not just the Indian Department failed in its efforts. Missionaries too met with opposition from the First Peoples. Although they often claimed success, the missionaries were undermined by influential members of the First Nations. The Christian Advocate and Journal declared its missionaries victorious in one instance: "...their deportment since has evinced the sincerity of their profession. For on their return to their homes, they in a public and ceremonious manner cast away their 'medicine bags'. They have also renounced intoxication and everywhere are known to be a praying people."<sup>88</sup> This report must be set against accounts of resistance, such as the reports of the qualms of one "Onim, a preacher among the Indians":

...he used to dissuade them by all the means in his power of embracing the doctrines of the whites. For, said he, their skin is white, and our skin is brown, and our whole manner of life is entirely different from theirs. Of course they must also have a different way to happiness and those Indians who embrace their doctrine are altogether deceived...<sup>89</sup>

Continued opposition and pretended compliance were the

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<sup>88</sup> Christian Advocate and Journal, April 14, 1827, p. 186, quoted in Elizabeth Graham, Medicine Man to Missionary: Missionaries as Agents of Change among the Indians of Southern Ontario, 1784 - 1867 Toronto: Peter Martin Associates Ltd., 1975, p. 16.

<sup>89</sup> Periodical Accounts, United Brethren, Vol. 6, p. 301, quoted in Elizabeth Graham, Medicine Man to Missionary, p. 12.

hallmarks of relations between the Indian Department and the aboriginal peoples throughout the 1830s and 1840s.

Frustration, anger, and eventually coercion on the part of the Indian Department were the result. Local superintendents tried to encourage the Natives to become civilized, by which they meant accommodated to white settler practices, but found themselves often faced with inflexible individuals who simply refused to fall in with their plans. Natives were aware of the hidden agenda of Departmental policy, and pushed back against it. Their reaction provoked outbursts from the Indian Department, which increasingly vented its anger against non-compliant individuals, characterizing them as drunken and irreligious.

Such, at least, was the Department's opinion of Chief Waywaynosh. Colonel Givins castigated Waywaynosh severely for his refusal to behave as the Department thought proper:

I am informed that you have altogether forgotten what is due to yourself as chief of your nation, and to the Indian character; and that instead of showing a good example, and encouraging your young men and children to settle on their farms, to adopt sober habits, and to attend to the instructions of the Superintendent which I have directed to reside among you for your benefit, that you still persevere in using strong drink. Now is the time to take advantage of the instruction and advice of the Superintendent Mr. Jones. If you attend to him you and your young men then will be able to provide for yourselves and take your proper rank in the province. The Whites will soon be in great numbers on all sides of you, and your land and reserves will become valuable. You should therefore lose no time in cultivating them, as your children will depend on their being cultivated for their future support. I have sent you a religious instructor, of that class which has produced so much benefit to the other tribes of Chippeways [sic] in this part; but I find that you do

not wish him to remain among you - He is a good man and qualified to teach you, but I leave you to select your own religious instructor.<sup>90</sup>

Waywaynosh and his people were not the only ones reluctant to become assimilated, as Lord Glenelg had foreseen. An 1840 petition to the Governor-General of Upper Canada muttered about the bad character of the chief of the Lake Huron and Simcoe Chippewa. He was described as not only "intemperate", but unwilling to "be persuaded to assign himself a fixed place" of residence. Neither forms of behaviour were in keeping with the Department's expectations, and both could be categorized as resistance. When the chief protested that he had not received the full annuity due to him, the petition's writer opined, "...it would have a very good effect on other wandering tribes, if the whole of it were expended on those Indians who would give up their roving habits and turn their attention to agricultural pursuits..."<sup>91</sup>

Bands sometimes expressed their dissatisfaction with the Indian Department openly, indicating that they had a

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<sup>90</sup> York, March 6, 1832, Colonel J. Givins to Chief Waywaynosh. RG 10 Vol. 500, Indian Affairs, Chief Superintendent's Office, Letterbook 3 November 1832 - 22 December 1834. Original not paginated. Incidentally, while Givins's handwriting is reasonably even and legible throughout most of the letterbook, this letter was written in a furious scrawl, indicating the depth of Givins's annoyance.

<sup>91</sup> Toronto, October 17, 1840, Petition to the Governor-General - no signature. Part of the petition is missing. RG 10 Vol. 12, Indian Affairs, Governor-General's Office, Petitions 1840-1841, pp. 4,707-4,711.

strong sense of injustice and had their own ideas about what constituted proper governance. The Snake Island tribe criticized Superintendent T.G. Anderson for his dishonesty toward them in a petition to the Governor General.<sup>92</sup> After he had denied them some essential supplies -- powder and shot, needed for hunting -- they decided they had had enough of Anderson's mendacity. They detailed how he had treated them and concluded that they "cannot concur with you in the appointment of Captain Anderson as our superintendent". He had spoken "crooked words in the ears of our Father the Governor Sir Francis Bond Head to our great injury and we believe he is the same man still and we have no confidence in him".<sup>93</sup>

Yet another battleground between the First Nations and the Indian Department was that of education. According to evangelical missionaries, Natives lived in a state of profound ignorance, but their "emotional, extravagant [and] impulsive behaviour" was solely the result of a lack of education. This meant that the missionary or the state could easily assume the role of a "benevolent parent".<sup>94</sup> The Department evidently agreed with the missionaries'

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<sup>92</sup> This was the same T.G. Anderson as at Manitowaning.

<sup>93</sup> Petition #113 "Petition of Snake Island Indians to Governor General" October 22, 1845. RG 10 Vol. 122, Indian Affairs, Governor-General's office -- Petitions 1845-1847, pp. 5,643-5,645.

<sup>94</sup> Jean Usher, "Apostles and Aborigines", op. cit., pp. 32-33.

argument.<sup>95</sup> The Society for promoting Education and Industry in Upper Canada proposed as early as 1829 that "schools of industry" should be established. Young men of promise could be trained as schoolmasters while other boys could be trained as "carpenters, shoemakers, weavers, tailors, coopers" and gardeners. Girls and young women were to learn to "sew, knit, spin, weave, plait straw, wash, iron and cook. They might be placed in respectable families as servants or bound as apprentices to well-disposed persons."<sup>96</sup> Some reformers thought that the purpose of education ought to be to teach them the skills they needed to survive since their traditional livelihoods had been decimated.<sup>97</sup>

Following the Macaulay report of 1839,<sup>98</sup> the emphasis

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<sup>95</sup> Schools had been part of the civilizing program from the beginning. In addition to schools at Manitowaning and Coldwater, there were schools in Rice Lake, which had a schoolteacher from 1827. Fred Landon, "Selections from the papers of James Evans, Missionary to the Indians" Ontario Historical Society Papers and Records Vol. 26 (1930), p. 474.

<sup>96</sup> "Plan of an Institution and School of Industry and Instruction Suggested to the Society for Promoting Education and Industry among the Indians and Destitute Settlers in Canada". RG 10 Vol. 22, Indian Affairs, Chief Superintendent's Office, Correspondence, January-June 1829, p. 24,802.

<sup>97</sup> J. Donald Wilson "'No Blanket to be Worn in School': The Education of Indians in Early Nineteenth-Century Ontario" Social History/Histoire Sociale Vol. 7 No. 14 (November 1974), p. 303.

<sup>98</sup> RG 10 Vol. 719, Indian Affairs, J.B. Macaulay's Report, 1839. The Report is in two volumes of RG 10. Vol. 718 is Macaulay's summary and Vol. 719 is the collection of

turned to the boarding or residential school, where Native children would be removed from the deleterious influence of their parents. Residential schools proved to be yet another battleground between Natives and the Indian Department. In the pre-Confederation era, Natives sought education for their children as a means of coping with the changes that white settlement brought. They were not pleased with the idea that schools should act as agents of assimilation, however; for example, when the Mount Elgin School tried to make its pupils into whitemen, the Natives turned against it.<sup>99</sup> Parents often withheld their children from school to express their dissatisfaction, and even resorted to violence.<sup>100</sup> Children too had their own ways of resisting. Most often, they tended to adopt covert resistance in the form of non-cooperation, food-stealing, circumvention of the rules segregating the sexes, or acting up. They also simply ran away, which in itself is a form of protest.<sup>101</sup>

The interplay between the state and Native people in the 1830s and 1840s supports James Scott's contention that

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documents on which Macaulay based his report.

<sup>99</sup> J.R. Miller, Shingwauk's Vision: A History of Native Residential Schools Toronto: University of Toronto Press, 1996, p. 408.

<sup>100</sup> Miller, Shingwauk's Vision, p. 355.

<sup>101</sup> Miller, *Ibid.*, pp. 359-368. See, for example, Michael Adas, "From Footdragging to Flight: The Evasive History of Peasant Avoidance Protest in South and South-east Asia" Journal of Peasant Studies Vol. 13 No. 2 (January 1986), pp. 64-86.

"...public action will provide a constant stream of evidence that appears to support an interpretation of ideological hegemony".<sup>102</sup> The key word here is "appears". Some of the Indian Department's officials were happy to accede in the First People's apparent capitulation; others were not so sure.

### **The Bagot Commission**

The Bagot Commission of 1844 was the first full investigation into relations between the government and the First Nations in the "civilian" era. Its stated purpose was to enquire into how the annual grant for the Natives was used. The Commission's members sent questionnaires to "officers of the Indian Department, to the Missionaries resident among the Indians, and to the other persons acquainted with the character and interested in the welfare of this race" and conducted interviews where they saw fit.<sup>103</sup>

The tone of the report is largely self-congratulatory and justifies the colonial government's treatment of the First Peoples. Its description of the Department's relations

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<sup>102</sup> James Scott, Domination and the Arts of Resistance: Hidden Transcripts New Haven: Yale University Press, 1990, p. 70.

<sup>103</sup> Appendix EEE, "Report on the Affairs of the Indians in Canada", (The Bagot Report) Charles Bagot, Chairman, laid before the Legislative Assembly, March 20, 1845. JLAUC 8 Victoria 1844-45. Original not paginated.

with the Native peoples notes that the attitude of the British government toward "the Aborigines of the Continent" was always one of "forbearance and kindness". Native lands were protected through the Royal Proclamation of 1763, which along with the Fortieth Article of the Capitulation of Montreal, provided a certain "guarantee for the possession of [Native] hunting grounds and the protection of the Crown". Nevertheless, as white settlement expanded, the presence of the First Nations became problematic, especially where their "predatory and revengeful habits made their removal desirable". Compensation was offered to the Natives for their relocation in the form of "clothing, ammunition and objects adapted to gratify a savage taste" as well as annual payments. This arrangement was thought to be much better than any reimbursement the First Nations were likely to have received from white settlers:

If, however, the Government had not made arrangements for the voluntary surrender of the lands, the white settlers would gradually have taken possession of them, without offering any compensation whatever; it would, at that time, have been as impossible to resist the natural laws of society, and to guard the Indian Territory against the encroachments of the whites, as it would have been impolitic to check the tide of immigration. The Government, therefore, adopted the most humane and the most just course, in inducing the Indians, by offers of compensation, to remove quietly to more distant hunting grounds, or to confine themselves within more limited reserves, instead of leaving them and the white settlers exposed to the horrors of a protracted struggle for ownership.<sup>104</sup>

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<sup>104</sup> Ibid., Appendix EEE, "Report on the Affairs of the Indians in Canada".

The Commission claimed that the First Peoples habitually laid claim to far more land than they ever used. If all the nations of the world behaved so, there would be an acute shortage of land. Although the government suggested the inclusion of farming tools with the presents, this was not done. The Bagot Commission's Report noted with regard to Lord Glenelg's comments, made in 1835, that "agricultural implements have of late been included among the presents", the fact "This is a mistake, no such change had been made in the presents, but part of the annuities in Upper Canada had been expended in the purchase of such articles".<sup>105</sup>

As for the project of civilizing the Native peoples, the Commissioners duly noted that not all were entirely in favour of the idea. Lord Sydenham, for example, the Governor-General of the United Canadas, was in agreement with Sir Francis Bond Head that the whole idea was not to the advantage of the First Nations:

The attempt to combine a system of pupilage with the settlement of these people in civilized parts of the country, leads only to embarrassment to the Government, expense to the Crown, a waste of the resources of the Province, and injury to the Indians themselves. Thus circumstanced, the Indian loses all the good qualities of this wild state, and acquires nothing but the vices of civilization. He does not become a good settler, he does not become an agriculturist or mechanic. He does become a drunkard and a debauchee, and his females and family follow the same course. He occupies valuable land, unprofitably to himself and injuriously to the country. He gives infinite trouble to the Government,

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<sup>105</sup> Appendix EEE "Report on the Affairs of the Indians in Canada". The comment noting that Lord Glenelg was mistaken is a footnote in the report.

and adds nothing either to the wealth, the industry, or the defence of the Province.<sup>106</sup>

Despite Lord Sydenham's reservations, the Bagot Commission's report appears to favour the continuation of the civilizing project. Its second half details the progress made by the various tribes of Canada, and is meant to convey the satisfactory state of affairs arising out of their reformation. For example, in discussing the agricultural pursuits of the Six Nations, the Commission observed, "they are much improved in their habits of industry and their mode of agriculture, and they raise a greater variety of grain and vegetables than formerly...".<sup>107</sup>

Christianity was also believed to have a beneficial effect on the Six Nations:

The improvement among the Christian Indians has been very perceptible. They frequently express the sense which they entertain of the benefits arising from their change, and their disgust at the heathen ceremonies in which they once delighted. Among the evidences of their desire for advancement, is their attention to religious instruction and divine worship, and their eagerness to obtain admission for their children into the boarding school of the New England Company at the Mohawk village.<sup>108</sup>

The Bagot Commission's report was designed to persuade its readers of the benefits accruing to the Native population,

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<sup>106</sup> Lord Sydenham to Lord John Russell, Government House, Kingston, July 22, 1841, quoted in Appendix EEE, the Report of the Bagot Commission.

<sup>107</sup> "Six Nations Indians of the Grand River", Appendix EEE, JLAUC, 1844-45.

<sup>108</sup> Ibid.

and of the government's benevolent intentions in implementing the civilizing project. That an escalation of attempts to expand the project of civilization to one of assimilation followed closely on the heels of the Commission's report is indicative of the government's impatience to eliminate the obstacles to complete settlement the Native population represented.

### **The Inquiry of 1847: The Move Toward Assimilation**

Three years after the Bagot Commission came another inquiry into the affairs of the Native people, this time to investigate the way money was spent for the benefit of the aboriginal peoples and "other matters connected with the affairs of Indians residing or visiting Canada".<sup>109</sup> However, judging by the kind of questions it asked, its real purpose was to study the progress of the civilizing project among the Native tribes of Upper Canada.

Members of the inquiry board were largely concerned with the extent to which the First Peoples had adopted civilized habits or benefitted from the advent of the European mode of life. For example, question #2 asked resident superintendents whether the people they oversaw had improved in "their moral and religious character, and in

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<sup>109</sup> For a summary of the Commission's findings, as well as the historical background leading up to the establishment of the Commission, see John Leslie, "The Bagot Commission: Developing a Corporate Memory for the Indian department" CHA Historical Papers (1982), pp. 31-52.

habits of industry". Other questions were concerned with whether the Natives had settled in villages or on farms, if land was divided into regular blocks, how many acres were under cultivation, if the mode of agriculture had improved, how many agricultural implements were in use and if they were being used "carefully", if the workday were divided up in a systematic fashion, what had been the effect of Christianity, and whether education had been successful. All were designed to discover if the Natives had adopted "respectable" norms of behaviour.<sup>110</sup> Similar questions were asked of missionaries, with the addition of enquiries concerning education and religious improvement.<sup>111</sup>

The Chief Superintendent argued that the continuation of strong control over the Natives was essential because they did not know what was best for them. The Department should therefore continue to be as paternalistic as ever, he thought:

The Government are the undoubted guardians of the Indians; they should have the sole and total control over all their affairs; with them rests the onus of management and responsibility for their welfare, the judicious disposal of their funds, the means of promoting their temporal happiness, and their spiritual

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<sup>110</sup> Appendix "T", "Report on the Affairs of the Indians in Canada". No. 2 (A), "Questions put by the Commissioners to the Resident Superintendent and other Persons Employed in the Indian Department in Canada". Appendix to the Sixth Volume of the Journals of the Legislative Assembly of the Province of Canada Session, 1847. Original not paginated.

<sup>111</sup> Ibid., Appendix "T", No. 2(B), "Questions to the Missionaries and others acquainted with the Indians".

and moral instruction.<sup>112</sup>

Despite this plea, the inquiry concluded that the existing mode of civilizing the Natives had been neither successful nor beneficial, since it "[had] a tendency to keep the Indians in a state of isolation and tutelage, and materially to retard their progress". Instead, the Commission made a general recommendation that the Department change its policy from civilization to active assimilation.<sup>113</sup> The hope was not really for the eventual equality of whites and Natives, but that the latter's land would become available as a result.

The Commission stated that Natives would be unable to continue their hunting and fishing mode of life because of the encroachment of white settlement, but went on to say that "settled and partially civilized Indians" were liable to come into constant conflict with "white squatters" who also asserted a claim to their lands. Natives had absolutely no obligation to establish or maintain roads through their territories, which meant they were not accessible.<sup>114</sup> Their findings were echoed in the comments of a Simcoe area farmer, who thought the aboriginal peoples were an obstacle to white settlement. He described them as

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<sup>112</sup> Ibid., Appendix "T" No. 16, "Opinions of the Chief Superintendent, with respect to the condition of the Indians, and their future management".

<sup>113</sup> Ibid.

<sup>114</sup> Ibid.

"...too stupid and too idle to cut down the woods themselves in the sweat of their brow, and so they make us pay them a tax like great lords, and spend the money in making merry on the islands where the finest wood grows, and where it is easiest to be got at from the water".<sup>115</sup> To rectify the problem, the Commission proposed teaching the Natives the idea of pride in ownership while removing them to lands that would not be affected significantly by the plans of whites. These lands were to be located in places such that the whites would have absolutely nothing to gain by expelling the aboriginal population or making a grab for their lands. Nevertheless, the Commissioners felt that full protection of Native land was only possible once full assimilation had been accomplished.<sup>116</sup>

Answers to the questions were designed to give the Commission the impression that all was well and that the Natives were making excellent progress. For the most part, they were what the Commission wanted to hear. They do not reflect the ongoing struggles evident in Departmental correspondence. For example, the superintendent of the Bay of Quinte Mohawk painted a glowing picture of his charges' advancement, claiming they were "unquestionably much improved in their moral and religious character", as well as

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<sup>115</sup> J. G. Kohl, "A German Visits the Canadian Backwoods" in Gerald M. Craig, op. cit., Early Travellers in the Canadas, 1791-1867, pp. 200-201.

<sup>116</sup> Appendix "T", op. cit., "Present Mode...Recommendations".

more inclined toward thrift and cleanliness. But the Superintendent's pretence that all was well began to show some flaws as the Commission probed further. He admitted that the Mohawks' farms and farming methods were haphazard, and expressed his opinion that many of the Mohawk had a deep aversion to hard work. Moreover, school attendance tended to be erratic, especially during the sugaring season and the harvest.<sup>117</sup> There was enough covert resistance that officials in frequent contact with the aboriginal population did notice that not all was well. Again and again they complained to their superiors about Native parents' reluctance to send their children to school, the completely unsystematic way in which Natives farmed, their persistence in "immoral" ways of life, and their determination to sell timber without consulting the superintendent. In short, they continually asserted their independence while making enough "progress" that their defiance was not always immediately obvious.

The inquiry of 1847 ruled on the question of presents, which had long been a contentious issue because of the expense and the colonial government's uncertainty of the First Nations' reaction if the practice were discontinued. Major-General Darling had several years earlier expressed his opinion that a continuation of the military alliance with the First Nations was "wasteful and expensive", but

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<sup>117</sup> Appendix T, "Present Mode...Recommendations".

that completely abandoning them would also be unwise:

...[they consume] great quantities of stores, procured with difficulty, and which might be far more beneficially applied...but their barbarous treatment of prisoners and wounded men, makes it impolitic to provoke their hostility; and so long as they retain their habits of savage life, and their alliance in war is considered important, the department and the issue of presents must, however modified, be continued...<sup>118</sup>

Sir John Colborne also grudgingly admitted in 1834 that the welfare of the Natives was a priority. Colborne's comments on this point, although veiled in official language, nevertheless provide a rare glimpse into the motives for the continuation of the practice of giving presents:

The British government cannot...get rid of an inconvenient debt, contracted during a period when an alliance with the Indians was highly appreciated...The policy which it was considered prudent to countenance for the purpose of gaining their good opinion and respect is notorious, as well as the system of cringing flattery and fair promises which was pursued on all occasions when their active cooperation in support of British interests was necessary. However embarrassing, therefore, it may be found to incur an expense annually for presents, I am persuaded...that this periodical acknowledgement of their claims and exertions cannot be discontinued without a loss of character on the part of the British nation.<sup>119</sup>

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<sup>118</sup> "Aboriginal Tribes", 1834, Great Britain, Colonial Office, p. 39, 41. Cited in Elizabeth Graham, Medical Man to Missionary, op. cit., pp. 23-24.

<sup>119</sup> Sir John Colborne, JLAUC, 1834, p. 141, cited in Elizabeth Graham, p. 25. Fears about the possibility of American invasion and the likelihood of the Natives allying with them were very real. Perhaps because of the staggering volume of Indian Affairs records, historians seem to have overlooked this particular aspect of Indian Department policy, at least with respect to its persistence into the 1830s. They instead focus on the idea that the purpose of the civilizing programme was the

The Commission concluded that presents were essential to prevent the Natives' complete destitution. Paternalism asserted itself in the statement that the First Nations needed full protection by the Crown until able to be fully independent, but "...until they have acquired the knowledge and habits necessary to enable them to dispense with [presents]", the government had a definite duty to take care of them.<sup>120</sup>

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assimilation of the aboriginal population rather than its conciliation. See for example, L.F.S. Upton, "The Origins of Canadian Indian Policy", Journal of Canadian Studies Vol. 8 No. 4 (November 1973), pp. 51-61; Robert J. Surtees, "Indian Reserve Policy in Upper Canada 1830-1845" M.A. Thesis, Carleton University, 1966, especially Chapters 2 and 3; John L. Tobias, "Protection, Civilization, Assimilation: An Outline History of Canada's Indian Policy" in Ian L. Getty and Antoine S. Lussier, (eds.) As Long as the Sun Shines and Water Flows: A Reader in Canadian Native Studies Vancouver: University of British Columbia Press, 1983.

<sup>120</sup> Appendix "T", op. cit., "Recommendations: 1. As to the continuance of presents." The list of presents given to the First Peoples in 1829 contains little that would be useful for agriculture, nor did the list ever change significantly. "Statement of presents issued to Indians in Upper and Lower Canada during the year 1829, including the annual payments for land: cloth; ratteen; caddies; melton; shrouds; Irish linen; [? Osnaburg]; Russian and Scotch sheeting; printed calico; striped cotton; ribbon; gartering; silk handkerchiefs; blankets; sewing thread; chiefs' hats; plain hats; combs; flags; half axes; awls; buttons; beaver traps; frying pans; fire steels; canoe awls; vermilion; butchers' knives; clasps; scissors; brass kettles; tin; looking glasses; sewing needles; thimbles; fish hooks; cod and [? hambro] lines; mackerel lines; chalk lines; seine rope; net thread; pipes; tobacco; arm bands; gorgets; ear bobs; broaches; medals; chiefs' guns; rifle guns; common guns; tomahawks; ball; shot; gun worms; gun flints; gun locks; embossed serge; flannel; bed lace; [? formal] handkerchiefs; copper kettles...". From the "Commissary General's Office, March 5, 1830, RG 10 Vol. 24, Indian Affairs, Chief

**After the Bagot Commission: the 1857 Gradual Civilization Act, Assimilation, and Native Reaction**

The state also saw Native culture as unrelentingly problematic. It was the stumbling block to all good governance hoped to accomplish in Upper Canada. By virtue of their persistently uncivilized state, which included the refusal to recognize private property, the Natives impeded the progress of settlement. The Bagot Commission's report was the first real indication of the Upper Canadian state's determination to root out aboriginal culture. Although the stated purpose of the civilization project had always been to encourage the "Europeanization" of Natives, after the publication of the Bagot Commission's report efforts were intensified. After 1850, annuity payments were made to individuals rather than a lump sum being paid to the tribe as a whole.<sup>121</sup> This measure was meant to familiarize the Natives with the idea of private property.

Despite the Bagot Commission's rulings not to discontinue the practice of distributing presents, the Indian Department eventually decided to do so. The First Peoples were displeased, but as one official naively noted, "...the views of the Imperial Government were explained to them". He believed that the provision of blankets to aged

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Superintendent's Office, Correspondence, January-June 1830, pp. 25,811-25,813.

<sup>121</sup> Donald Purich, Our Land, op. cit., p. 114.

individuals "[would] soothe most of the existing discontent on that head."<sup>122</sup> A weak explanation for the discontinuation of presents exists in Indian Department records. Presents were supposedly given "to a fixed amount according to the deed of cession" just as the United Empire Loyalists were granted land in recognition of their loyalty. However, the presents were discontinued because "the Authority for the original practice was questioned".<sup>123</sup>

Derek Smith has noted that after 1845, the Native tribes became more and more wards of the state. According to Smith, wardship involved three major components: the creation of land reserves exclusively for Native use; encouragement of self-sufficiency through agriculture; and the attempt to persuade the First Nations of the benefits of citizenship and full civil rights.<sup>124</sup>

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<sup>122</sup> Despatch No. 141, August 30, 1856, regarding a memorial from the Indians of Walpole Island. RG 10 Vol. 628, Indian Affairs, Ministerial Administration Records, General Headquarters Administration Records, Letters received by the Governor General, 1812-1869, pp. 111-113.

<sup>123</sup> "Memoranda for His Excellency the Governor General with reference to the Annual appropriation from Imperial Funds for Supplies of Blankets for aged and infirm Indians." RG 10 Vol. 521, Indian Affairs Ministerial Administration Records - Deputy Superintendent General's Office Letter book, (Spragge) January-November 1862, pp. 93-94.

<sup>124</sup> Derek Smith, Canadian Indians and the Law op. cit., pp. xix-xx. For a discussion of the failure of Indian agriculture because of Canadian government interference and regulation, see Leo G. Waisberg and Tim E. Holzkamm, "'A Tendency to Discourage them From Cultivating': Ojibwa Agriculture and Indian Affairs Administration in Northwestern Ontario" Ethnohistory Vol. 40 No. 2 (Spring 1993), pp. 175-211. Robert Doherty examines how the

The real effort to assimilate the aboriginal population came in 1857 with the Gradual Civilization Act. Although it appeared to grant Native people the right to vote, provided they met certain conditions, the Act was a blatant attempt at enforced assimilation, as is evident from Section III of the Act. Once enfranchised,

...the provisions of the third section of...[13 & 14 Victoria cap. 74, 1850] ... and all other enactments making any distinction between the legal rights and habilities [sic] of the Indians and those of Her Majesty's other subjects, shall cease to apply to any Indian so declared to be enfranchised, who shall no longer be deemed an Indian within the meaning thereof.<sup>125</sup>

Tribal leaders found the 1857 legislation particularly obnoxious because it promoted private ownership of land and was "counter to their wish to maintain tribal integrity and communal land ownership".<sup>126</sup>

The passage of the Gradual Civilization Act led to a new era in Native-governmental relations. J.R. Miller notes

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L'Anse Chippewas used "civilized" European values and their success in agriculture against whites in his article "'We don't Want them to Hold Their Hands Over our heads': The Economic Strategies of the L'Anse Chippewa, 1830-1860" The Michigan Historical Review Vol. 20 No. 2 (Fall 1994), pp. 47-70. For a later period, see Joan Champ, "'Difficult to Make Hay': Early Attempts at Agriculture on the Montreal Lake Indian Reserve" Saskatchewan History Vol. 47 No.1 (Spring 1995), pp. 27-35.

<sup>125</sup> Canada Statutes 20 Victoria (1857) Cap. 26 "An Act to Encourage the Gradual Civilization of the Indian Tribes in this Province, and to amend the Laws respecting Indians" in Derek Smith, ed., Canadian Indians and the Law op. cit., pp. 50-51.

<sup>126</sup> J.R. Miller, Skyscrapers, op. cit., p. 112.

that only one Native person became enfranchised between 1857 and 1876, because tribal leaders advised their people not to do so. They were aware that going along with the state on this matter was tantamount to agreeing to assimilation.<sup>127</sup> John S. Milloy has argued that the 1860s marked the growth of "tribal nationalism" as well as increasing conflict. Natives were now seen as "aggressive and disruptive agents of assimilation".<sup>128</sup> Relations between the government and the First Peoples had never been particularly friendly. Judging from reports of tribal misdemeanours and non-compliance, many tribes had been thorns in the sides of the superintendents for several years. But the existing evidence does point to an increased determination by the First Peoples to get what was due to them and push back against the hegemonic project of the Canadian state after 1860.

One of the major disputed areas was land claims. Native groups were reluctant to give up lands to which they felt the government had little or no right. When the Indian Department tried to appropriate some islands in Rice Lake in 1859, for example, Chief Puadash responded with a document outlining what was and was not surrendered, the value of the islands that had been given up, and the names of the islands

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<sup>127</sup> Ibid., p. 112.

<sup>128</sup> John S. Milloy, "The Early Indian Acts: Developmental Strategy and Constitutional Change" in Getty and Lussier, *op. cit.*, pp. 59-60.

which were claimed by the Rice Lake tribe.<sup>129</sup> Puadash suggested that the government's effort to take their lands amounted to a betrayal of past promises. His people had given up land in the past "because we highly approve[d] of the benevolent intentions on your part towards our children". Nor had they ever agreed to surrender the islands in question, and Puadash flatly refused to do so in future.<sup>130</sup>

Other Native groups also made it clear that they were not willing to give in to the demands of the state. The Garden Island band were only willing to surrender their reserve lands to the government if the Governor-General informed them what he had done with the money for mining concessions.<sup>131</sup> The Wyandot of Sarnia were willing to give up the land they were not using themselves, but only if certain matters concerning money owed them and lands they felt unjustifiably taken away from them, were cleared up

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<sup>129</sup> January 27, 1859, Rice Lake Indians to W.B. Bartlett. RG 10 Vol. 247 part 2, Civil Secretary's Office, Correspondence 1856 to 1860, pp. 147,011-147,015.

<sup>130</sup> RG 10 Vol. 247, part 2, p. 147,023. Puadash noted that in treaties after the very first one, the Rice Lake First Peoples continued to reserve the islands for themselves, even when they agreed to give up more land to the government. Ibid., pp. 147,026-147,027.

<sup>131</sup> September 13 1859, Sault Ste. Marie, RG 10 Vol. 245 part 1, Indian Affairs, Civil Secretary's office, Correspondence 1856-1860, pp. 145,230-145,231.

beforehand.<sup>132</sup> Perhaps the most telling example of the Native desire to assert control over their lands comes from the reaction to Departmental surveys. They eliminated the survey lines and marks by pulling out boundary markers the surveyors had placed. Deputy-Superintendent General Spragge suggested that to avoid this problem, the surveyor should instead "blaze the division lines of the lots for a distance of two chains in line with the posts".<sup>133</sup>

Another controversial question was timber sales. It prompted some heated exchanges between Native groups and Department officials. Natives thought the trees growing on their land were those to dispose of as they wished. Department officials constantly waged war on this idea, reminding them that the sale of timber could only be effected with official approval. Superintendent Spragge wrote of his concerns to Rueben Tomigo, a chief on the Muncey Reserve:

It is perfectly perceptible to me, that so long as the Indians are permitted without any cost to themselves, to barter away, be the pretext what it may be, their

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<sup>132</sup> December 25, 1862, Froome Talfourd (Superintendent Indian Affairs at Sarnia) to Superintendent General Spragge. RG 10 Vol. 585, Indian Affairs, Deputy Superintendent General's Office Letterbook, 1859-1864 (Original not paginated).

<sup>133</sup> May 18, 1863, Deputy Superintendent-General Spragge to "The Honourable Commissioner of Crown Lands". RG 10 Vol 522, Indian Affairs Ministerial Administration Records Deputy Superintendent-General's Office Letter book, (Spragge) November 1862-October 1863, p. 311. It obviously did not occur to Spragge that the Natives were quite capable of sabotaging that effort as well.

saw logs or their standing oak or pine trees, and to have facility given them by any local officer for doing so it will be in vain to look for any really substantial moral or social improvement in their condition...And as the practice of deceit and falsehood becomes profitable under such contingencies, so it is to be foreseen that injury to the Indian character must be the result.<sup>134</sup>

In response to Tomigo's request that his people be permitted to cut timber on their reserve, Spragge contended that not only was it harmful to their welfare to do so without authorization, but that those who persisted in such unacceptable behaviour would soon find themselves punished.<sup>135</sup> This was meant to convey the impression that the Department was judicious and anxious to act in the Natives' best interests. However, Spragge showed his true feelings in a blunt communication to Froome Talfourd, the Sarnia Superintendent, in which he wrote angrily, "[the] conduct of the Indians in assuming to make contracts without reference to their Superintendent is highly reprehensible and you will please intimate the disapproval of this Department to them". Spragge went on to say that if the behaviour was repeated, it would "probably lead to consequences which the Indians will find exceedingly unpleasant."<sup>136</sup>

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<sup>134</sup> August 18, 1863, Spragge to Gilikson, RG 10 Vol. 522, op. cit., pp. 450-451.

<sup>135</sup> May 6, 1862, Spragge to Mr. Rueben E. Tomigo Indian - Longwood Cir.(sic), RG 10 Vol. 521, op. cit., p. 167.

<sup>136</sup> March 19, 1863, Spragge to Talfourd, RG 10 Vol. 522, op. cit., p. 220.

Part of the rancour which the issue of timber rights generated was related to its close relationship with the issue of land rights. When the Mississauga of Alnwick complained that their annuity money was being paid as compensation to a white man who had been denied the right to cut timber on their land, John A. McDonald, then Minister of Justice, gave it as his opinion that their grievance was groundless. According to him, lands were not sold without the First Peoples' permission, the best price possible had been obtained for land, and if money realized for the sale of timber were paid directly to the band it would merely be squandered. If the Department invested the money and paid the interest to them it would be in the best interests of the tribe and future generations.<sup>137</sup>

The Indian Department's insistence that Natives not be permitted to act for themselves had its roots in legislation that legally rendered them nonentities. Their participation in "various acts of civil process" was therefore invalid under 13 and 14 Victoria, Cap. 74, 1850, S.III. They could not legally sign contracts in most cases. As Spragge noted, "it was the intention of the Legislature as it has always been that of the Crown to regard them as occupying the

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<sup>137</sup> November 1, 1872, John Sunday, Chief of the Mississaguas of Alnwick, to Sir John A. McDonald. RG 10 Vol. 1159, Indian Affairs, Superintendent-General, correspondence and financial returns, Eastern Canada, 1861-1896 p. 183,942 and p. 183,945.

position of minors...".<sup>138</sup> Thus Natives were not permitted to sell their own lands or timber. They could not be permitted to make minor improvements to their lands or to build a sawmill.<sup>139</sup> Nor were they competent to govern themselves. A proposal to incorporate the Six Nations, thereby permitting them some self-government, was rejected because "...a much more important degree of advancement in the social condition of the Indians is requisite before they could be capable of working a municipal system". The Six Nations were deemed to be without the essential understanding. The Department thought that through education, the Six Nations peoples might be able to work a very simple system, with the ultimate object being their assimilation into white society.<sup>140</sup>

While the measures to ensure Native compliance were clearly coercive in intent, the Department was quick to deny

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<sup>138</sup> June 24, 1862, Spragge to Jasper Gilikson, RG 10 Vol. 521, op. cit., p. 230.

<sup>139</sup> During a dispute which arose over Gleeson's sawmill on Colpoy's Bay, the Department's representative castigated the tribe for inviting Mr. Gleeson onto their land without Departmental permission, saying, "if the Indians will not take the advice of those who are competent to judge what is for their own good, they must not be surprised if they suffer from the consequences". February 9, 1859, Superintendent Bartlett at the Indian Office to Chief and Warriors, Colpoy's Bay. RG 10 Vol. 247 part 1, Civil Secretary's Office, Correspondence, 1856-1860, p. 146,910.

<sup>140</sup> "Memorandum upon a Draft for a bill to Incorporate the 6 Nation Indians." Undated. RG 10 Vol. 521, op. cit., p. 108.

that they planned to use force or intimidation. George Ironside, the Superintendent at Manitowaning, had suggested to Spragge that if his charges refused a government offer for their lands, they should be impelled into acceptance. Spragge was furiously indignant:

Neither the Imperial nor the Colonial Government have at any time employed intimidation by threatening coercion under any form, when endeavouring to induce the Indians to make cessions of land for sale and settlement. And I consider it my duty to point out to you the extreme imprudence and impropriety of intimating to any of the Indians that recourse could be had to coercion. It would be wrong in principle, it would be impolitic and the validity of any instrument obtained under such circumstances would be indubitably very questionable. You will have the goodness therefore in your intercourse with the people to refrain from expressing yourself in terms that would carry with them the idea that the Government would attempt to enforce upon them any terms for a cession of their interest in the Manitoulin Islands.<sup>141</sup>

The situation at Manitowaning, in which the government was trying to negotiate a treaty with the Indians to give up both land and fishing rights, eventually led to violence and the murder of fisheries commissioner William Gibbard.<sup>142</sup>

By the early 1860s the Indian Department had essentially set its course. No really new legislation was enacted even after Confederation. Some minor points deserve mention, however. With the passage of the British North

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<sup>141</sup> August 25, 1862, Spragge to Captain George Ironside, Superintendent of the Indian Department at Manitowaning. RG 10 Vol 521, op. cit., p. 371.

<sup>142</sup> See Douglas Leighton, "The Manitoulin Incident of 1863: An Indian-White Confrontation in the Province of Canada" Ontario History Vol. 69 No. 2 (June 1977), pp. 113-24.

America Act in 1867, the First Peoples became the responsibility of the federal government.<sup>143</sup> 1869 saw the passage of another Enfranchisement Act; it had provisions which allowed the Indian Department to remove tribal leaders from office who offered opposition to government policies.<sup>144</sup> The current "Indian Act" was passed in 1876 and was actually an amalgamation of previously-enacted material that did not substantially alter the conduct of aboriginal affairs.<sup>145</sup> Further legislation enacted in 1880 served to emphasize the fact that Natives were expected to behave with the decorum considered de rigueur in respectable white society.<sup>146</sup>

### Conclusion

This chapter has traced the development of the Native as a "marginal" part of Canadian society in the nineteenth century. Natives began the century as a threat and ended it

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<sup>143</sup> 30 Victoria Cap. 3 (1867) "The British North America Act, 1867" in Derek Smith, op. cit., p. xxi.

<sup>144</sup> J.R. Miller, Skyscrapers op. cit., p. 114. See Canada, Statutes 32 & 33 Victoria Cap. 6 (1869) "An Act for the Gradual Enfranchisement of Indians, the Better management of Indian Affairs, and to Extend the Provisions of the Act 31 Victoria Cap. 42".

<sup>145</sup> See Canada Statutes 39 Victoria Cap. 18, 1876. "An Act to Amend and Consolidate the Laws Respecting Indians (The Indian Act, 1876)".

<sup>146</sup> Derek Smith, op. cit., p. xxiii.

as an encumbrance.<sup>147</sup> Throughout the period 1828 to 1880, the government put increasing pressure on the First Nations of Upper Canada and Ontario to comply with a programme of "civilization". In many respects, this programme was very similar to the "reforming project" which Upper Canada's elites directed at the marginalized population. But while the poor, criminal and insane were targets because of their aberrant behaviour, the Native population was under attack for many more reasons. They represented a completely alien culture which was dismissed as not worth consideration. Most importantly, the Natives and their territories were an obstacle to settlement. Their occupation and nominal possession of lands made it imperative that some means be found to dominate and control them, thus facilitating their eventual removal.

However, the aboriginal peoples proved to be remarkably resistant to white attempts to dominate them. When mild coercion did not prove effective, the Indian Department

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<sup>147</sup> As late as 1838, John Macaulay became anxious that the Americans were trying to persuade the First Nations to go over to their side. The threat was taken so seriously that the Lieutenant-Governor ordered the various Native warriors to gather at designated meeting-spots where the government could keep a close eye on them. For example, the Mohawks of Tyendinaga were to be assembled at Shannonville "under their Leaders, who are to report through Captain, the Baron de Rottenburg". November 10, 1838. "Memorandum" from John Macaulay at Government House, RG 10 Vol. 628, Indian Affairs Ministerial Administration Records - General Headquarters Administration Records, Indian Department, Letters received by the Governor-General, 1812-1869. Original not paginated.

pushed harder, combining paternalistic domination with coercive measures. In many cases, the coercion was not immediately obvious; however, the underlying theme of Indian Department policy, even in the beginning, was that of enforced compliance. Natives resisted attempts to remake and dispossess them. As they became more politically astute, they asserted their rights and began challenging the Department's initiatives. Where Natives had been a military threat in the early part of the century, they became a threat to social stability and hopes for progress. The state responded with legislative measures meant to force them to assimilate.

The continued resistance of the aboriginal population sets them apart from the rest of Upper Canada's marginal population. The resistance of the latter tended to be of the sort that James Scott has rightly dubbed "weapons of the weak". Ultimately, the poor and others like them had little recourse, which meant that their forays into subversion did not result in any real changes in the political climate. Natives by their open resistance generated a definite reaction within the country's power structure. That their resistance was in some part effective is indicated by the rise of overt coercion on the part of the state.

## Chapter Six: The Asylum

Resolved: That in view of the great necessity which exists for increased accommodation for lunatics both Male and Female especially those of the Criminal Class, and of other facts stated by the Superintendent, the Board consider it a matter of absolute necessity, that two at least of the Corridors in the West Wing should be prepared for the reception of patients at the earliest possible moment, and the Architects are accordingly authorized to secure such additional skilled labour as they may think necessary in order to complete the said corridors before the beginning of winter, it being also understood that the Architects shall have authority to pay for the said skilled labour at the current rate of wages.<sup>1</sup>

### Introduction

Such was the perception of the need for asylum accommodation in mid-nineteenth-century Upper Canada, this being a situation of great urgency and one that was continually worsening. New to the question of the insane's treatment was the belief that the insane needed to be separated from the rest of the population. Thirty years previously, lunatics had been indiscriminately housed with other "deviants" in local jails. The Upper Canadian lunatic asylum combined many of the features of other contemporary institutions, with the desire to help the unfortunate being the public motive. Paternalism, regulation, re-formation, and coercion were all part of the institutional project, but

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<sup>1</sup> Archives of Ontario, (AO), RG 20 Series F-3, Ministry of Health Records, Psychiatric Hospitals Branch, Vol. 11, Minutes - Board of Superintendents of Rockwood, 2 April 1866 - 6 May 1877; entry for June 2, 1866. Page # obscured.

the asylum had the added feature of "treatment". Inmates of the asylum were resident because their behaviour was deemed so abnormal that they were thought incapable of functioning in society, or were a danger to themselves and others. The curative regime was nevertheless often more than just a means for improving inmates' mental and physical health.

Moral treatment, as it was called, was undeniably a radical means of treating the insane. Brutality and physical restraint of the patient, which had been the norm until the late eighteenth century, were replaced with an environment which emphasized persuasion, reason, and as "normal" a life as possible. Despite these promising features, the moral treatment program was one which subtly, yet inexorably, drifted toward regulation to a sometimes dangerous extent. The desired behaviour of the patient that this regimen sought to instil corresponded to contemporary ideas of respectability. Much to the chagrin of those who devised moral treatment, it proved to have limited usefulness in the asylum. Although intentions were often noble, the difficulties of controlling dozens, or even hundreds of people, many of them irrational, meant kindness and reasonableness tended to take second place behind the imposition of order. The realities of asylum life thus put the lie to the "goodness" of moral treatment.

Just as in the penitentiary and House of Industry, an oppositional culture developed. Inmates and their

caregivers clashed separately with management. More often, patients and staff squared off against each other, sometimes violently. Medical superintendents, harried and overburdened with administrative detritus, had neither the time nor the facilities to supervise treatment. Care became control, and conflicts between personalities frequently escalated into a struggle for power.

All this raises the question of resistance and authority. Looking once again to James Scott, some patients did resist "treatment", certainly, by means that ranged from suicide to escape. There is some evidence that patients found the asylum experience distasteful. Yet it appears that the asylum and the confinement it demanded, not necessarily the values that were imposed as part of the treatment, was what patients found objectionable. There is more direct evidence of real resistance and struggle against those in control from attendants, who were painfully aware of the social differences between themselves and the asylum's medical staff. The staff also were quite aware that they too were being coerced, manipulated, and re-formed. They were meant to serve as "models" for patient decorum, but only after they adopted a guise of gentility deemed acceptable by the elites. Since this mode of behaviour was an essential part of the job, they were required to behave publicly in a way that met the elites' expectations; but when they were not observed, the staff furiously and

silently fought back. Ambiguity has also been the distinguishing feature of the historical debate about the asylum's purpose and significance. Points of view range from the Whiggish to the humanitarian, the Marxist to the structural, and the social control interpretation.

The historical context and experience of the asylum are to some extent combined in this chapter. Rather than focus on the chronological development of the asylum in Upper Canada, the chapter examines how the asylum came into being, the ideas behind it, and how those ideas were played out, primarily in Toronto and Kingston. Taken as a whole, the chapter tries to show that although moral therapy was implemented as a means of treating and re-forming the insane, who were by definition marginal members of society, the asylum under moral therapy was equally as coercive as other contemporary institutions. Tensions between benevolence and control, epitomized in the asylum management of paternalism, produced an untenable situation. Just as in the other means of segregative control, paternalism proved to be an outmoded principle that was only fully embraced by the managerial elite.

### **The Historical Transformation of the Asylum**

Incarceration of the insane had a fairly long history. The institution of Bethlehem Hospital (popularly known as Bedlam) was a well-known seventeenth-century example. As a

physical structure, the asylum itself was thus not especially new. The innovative aspect of the nineteenth-century asylum was the idea that the insane should be treated like humans, not like beasts devoid of reason.<sup>2</sup> Madness, prior to the late eighteenth century, was thought to result from demonic possession, with the result that the insane were deprived of their humanity and rationality.<sup>3</sup> Treatment, such as it was, used external force to "tame" the madman or madwoman, much as one would try to control a vicious, unpredictable dog:

...intimidation, threats and outright coercion were commonly used to cow and subdue the madman, whose condition was viewed as a 'display of fury and violence to be subdued and conquered by stripes, chains, and lowering treatments'.<sup>4</sup>

Treatment of the insane in British North America was similar. The pauper insane, and those whose families had despaired of them, generally found themselves confined to the local gaol. If the district's magistrate was reluctant to have public funds support the insane person, he or she was sometimes "auctioned off" to become an indentured servant, provided the lunatic was not violent. The insane were also sometimes expelled from the community in which

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<sup>2</sup> Andrew Scull, Social Order/Mental Disorder: Anglo-American Psychiatry in Historical Perspective London: Routledge, 1989, p. 52.

<sup>3</sup> Anne Digby, Madness, Morality and Medicine: A Study of the York Retreat, 1796-1914 New York: Cambridge University Press, 1985, pp. 1-3.

<sup>4</sup> Scull, Social Order, p. 84.

they lived to be returned to their original homes.<sup>5</sup> Those who were confined in jail were held in appalling conditions. Indeed, the newly-appointed Medical Superintendent of the temporary Lunatic Asylum in Toronto commented that his charges arrived from jail either shackled or tied with heavy rope and in a filthy state.<sup>6</sup>

Late in the eighteenth century, however, perceptions of the insane underwent a significant change. The loosing of madmen's chains by Pinel is well known. In England, developments were less dramatic, but just as momentous. The York Retreat, under the initiative of Samuel Tuke, was to have a profound effect on Anglo-American psychiatry. Quakers founded the Retreat out of concern that their fellow-Quakers were being mistreated in existing madhouses. However, they were also troubled by possibilities that the insane were denied access to religious materials that might bring them solace. Quakers believed that the insane were not entirely without reason and could appreciate and

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<sup>5</sup> Thomas E. Brown, "The origins of the asylum in Upper Canada, 1830-1839: Towards an interpretation" Canadian Bulletin of Medical History Vol. 1 No. 1 (Summer 1984), p. 28. See also Brereton Greenhouse, "Paupers and Poorhouses: The Development of Poor Relief in Early New Brunswick" Social History/Histoire Sociale Vol. 1 (1968), pp. 102-128, in which he described a similar auctioning process for the purpose of removing insane paupers from the public rolls.

<sup>6</sup> "Report of the Medical Superintendent" Appendix U: Annual Report, for 1842, of the Commissioners of the Temporary Lunatic Asylum at Toronto. Journals of the Legislative Assembly of Upper Canada (hereafter JLAUC) 6 Victoria 1842. Original not paginated.

understand kindness.<sup>7</sup> Religious faith thus became the basis for Tuke's theories.<sup>8</sup>

Moral therapy, as its name implies, involved treating the patient kindly. Generally, the idea was that a patient should be placed in an environment designed to appeal to her or his higher impulses, thereby facilitating a return to "normal". The environment of moral therapy eventually came to include the physical structure of the asylum itself, due largely to the influence of the architect Thomas Kirkbride. The physical appearance of the asylum was meant to reinforce the welcoming, friendly atmosphere which Kirkbride found so essential. He argued that non-destructive patients should be provided with "attractive and comfortable" surroundings.<sup>9</sup> Interior furnishings were meant to act as a complement to the "pleasing and tasteful" exterior. Kirkbride's ideal asylum was constructed on a "linear" plan, with wings that regularly branched off from a central core. This arrangement allowed the free circulation of air as well as light with the addition of open spaces at the end of each wing and bay windows in the halls. The spacing of the wings kept patients far enough apart that they could neither see

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<sup>7</sup> Digby, York Retreat, p. 15.

<sup>8</sup> Ibid., p. 27.

<sup>9</sup> Nancy Jane Tomes, "The Persuasive Institution: Thomas Story Kirkbride and the Art of Asylum-Keeping, 1841-1883" PhD. Dissertation, University of Pennsylvania, 1978, p. 152.

nor call to each other.<sup>10</sup>

Moral architecture could and did have a darker side. The Boston Prison Discipline Society "saw the application of moral architecture particularly relevant for the habitation of the lower ranks of society...".<sup>11</sup> As Barry Edginton has noted, "asylums started to take on a monolithic character similar to prisons but with many distinctive architectural characteristics to differentiate them from prisons".<sup>12</sup> Edginton has also argued that there was a close relationship between the design of the asylum and perceptions of insanity. The asylum was supposedly built in a way that would reflect order, calm, and reason; "the design discourse is grounded in its potential, not its function".<sup>13</sup>

One of the principles of moral therapy was the idea that the asylum was meant to act as a substitute for the family. The asylum was not meant to replicate the crowded,

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<sup>10</sup> Tomes, pp. 148-149.

<sup>11</sup> C.J. Taylor, "The Kingston, Ontario Penitentiary and Moral Architecture" Social History/Histoire Sociale Vol. 12 No. 24 (1979), p. 400.

<sup>12</sup> Barry Edginton, "Moral Treatment to Monolith: The Institutional Treatment of the Insane in Manitoba, 1871-1919" Canadian Bulletin of Medical History Vol. 5 No. 2 (Winter 1988), p. 169.

<sup>13</sup> Barry Edginton, "The Well-Ordered Body: the Quest for Sanity through Nineteenth-Century Asylum Architecture" Canadian Bulletin of Medical History Vol. 11 No. 2 (1994), pp. 376-377. See also David Lyon, "Bentham's Panopticon: From Moral Architecture to Electronic Surveillance" Queen's Quarterly Vol. 98 No. 3, (Fall 1991), pp. 596-617.

chaotic homes of the poor, that in the popular mind all too commonly contained a drunken father, slatternly mother, and squalling, disobedient children. Intended to have "the optimistic and familylike atmosphere so essential to success", the asylum tried to reproduce the respectability of a properly domestic environment.<sup>14</sup> In this way, the respectable classes subtly yet inexorably imposed their values on the asylum inmates. Paternalism's kindness became overshadowed by its potential for coercion.

The homelike atmosphere of course required that there be a father figure, in this case the medical superintendent, whose role was that of "teacher and disciplinarian".<sup>15</sup> The first superintendent at New York's Utica Asylum, Amariah Brigham, thought of the asylum in familial terms with himself as its patriarch. As such, he had absolute power, although he was purportedly careful to balance it with "kindness and affection".<sup>16</sup> In order to create an environment in which the patient would readily adopt the desired behaviour, medical superintendents tried to make the daily routine of the patient as much like "ordinary" family life as possible. Such at least was the rationale behind the actions of Dr. William Rees, the first medical

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<sup>14</sup> Andrew Scull, Social Order/Mental Disorder, p. 235.

<sup>15</sup> Digby, York Retreat, pp. 58-60.

<sup>16</sup> Ellen Dwyer, Homes for the Mad: Life Inside Two Nineteenth-Century Asylums London: Rutgers University Press, 1987, p. 57.

superintendent of the Toronto Lunatic Asylum. He welcomed new arrivals with a bath, issued them clean clothes, gave them "kindly attention", and led them to join the evening meal with the other patients.<sup>17</sup>

Rather than be permitted to dwell on their delusions, the insane were distracted by amusements and work. The Quaker mindset was partially responsible for the latter; work became incorporated into the treatment regime at the York Retreat because Quakers viewed work as a "moral imperative".<sup>18</sup> Entertainment, such as walks, outings, musical evenings, and sports teams were considered to be part of the treatment.<sup>19</sup> Dr. Workman, a later superintendent of the Toronto asylum, described the ideal regimen as "...generous diet, well-directed kindness, exemption from bodily restraints, moderate exercise, and in many cases a judicious allowance of alcoholic beverages".<sup>20</sup>

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<sup>17</sup> JLAUC, 1842, Appendix U., "Report of the Medical Superintendent", op. cit.

<sup>18</sup> Digby, York Retreat, p. 64.

<sup>19</sup> Tomes "The Persuasive Institution", p. 144.

<sup>20</sup> Workman apparently believed in the therapeutic value of beer. On his arrival at the asylum, he had tried to decrease its consumption in response to public pressure. However, he soon reinstated its use, claiming that its benefits to patients far outweighed any deleterious effects. Thomas Edward Brown, "'Living With God's Afflicted': A History of the Provincial Lunatic Asylum at Toronto, 1830-1922" PhD. Dissertation, Queen's University, 1980, p. 172. Brown quotes Workman from "Proceedings of the Annual Meeting of the AMSAII" American Journal of Insanity Vol. 19, (1862-63), p. 68.

One of the ways in which moral treatment was meant to keep order was through classification of patients. This too was designed to assist in patients' treatment. The "better" patients served as examples of behaviour from which new arrivals could learn. Ideally, the classification of patients served as a means of separating the social classes. Thomas Kirkbride reassured the anxious families of prospective clients that patients' social standing as well as the severity of their illness were both considered in the classification process. He contended that the proper separation of patients contributed to the healthful environment of the asylum, since each ward constituted a small "family" that functioned as a self-contained unit. No resident of any one ward was thus obliged to associate with a person from elsewhere in the building. Kirkbride's "family" analogy fell short in one important respect, however; men and women were strictly separated.<sup>21</sup> Classification could also be used to punish patients. Those who misbehaved in some way were threatened with being sent to the "bad" ward where there were violent and filthy inmates.<sup>22</sup>

#### Moral therapy or Moral control? Some critiques

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<sup>21</sup> Tomes, op. cit., pp. 141-43.

<sup>22</sup> See below; apparently Dr. Workman had threatened a patient with just such a punishment, according to one of the staff members of the Toronto Asylum.

Anne Digby, a passionate champion of Samuel Tuke and his work at the York Retreat, acknowledges that moral treatment was imperfect, but she does so partially and guardedly. To charges by Michel Foucault that moral treatment replaced physical coercion with just as harsh internal constraints, Digby unconvincingly replies that such restrictions were embedded in the Quaker mindset. The "disciplinary and moralistic element" with which Foucault takes umbrage, for example, is explained away as an integral part of Quaker values.<sup>23</sup>

Perhaps. However, moral therapy and its regulatory aspect found a ready acceptance in asylums throughout Western Europe and North America. Very few had any direct connection to Quaker principles. Since moral therapy was largely concerned with the treatment of the intangible --

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<sup>23</sup> Anne Digby, Madness, Morality and Medicine: A Study of the York Retreat, 1796-1914 New York: Cambridge University Press, 1985, p. 85. Digby reinforces this contention with the comment that the Retreat was in part meant to be a "moral instrument to reclaim those members who had failed conspicuously to live up to the comprehensively high standards of the Society of Friends". Ibid., p. 92 See also Digby's article on the Quaker origins of moral treatment, "Moral treatment at the Retreat, 1796-1846" in John Bynum, Roy Porter et. al., (eds.) The Anatomy of Madness: Essays in the History of Psychiatry New York: Tavistock Publications, 1985; and in the same volume, Fiona Godlee, "Aspects of non-conformity: Quakers and the Lunatic Fringe". Godlee suggest that Quakers' influence in the development of moral treatment was especially ironic because it became a means of ensuring social acquiescence in those subjected to it, although the essence of Quakerism was itself non-conformity. Godlee also notes that the intelligence of Tuke precluded his being unaware of moral therapy's potential misuse.

namely, the human psyche -- it harmonised nicely with the nebulous state of Victorian psychiatry. Robert Castel has argued that because it lacked any real theoretical basis, Victorian psychotherapy was dangerously vulnerable and therefore ready prey to non-medical influences.<sup>24</sup>

Michel Foucault's discussion of the prison bears some striking resemblances to the declared purposes of moral therapy. He argues that the penitentiary's function was not merely incarceration, but the transformation of the individual through disciplinary means.<sup>25</sup> Through discipline, Foucault asserted, prisoners were to be rendered "docile bodies". Docility is achieved through coercion of the subject population, but by mental domination rather than physical intimidation.<sup>26</sup> According to Foucault, there is not much to choose between the two. Both are merely means of ensuring obedience.<sup>27</sup> Just as the poor were themselves the site of regulation, rather than the society that rendered

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<sup>24</sup> Robert Castel, "Moral Treatment: Mental Therapy and Social Control in the Nineteenth Century" in Stanley Cohen and Andrew Scull, (eds.) Social Control and the State: Historical and Comparative Essays Oxford: Martin Robertson, 1983, p. 252.

<sup>25</sup> Michel Foucault, Discipline and Punish: The Birth of the Prison trans. Alan Sheridan, New York: Vintage Books, 1979, pp. 18-19.

<sup>26</sup> Michel Foucault, Discipline and Punish: The Birth of the Prison trans. Alan Sheridan. New York: Vintage Books, 1979, pp. 18-19.

<sup>27</sup> Lydia Alix Fillingham, Foucault for Beginners New York: Writers and Readers Publishing, Inc., 1993, p. 7.

them poor, the insane in the moral therapy regimen were deemed responsible for their own disease. They "internalized" normality until it became part of their own persona.<sup>28</sup>

Social control historians have found themselves in heated disagreement with historians who are convinced of the asylum's largely benevolent nature. Gerald Grob, for example, explains the failure of lunacy reform as an outcome of its haphazard and ad hoc nature, although it was all created with the best of intentions.<sup>29</sup> Other, more trenchant arguments have been advanced to counter the social control school of thought. In part, social control has come under fire because of its assertion that the growth of the asylum was closely linked to the rise of industrial capitalism. Social control theory argues that industrial capitalism led

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<sup>28</sup> Ibid., p. 53.

<sup>29</sup> See especially Gerald N. Grob, The State and the Mentally Ill: a History of Worcester State Hospital in Massachusetts, 1830-1920 Chapel Hill: University of North Carolina Press, 1966. See also by Grob, Mental institutions in America: social policy to 1875 New York: Free Press, 1972.

Andrew Scull's reply to Grob's argument goes straight to its weak point:

"With outcomes viewed as the product of benevolence combined with an endless series of incremental changes, no one of which was decisive and each of which is entitled to virtually equal explanatory weight, even the most flagrant examples of misery and inhumanity can be portrayed as largely accidental, and in any event as in no way calling into question the fundamental goodness and legitimacy of the social system within which they occurred." Andrew Scull, Social Order/Mental Disorder, pp. 39-40.

to a sense of crisis among the elites -- or bourgeoisie -- which manifested itself as a demand that the lower orders be controlled in some way to prevent social breakdown.

Reforms, of which the asylum was one, were meant to be the means of implementing this control. Thus "middle-class morality", consisting of "self-discipline, industry [and] punctuality" would be transmitted to those who needed it most.<sup>30</sup>

Recognition of the diverse nature of reform can be found in part in the work of David Rothman, who admits that while social control theory has some innovative and valuable concepts, it must be used carefully. On the plus side, "a coercive sense of social control became a very useful corrective to the concept of reform, prompting historians to offer a more complex analysis of innovations and to search more carefully in the reality of change."<sup>31</sup> However, Rothman finds the ensuing discussions vague and poorly formulated. More specifically, Rothman argues that the differences in the way capitalism developed in various countries needs to be taken into consideration when formulating an explanation

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<sup>30</sup> John A. Mayer, "Notes towards a Working Definition of Social control in Historical Analysis" in Stanley Cohen and Andrew Scull, (eds.) Social Control and the state: Historical and Comparative Essays Oxford: Martin Robertson, 1983, p. 17.

<sup>31</sup> David J. Rothman, "Social Control: The Uses and Abuses of the Concept in the History of Incarceration " in Cohen and Scull, Social Control and the State, p. 113.

for lunacy reform.<sup>32</sup>

Social control theory is attractive for its linkage of the rise of the asylum to capitalism. There does seem to be a definite correlation between the decision to separate members of the "underclass" from general society and changes in socio-economic relations, particularly in Canada. The heightening of tensions between social groups occurred at the same time that the institution began to be thought of as a viable means of "treating" the underclass.

There can be no fully satisfactory theory that adequately covers every aspect and every angle of the decision to build insane asylums that were "humane" rather than strictly carceral. The theory that best suits the Upper Canadian situation is Andrew Scull's, specifically outlined in his Museums of Madness and Social Control and the State. Scull to some extent draws on the social control/Marxist position, with some modification of Foucault as well.<sup>33</sup> Unlike Foucault, Scull examines the historical circumstances surrounding the origins of the asylum, but like him, places considerable emphasis on the "structural". Setting the tone for his theory is the statement "...ideas and conceptions of human nature do not change in a vacuum.

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<sup>32</sup> Ibid., pp. 114-116.

<sup>33</sup> Thomas Brown, "'Living With God's Afflicted'" op. cit., p. 28. See also Andrew Scull, The Most Solitary of Afflictions: Madness and Society in Britain, 1700-1900 New Haven: Yale University Press, 1993.

They arise from a concrete basis in actual social relations".<sup>34</sup> The idea of "social relations" -- interactions between people -- forming the basis for historical change is one that is peculiarly suited to the matter at hand.

Scull considers the case of the asylum in England, but most of what he says is broadly applicable to the Upper Canadian situation as well. His contention is that England underwent a fundamental change in the later eighteenth century that altered perceptions of deviance. For the first time, socially unacceptable behaviour became the province of experts, leading to the categorization of deviance and the institutionalization of those judged "abnormal".

Prompting these changes was the growth of capitalism and the alteration in the social environment that accompanied it. Scull takes issue with claims that industrial capitalism and the pressures of urban life were the primary reasons behind institutional growth, remarking that urbanization was geographically limited.<sup>35</sup> Nevertheless, it is worth noting that the first two lunatic asylums and Houses of Industry in Upper Canada were in Toronto and Kingston, both growing urban centres. For Scull, the rise of the asylum was more directly related to the "direct and indirect effects of the mature capitalist

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<sup>34</sup> Scull, Social Order/Mental Disorder, p. 91.

<sup>35</sup> Ibid., p. 28.

economy"...and the "commercialization of existence".<sup>36</sup> Late eighteenth-century society found itself reorganized along market principles as the mentality of the market became ubiquitous. Paternalism faded as the basis of the relationship between masters and men; the wage relationship was its replacement.<sup>37</sup> Capitalism thus created a need to distinguish between those who were capable of working and those who were not.<sup>38</sup>

New directions in social relations accompanied the transformation of the socio-economic climate in Upper Canada. Men and women, especially elite men and those who aspired to become part of the elite, began to concern themselves with the disadvantaged. Rainer Baehre, for one, explains asylum treatment of the insane as a combination of pragmatism and humanitarianism. Baehre claims that practical considerations, namely the cost and inconvenience of caring for the insane, were secondary to the benevolent impulses of reformers.<sup>39</sup> Andrew Scull dismisses the humanitarian angle as a misrepresentation of what really

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<sup>36</sup> Scull, Social Order/Mental Disorder, p. 216.

<sup>37</sup> Ibid., pp. 217-218. See also Michael Katz, "Origins of the Institutional State" in Marxist Perspectives Vol. 1 No. 1 (Winter 1978), pp. 15-16. Capitalism in Upper Canada was by no means fully developed by this time, but the idea of the market economy was a familiar one and the transformation to capitalism was certainly under way.

<sup>38</sup> Scull, Museums of Madness, pp. 40-41.

<sup>39</sup> Ibid., pp. 76-77.

happened, calling it "hopelessly biased and inaccurate".<sup>40</sup> Benevolence had an unsavoury aspect of which Baehre seems unaware. Reformers claimed that their motives were only of the highest, "...a kind of disinterested moral superiority, and [pictured] their opponents as moral lepers, devoid of common decency and humanity."<sup>41</sup>

A more realistic interpretation of lunacy reform is that provided by Thomas Brown, whose explanation discounts the humanitarian feelings of reformers as an oversimplification of a very complex issue.<sup>42</sup> Lunacy reform, he argues, originated in the inconvenience caused to prisoners, gaolers, and the latter's families by the presence of the insane in local jails. The mad were "'a nuisance of the most revolting nature'".<sup>43</sup> Brown states that Upper Canada's transformation to a capitalist society also helped to create the need for an asylum:

'Lunacy reform'... in the final analysis, was both a

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<sup>40</sup> Ibid., p. 15.

<sup>41</sup> Ibid., p. 62.

<sup>42</sup> Thomas E. Brown, "The origins of the asylum in Upper Canada", op. cit., p. 43.

<sup>43</sup> Brown, "Origins of the Asylum", p. 37. The quote is from Dr. Christopher Widmer in the Annual Report of York Hospital and Dispensary, November 28, 1831, JLAUC, 2nd Session, 11th Parliament, Appendix #17. Rainer Baehre likewise notes that magistrates and prisoners found the presence of lunatics in goals reprehensible, but makes little of it. Rainer Baehre, "The Ill-Regulated Mind: A Study in the Making of Psychiatry in Ontario, 1830-1921" PhD. Dissertation, York University, (Canada) 1985, pp. 57-58.

product of and a response to the shift to the capitalist mode of production which Upper Canada, however hesitatingly, had begun to undergo in the 1830s. It was in this decade that the exigencies and demands of an emergent capitalistic market economy began to make themselves felt for the first time in the province.<sup>44</sup>

### **The Asylum: The Need to Care for the Mad**

Whatever the reason, in 1830 there began the first steps toward asylum care of the insane in Upper Canada. A magistrate of the Home District in that year asked the House of Assembly to set aside both a suitable place for a lunatic asylum and the funds to maintain it. The magistrates of the Home District, among others, had expressed their disgust with the intolerable conditions under which lunatics languished in local gaols, emphasizing the inconveniences to the gaoler and other prisoners which their presence created. In a concession toward humanitarian feeling, the magistrates noted "common humanity will not let them perish in the streets".<sup>45</sup> The ever-cautious legislature responded with an enabling Act permitting York magistrates to spend the

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<sup>44</sup> Brown, "Origins of the Asylum", pp. 44-45.

<sup>45</sup> Petition of Alexander Macdonell, Chairman of the Quarter Sessions for the Home District, on behalf of himself and fellow magistrates for the said District, to Lieutenant-Governor Colborne, January 14, 1830. PAC, Civil Secretary's Correspondence, Upper Canada Sundries, January-February 1830 (RG 5, A 1, Volume 98), pp. 55,019-022.

necessary funds for the care of the insane.<sup>46</sup> Despite further petitions from the Home District magistrates, no real movement toward the construction of an asylum occurred until 1833. The legislature had agreed to send two Commissioners on a tour of American asylums, but Dr. Charles Duncombe's efforts to secure himself membership in the commission ultimately resulted in the bill's defeat.<sup>47</sup>

Duncombe's finagling was perhaps a result of his membership in an earlier committee which had been established to investigate how an asylum could best be realised in Upper Canada. Other members of that committee were a mix of men in the legal profession and a doctor, clearly reflecting the elite interests of the interested group.<sup>48</sup> Duncombe finally got his chance in yet another Committee established in 1836. He was the sole author of a report which advocated the adoption of moral treatment in

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<sup>46</sup> For the original act, see Canada, Statutes of Upper Canada, 11 George IV, Cap. 20, 1830.

<sup>47</sup> Brown, "Origins of the Asylum", p. 30.

<sup>48</sup> Members of that committee were Marshall S. Bidwell, a lawyer and leading Reformer; David Willson, a Quaker; William Jarvis, "Sheriff of the Home District, Tory politician, entrepreneur, vice-president of the Toronto Mechanics' Institute". Rainer Baehre, op. cit., "Ill-Regulated Mind", p. 64. See also Rainer Baehre, "Imperial Authority and Colonial Officialdom of Upper Canada in the 1830s: The State, Crime, Lunacy and Everyday Social Order" in Louis A. Knafla and Susan W. Binnie, (eds.) Law, Society and the State Toronto: University of Toronto Press, 1995, pp. 181-214.

any future asylum.<sup>49</sup> Once the legislature actually decided to create an asylum in 1839, moral therapy became the ostensible basis for its operations.<sup>50</sup>

For the most part, however, the men who consistently demanded a lunatic asylum be built were either members of the province's elite or had aspirations in that direction. These were Tory merchants, prominent physicians, the "old office-holding elite" and members of the legal profession. Since they were in a position of some influence, they were able to continue their push for an asylum, and the nature of Upper Canadian politics meant that they had no need for popular support to do so. In fact, there seems to be little evidence that there was much public interest in the issue at all.<sup>51</sup>

Upper Canada's first asylum was not purpose-built at all, but a temporary structure. Ironically, because of the pressing need, the House of Assembly authorized the use of the old County Gaol in Toronto to serve as an asylum. Although the building had been cleaned, repaired, and supplied with suitable furniture, one of the asylum's Commissioners was less than pleased with the arrangement. Robert Jameson sourly noted in 1841 that part of the

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<sup>49</sup> Brown, "Origins of the Asylum in Upper Canada", p. 31. See also Charles Duncombe's "Report on Asylums" JLAUC, 2nd Session, 12th Parliament, 1836, Appendix No. 30.

<sup>50</sup> Baehre, "Ill-Regulated Mind", p. 52.

<sup>51</sup> Brown, "Living with God's Afflicted", pp. 56-57.

building was still used as a lock-up facility "...for disorderly persons previous to examination or commitment, which it is considered is inconsistent with that state of rest and peaceful retirement which the unfortunate inmates of such an establishment must necessarily require..."<sup>52</sup> Dr. William Rees, the asylum's first medical superintendent, pleaded the case for the appointment of a medical attendant for the insane:

...your memorialist respectfully represents that the Gaol of this city being the only receptacle for insolvent debtors, criminals and insane persons, with whom it is frequently crowded to excess, requires such an appointment as well for the security of their lives as for enforcing sanitary regulations...<sup>53</sup>

Despite the serious drawbacks of the first Lunatic Asylum, Dr. Rees did his best to put the principles of moral therapy into practice. Acknowledging the influence of the York Retreat, among others, he claimed to have implemented the "soothing system", as he called it, by getting rid of "mechanical restraints and coercion".<sup>54</sup>

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<sup>52</sup> Report by Robert S. Jameson, Commissioner, to Under-Secretary Hopkirk. Appendix LL, JLAUC, 4-5 Victoria, 1841. Original not paginated.

<sup>53</sup> Memorial of Dr. William Rees to His Excellency Sir Francis Bond Head, (Received March 8, 1836). PAC, Upper Canada Sundries, Civil Secretary's Correspondence, 1 March - 21 March 1836, (RG 5, A 1, Volume 163) p. 89,046.

<sup>54</sup> "Annual Report, for 1842, of the Commissioners of the Temporary Lunatic Asylum at Toronto"; "Report of the Medical Superintendent", JLAUC Appendix U, 6 Victoria 1842. Original not paginated.

### **The Asylum in Upper Canada: Early Power Struggles**

The early days of the Upper Canadian asylum proved to be an ongoing struggle between the superintendent's desire to implement moral treatment and the bitter realities of asylum life, from the time it opened in 1839. Hostilities between the medical superintendent and the Toronto Asylum's Board were only matched by the conflict between the medical superintendent and the asylum's employees. William Rees's regime was marred by continual insubordination from staff, as well as accusations from the Board of Commissioners that he was trying to usurp their authority.<sup>55</sup> His successor, Dr. Walter Telfer, also struggled with the burden of a "corrupt and negligent staff". Telfer's abrupt dismissal after a three-year term was supposedly the result of his frequent drunkenness, but Thomas Brown argues that he was caught up in the ongoing power struggles that characterized the Toronto Asylum: "...Telfer's attempt to impose some order into the asylum's obviously unsatisfactory staff relations was taken by the Commissioners as a direct challenge to their own authority and was met with an uncompromising hostility".<sup>56</sup>

Telfer was succeeded by Dr. George Park, who expected trouble almost immediately after his arrival. Park was well aware of the problems encountered by his predecessors. His

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<sup>55</sup> Brown, "Living With God's Afflicted", p. 116.

<sup>56</sup> Ibid., p. 121.

analysis of the institution's difficulties was both acute and succinct. After a prolonged struggle with the Commissioners, which led to his own dismissal, he wrote, "among the officers and servants, disorders and dissensions were frequently arising, and engaging the attention of the Board. Intoxication prevailed to an extent destructive of all subordination in servants or good order in the establishment."<sup>57</sup>

Park's job was also made difficult by the Board's refusal to listen to his complaints about the staff. The Board consistently protected them, making it difficult for him to "enjoy their confidence [and] ensure their obedience".<sup>58</sup> But Park's chief grievance was with the wilful blindness of the Board of Commissioners to the misdeeds of the staff. As an example of the Board's hindrance, he detailed his attempt to have a drunken, incompetent, and defiant attendant fired:

A Keeper who was harbouring, and encouraging others to harbour domestic jealousies and distrusts, as mischievous in their tendencies as unjust in their foundation... a Keeper who, three days before the complaint against him fomented by the Reverend Commissioner, had been drunk on duty when sent to seek and bring back an escaped lunatic, and who had been reported for intoxication to the Steward... a Keeper who the Superintendent had expressed his unwillingness to

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<sup>57</sup> George Park, M. D., Narrative of the Recent Difficulties in the Provincial Lunatic Asylum in Canada West Toronto: Printed at the offices of the Toronto Examiner, 1849, p. 4. Government Documents, D.B. Weldon Library, University of Western Ontario.

<sup>58</sup> Ibid., p. 5.

receive, is again cavalierly and insultingly sent back upon him, and the officers cooperating with him. And at the same time the request for a prohibition against intoxicating liquors and tobacco, alike injurious to the lunatics and the servants, and the root of much of the existing evil, was treated with like marked disrespect - the Reverend Mr. Roaf being President of the Temperance Society.<sup>59</sup>

Opposition from the Board was not the sole source of Park's troubles. His attempt to involve the government in an investigation of his concerns met with a polite but decided refusal. Such was Park's indignation that he incautiously accused the House of Assembly of concealing its own incompetence. As the ultimate check on the Toronto Asylum, he argued, it was responsible for the inadequate legislation that had led to the power struggles in the first place.<sup>60</sup>

Park's brief and acrimonious tenure did not see the end of the Toronto Asylum's difficulties. Attendants continued in their insubordinate behaviour under the regime of Dr. Joseph Workman. John Coppin, an attendant at the Toronto Asylum for two years, angrily reported to the Board that he had been forced to resign his position as a result of "contemptuous" treatment by the Superintendent. Coppin's ire was so great that he wrote a letter to the Board outlining the Superintendent Workman's supposed transgressions:

...harsh and pettish orders to read to patients, and when sitting down doing so, ordered up by him in

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<sup>59</sup> Ibid., p. 15. Emphasis in original.

<sup>60</sup> Ibid., p. 79.

presence of the patients, and ordered never to sit in doing so again; calling the patient Mr. Rossin a lazy dirty fellow, a brute, blast him! calling patient McPhaddan to his face a big brute, and he ought to be put on bread and water for laziness; calling the late Matron a peacock in presence of attendants and patients; calling Keeper Jackson a great lazy brute; putting Mrs. Carlisle for a week on bread and water for making a little freedom with him when he was going his morning rounds, and sent her to worst class corridor...ordering Geo. Abraham, an old man subject to epilepsy, to clean his horse, and because it was not done to his, Superintendent's liking, calling him a sloven, and ordering him to No. 3 corridor, and telling him he should have nothing but bread and water, consequently exciting the patient as he went into fits, and was for some weeks before he partially recovered.

The Board's investigation of Coppin's charges proved more derogatory to him than to Superintendent Workman. They found his claims largely unsubstantiated, although they did admit that Dr. Workman was perhaps guilty of expressing himself in ways that injured his dignity.<sup>61</sup>

Reformer and architect Thomas Kirkbride's insistence that the Superintendent have virtually absolute power thus initially received short shrift in the Toronto Asylum. Nor was it ever fully implemented. Part of this was the result of legislation which did not clearly outline the duties and powers of Board and Superintendent, so that each thought the

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<sup>61</sup> Appendix JJ, "Return", JLAUC, 15 Victoria 1851. Original not paginated. The "corridors" that Coppin mentioned were actually the wards, to which patients were assigned on the basis of the severity of their illness and how quiet or violent they were. This was supposed to be one of the good features of moral treatment, but the classification of patients was misused to punish inmates by sending them to the "disorderly" wards which were often in a state of chaos owing to the difficulty in controlling violent patients.

other was infringing on their respective rights. Finally, in 1853, the government took some steps to rectify the situation by passing "A bill for the Better Management of the Provincial Lunatic Asylum at Toronto". The Act gave control of the asylum to the government, decreasing the power of the Board and reducing the possibility of future conflict between the Board and Superintendent.<sup>62</sup>

#### **Moral Architecture: Housing the Insane**

Power struggles were not the only aberration in the Toronto Asylum's version of moral treatment. As noted, the temporary asylum clearly was not in keeping with the preferred designs of moral architecture, and in 1846 construction began on a new, permanent lunatic asylum.<sup>63</sup> Despite careful planning, however, the execution of the design had a serious flaw. For several years, patients suffered from a variety of health complaints. On investigation, defects were found to include poor ventilation, dry rot, deteriorating floors, and a decided error in the drainage system. Underneath the basement floors, "filth and impure fluids" had accumulated to a depth of several feet. The Asylum's drains had never been

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<sup>62</sup> Brown, "Living With God's Afflicted", pp. 158-159.

<sup>63</sup> Brown, "Origins of the Asylum in Upper Canada", p. 27.

connected to the main sewer.<sup>64</sup> After the foundations were drained and the asylum thoroughly cleaned, the inmates' health improved markedly. Cholera and erysipelas disappeared and dysentery, formerly often fatal, was limited to a few mild cases.<sup>65</sup> Less serious, but equally important to the course of moral therapy, were the inadequacies of the ventilation system. It too received a complete overhaul. As the medical superintendent earnestly noted, "Rarefied air is well known to be depressive of nervous energy and debilitating on muscular power, two [physiological] results, above all others, to be deprecated in the treatment of insanity."<sup>66</sup>

Further proof of the imperfections of moral architecture can be found in Upper Canada's second asylum, Rockwood. Prospective inmates were men and women judged criminally insane who were held in the Kingston Penitentiary for lack of a better place to put them. There were two arguments in favour of a criminal lunatic asylum. One demanded "safekeeping and scientific treatment"; the other claimed that the noisy behaviour of the insane was

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<sup>64</sup> Appendix H, "Report of the Medical Superintendent, and Bursar's State of the Income and Expenditure of the Provincial Lunatic Asylum, Toronto". JLAUC 17 and 18 Victoria, 1854-55. Original not paginated.

<sup>65</sup> Appendix 12, "Report of the Medical Superintendent of the Provincial Lunatic Asylum at Toronto", JLAUC 20 Victoria 1857. Original not paginated.

<sup>66</sup> Appendix H, JLAUC, 1854-55, op. cit.

disruptive to "the rule of silence in the provincial penitentiary".<sup>67</sup> Governmental concern about the numbers of insane in the penitentiary and the county gaols in the district led to the crown's purchase of the Rockwood estate in 1856.<sup>68</sup>

Rockwood seemed an ideal site for an asylum in many ways. It met Thomas Kirkbride's suggested criteria for a hospital; it was on elevated ground, near water, and at that time, a good distance from the town.<sup>69</sup> But Rockwood also contained certain negative features, some of which had been suggested by Kirkbride himself. For example, rooms were designed to have wickets through which food could be passed or inmates observed when necessary, which heightened the resemblance to prison cells. Doors opened out into corridors to prevent patients from barricading themselves in their rooms. Furthermore, therapy involved isolation from friends and relatives, which made patients vulnerable to abuse. The asylum was exposed to the "cruel winter winds off

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<sup>67</sup> Jennifer McKendry, "An Ideal Hospital for the Insane?: Rockwood Lunatic Asylum, Kingston, Ontario" Bulletin of the Society for the Study of Architecture in Canada Vol. 18 No. 1 (March 1993), p. 7.

<sup>68</sup> Catherine Anne Sims, "An Institutional History of the Asylum for the Insane at Kingston, 1856-1885" M.A. Thesis, Queen's University, 1981, p. 12. See also AO, RG 20 Series F-3, Minutes - Board of Superintendents of Rockwood, entry for June 1, 1866, in which the Board of Superintendents noted, "...there is still a large number of lunatics in the jails claiming admission to the asylum".

<sup>69</sup> McKendry, "Ideal Hospital for the Insane", p. 11.

the lake", adding to its bleakness. The interior reflected the emphasis on "rigid daily routine", which made patients feel as if they were in prison.<sup>70</sup>

Similarly, while the London Asylum, a later structure, had been built "according to the latest principles of institutional architecture",<sup>71</sup> it was nonetheless unsatisfactory in several ways. Perhaps unintentionally, its structure "reinforced...the anonymous dependency of the insane". As well, the interior was notably austere. However, the bare hallways and "spartan" rooms were thought to be eminently suitable for the pauper inmates,<sup>72</sup> who supposedly belonged to a class unlikely to have experienced anything better.<sup>73</sup>

At Rockwood, overcrowding, faulty ventilation and an erratic heating system hindered the efforts to create a therapeutic, calming environment.<sup>74</sup> The Directors toured the asylum in April of 1873, and "...found the ventilation on some of the storeys defective, the air being oppressive

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<sup>70</sup> Ibid., pp. 16-17.

<sup>71</sup> S.E.D Shortt, Victorian lunacy: Richard M. Bucke and the practice of late Nineteenth-century Psychiatry New York: Cambridge University Press, 1986, p. 28.

<sup>72</sup> Ibid., p. 55.

<sup>73</sup> Ibid., pp. 30-31. See also Cheryl L. Krasnick, "'In Charge of the Loons': A Portrait of the London, Ontario Asylum for the Insane in the Nineteenth Century" Ontario History Vol. 74 No. 3 (September 1982), pp. 138-184.

<sup>74</sup> Sims, Institutional History, pp. 41-43.

and sickening."<sup>75</sup> Four years later they noted that there was a "bad smell on the second storey on the male side indicating deficient ventilation" and "the heat was not properly distributed through the building".<sup>76</sup> More disturbing than either of these were the quarters for the violent insane:

The Medical Superintendent did not bring under my inspection the places in either the male or female departments where violent patients are confined. Upon asking him if any of the females were confined in the pens or cages in the garret, he informed me that two or three were. Bad as the upper wards are, this garret is far worse. In the most open part it is intolerably hot and oppressive, in summer time. What must be the condition of the poor creatures who are locked up in those stifling cages?<sup>77</sup>

Dr. Dickson, the medical superintendent at the time, tried to rationalize these conditions by explaining that he had to accept whatever patients the jails sent him, and he had no other place to put the violent cases. Nevertheless, the Inspector noted that he was duty bound to let the government know of the problem, as he found such treatment of the insane reprehensible.<sup>78</sup> Architecture, however, paled into

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<sup>75</sup> AO, RG 20 Series F-3, Ministry of Health Records, Kingston Asylum, Inspectors' Memoranda Re: Rockwood, April 23, 1873.

<sup>76</sup> AO, RG 20, Series F-3, Kingston Psychiatric Hospital, Vol. 11, Minutes - Board of Superintendents of Rockwood, 2 April 1866 - 6 May 1877. January 11, 1869. (page # obscured).

<sup>77</sup> Inspectors' Memorandum Book, Rockwood Asylum, July 26 1875, p. 91.

<sup>78</sup> Ibid.

insignificance beside what was arguably the most therapeutically significant aspect of asylum life, the attendant.

### **Guardians of the Mad: Asylum Attendants**

Attendants were so important to the life of the asylum because of their close, almost unceasing, contact with the patients. As such, they were recognized as an important influence, either for good or for bad. Such was the rationale behind Dr. Clarke's "Handbook for attendants", which outlined both attendants' duties and the expectations of their superiors.

The demands Dr. Clarke made on attendants read like a guidebook to Victorian middle-class values. He urged the staff to be "scrupulously clean in person and dress" at all times in order to serve as examples to the patients. As for deportment, "fussiness, continual talk, and a scolding tongue, are intolerable nuisances in the ward of an asylum".<sup>79</sup> As well, asylum staff were required to conduct themselves deferentially. Respect to their superiors, namely the medical superintendent and the assistant physician, supposedly helped maintain order and discipline. "Half-performed services, incivilities, rudeness, sullenness

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<sup>79</sup> Dr. Clarke, Medical Superintendent, Asylum for the Insane, Toronto, Handbook for attendants at the Asylum for the Insane Toronto: C. Blackett-Robinson, 1881, pp. 3-4. Special Collections, Stauffer Library, Queen's University.

as a result of just correction, can never be tolerated in the interest of discipline and must lower the estimation of the character of an offender."<sup>80</sup>

Finally, the attendant had certain obligations to his fellow-workers, but these again were designed to ensure the asylum's smooth operation. False accusations and gossip were deemed detrimental to good relations. Self-sacrifice was equally important. "It is as true in an asylum as elsewhere, that we should sacrifice part of our liberty and comfort for the benefit of others. Those who cannot do that are not qualified to be good attendants."<sup>81</sup>

Some asylums took steps to ensure that attendants met the high standards expected of them. Dr. R.M. Bucke, the medical superintendent of the London Asylum, insisted that attendants be of exemplary character and that they receive an education while at the asylum.<sup>82</sup> To ensure that staff and patients were distinguishable from each other, he insisted that the latter wear uniforms.<sup>83</sup>

What seems apparent is that medical superintendents,

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<sup>80</sup> Handbook for Attendants, p. 4. Decorum also included sexual propriety. A male and female attendant at Rockwood, who were reported to have been involved in "irregularities", found themselves under investigation by the institution's Board of Superintendents. AO, RG 20 Series F-3, op. cit., Minutes - Board of Superintendents of Rockwood, September 1, 1869, p. 40.

<sup>81</sup> Handbook for Attendants, p. 5.

<sup>82</sup> Shortt, Victorian Lunacy, p. 43.

<sup>83</sup> Ibid., p. 49.

who were members of the "elite", were anxious about the behaviour of their staff. Part of this may well have simply been conscientiousness. However, there was quite a deep divide, socially, between attendants and management. In many respects, attendants were not far removed from the social milieu of patients.<sup>44</sup> Strictures imposed on attendants indicate that social regulation was certainly not limited to the therapeutic regime of patients.

In many ways, the social divisions in the asylum were self-perpetuating. Asylum work involved "long hours, low pay, [and] social and geographical isolation".<sup>45</sup> Attendants were required to live in the asylum as part of the conditions of employment. Mrs. Litchfield, the Matron at Rockwood Hospital, was refused the right to occupy her own cottage after the death of her husband, Dr. Litchfield, the previous medical superintendent. The Directors of Rockwood noted, "the Matron must reside in the Asylum building and that as the keeping of a horse and supply of vegetables are entirely without authority they ought to be discontinued forthwith".<sup>46</sup> Working conditions were so onerous that not only was the job of attendant unattractive, it also was regarded as menial. Some asylum staff, who performed more

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<sup>44</sup> Ibid., p. 44.

<sup>45</sup> Ibid., p. 45.

<sup>46</sup> AO, RG 20 Series F-3, Vol. 11, op. cit., Minutes - Board of Superintendents of Rockwood, August 31, 1869, p. 40.

specialized jobs, eventually had things easier. Following a visit from the Provincial Inspector, the Medical Superintendent of Rockwood excused the "carpenter, tailor, farmer and gardener" from ward duty, as the Inspector required. Presumably, prior to this, they were expected to look after patients in addition to their other duties, although this begs the question of their qualifications.<sup>87</sup>

Underqualified and incompetent people often remained on the job since there was rarely anyone to take their place.<sup>88</sup> Some idea of the extent of the staff's inadequacy can be gained from the case of Margaret Switzer, a patient at the Kingston Asylum. On January 5, 1884, Margaret was recorded as being "dangerously ill" as a result of accidentally ingesting "carbolic acid of full strength, from a bottle carelessly exposed in the Attendants' room".<sup>89</sup> The patient made a full recovery, but the superintendent noted "the carelessness of the attendants cannot be too severely criticized".<sup>90</sup> Tragedy could and did result from the laxity

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<sup>87</sup> AO, RG 20 Series F-4, Ministry of Health Records, Kingston Asylum, Vol. 1. Medical Superintendent's Journal, 1 January 1880-22 October 1889. April 30, 1880, p. 15.

<sup>88</sup> Cheryl Krasnick Warsh, Moments of Unreason: The Practice of Canadian Psychiatry and the Homewood Retreat, 1883-1923 Montreal: McGill-Queen's University Press, 1989, pp. 108-111.

<sup>89</sup> AO, RG 20 Series F-1, Ministry of Health Records, Kingston Asylum, Volume 1: Casebook, Female. Entry for January 5, 1884, p. 45.

<sup>90</sup> Ibid., January 11, 1884, p. 45.

of the asylum's staff. After a patient at Rockwood committed suicide, the superintendent demanded that the Steward take more care in future to ensure that the incident was not repeated. Henceforward, rounds were to be done "at stated times", rooms of suicidal and epileptic patients especially were to be checked, and the night watch was to visit each ward in turn. He also told the Steward to check on the night watches periodically to see if they were at their assigned posts and to make a report of such visits, which indicates that the Superintendent had his suspicions about the staff's conscientiousness.<sup>91</sup>

High staff turnover, which was a perpetual problem, sometimes reached ridiculous levels. Catherine McDonald left her post as Rockwood's cook after only ten days.

Understandably piqued, the medical superintendent recorded his confrontation with the reluctant cook in his Journal:

Cath. McDonald the cook who came on duty on the 4th inst. left this afternoon as she was not satisfied with the sleeping room assigned to the cook. She insisted on having another room or would not remain and as I had gone to considerable trouble fitting up the room and had made it comfortable, I preferred to dispense with her services rather than comply with her demand, the more particularly as she saw the room before she was engaged and expressed herself satisfied with it.<sup>92</sup>

One of the reasons for staffing problems was the heavy

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<sup>91</sup> AO, RG 20 Series F-4, Superintendent's Journal, May 19, 1880, pp. 47-49.

<sup>92</sup> AO, RG 20 Series F-4, Ministry of Health Records, Kingston Asylum, Superintendent's Journal December 14, 1880, p. 42.

responsibilities which the job of attendant entailed. Attendants kept patients clean, gave male patients haircuts when necessary, took inmates out for exercise, and were expected to know where their charges were at any time of the day or night. Particularly irksome was the duty of keeping order. This meant preventing fights, removing the potentially violent and disruptive, and maintaining a close watch on those perceived as suicidal.<sup>93</sup>

Making the staff's lives even more onerous was the constant threat of violence. Altercations and disturbances, which the staff were called on to subdue, necessarily put them at risk of receiving random blows in the process. At other times, the patients' illnesses led them to act violently. A patient hit the assistant medical superintendent at the Toronto Asylum on the forehead one evening, "making an ugly bruise".<sup>94</sup> Dr. Metcalfe, Rockwood's medical superintendent, was himself attacked several times by patients and eventually fatally stabbed in 1885.<sup>95</sup> Dr. Joseph Workman, the Medical Superintendent of the Toronto Asylum, managed to prevent an ugly incident. A patient was pretending to whittle a piece of wood while

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<sup>93</sup> Patrick J. Connor, "'Neither Courage Nor Perseverance Enough': Attendants at the Asylum for the Insane, Kingston, 1877-1905" Ontario History Vol. 88 No. 4 (December 1996), pp. 253-254.

<sup>94</sup> A0, RG 20, Series F-4, Journal, Kingston Asylum, op. cit., June 24, 1882, p. 138.

<sup>95</sup> Sims, op. cit., p. 69.

"eyeing [Workman] strangely. [He] popped into the bathroom, beckoned a keeper, and had the poor man quietly withdrawn, otherwise a South Boston tragedy might have been enacted."<sup>96</sup>

Asylum staff did not, however, suffer the vagaries of asylum life willingly. Attempts to control and regulate them resulted in petty misbehaviour and outright defiance. Attendants flouted discipline in ways strongly reminiscent of the behaviour of guards at the Kingston Penitentiary.<sup>97</sup> Occasionally, defiance took the form of attempted exposure of asylum mismanagement. James Magar, the porter of the Toronto Lunatic Asylum in 1857, wrote a letter to the Globe accusing Dr. Workman of improper supervision of the asylum's Steward and gross negligence of a pregnant patient. He concluded his diatribe with an extended complaint against Dr. Workman's regime and the government:

It is high time that the public were aware of the villainy, deceit and tyranny existing in our Provincial Lunatic Asylum. Dr. Workman can do anything else than attend to his medical duties. He has been sustained by the present corrupt Government from graver charges, and until the moral pestilence of his superintendence stinks in the community, he is likely to continue his villainy and outrage.

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<sup>96</sup> Chris Raible, "'Your Daughter and I Are Not Likely to Quarrel': Notes on a Dispute between Joseph Workman and William Lyon Mackenzie" Canadian Bulletin of Medical History Vol. 11 No. 2 (1994), p. 390. Raible is quoting from AO, Mackenzie-Lindsey papers, Correspondence, J. Workman to W.L. Mackenzie, March 2, 1857.

<sup>97</sup> See the chapter on the penitentiary. Although there is only evidence about two of the superintendents at the Kingston House of Industry, their rudeness, consumption of liquor, and fiddling of accounts falls into the same category of behaviour.

Investigation of Magar's accusations found them to be groundless and untruthful.<sup>98</sup>

Subversion and resistance did not usually take such dramatic form. The matron at Homewood, a private asylum near Guelph, was discovered to have consorted with the male patients, procured alcohol for them, pilfered narcotics, and generally neglected her work.<sup>99</sup> Cooks at the Toronto Asylum "were in the habit of carrying off tea, sugar, milk and preserves from the kitchen..."<sup>100</sup> and gardeners stole vegetables grown for institutional use.<sup>101</sup>

Resistance often took the form of shirking of duties. Dr. Workman of the Toronto Asylum took to visiting the wards at odd times of night in order to check on the staff. On April 5, 1879, at 5 a.m., he "found no female night nurses in the main building and no night watch in the west wing." Although they had been busy lighting the day's fires in the basement, Dr. Workman reprimanded them for leaving the wards unattended.<sup>102</sup> Workman inspected the wards on another

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<sup>98</sup> Appendix 12, "Return", JLAUC 20 Victoria 1857, op. cit. Original not paginated. Magar may have written the letter in an attempt to exact vengeance for being fired.

<sup>99</sup> Warsh, Moments of Unreason, op. cit., pp. 104-105.

<sup>100</sup> AO, RG 20 Series B-4, Ministry of Health Records, Toronto Asylum Vol. 6. Superintendent's Journal 17 April 1878 - 10 January 1886. May 4, 1883, p. 355.

<sup>101</sup> Superintendent's Journal, Toronto Asylum, November 29, 1880, p. 141.

<sup>102</sup> Ibid., April 5, 1879, p. 55.

occasion at midnight, but "found all the watches on duty".<sup>103</sup> Staff sometimes simply did not appear for their shifts. September 29, 1879 brought the comment from Dr. Workman, "was informed this morning that Keeper Herdman of West Hospital did not go on duty -- as usual -- yesterday...".<sup>104</sup> And again, "I was informed by Steward that Marvin Mason was not at work today and had not received from me permission to go off duty." Mason apparently decided to take the day off because it had been a "general holiday", but Workman informed him that a repeat of his behaviour would result in dismissal.<sup>105</sup> The medical superintendent of Rockwood asylum was less lenient with staff who abandoned the wards. Mary Hartwick, who "absented herself" from ward nine leaving no attendant in charge, was fired.<sup>106</sup>

Staff did not restrict their rebelliousness to the superintendent; the matron too experienced problems. At the Toronto Asylum, the matron reported Ellen Chandler for her refusal to check the wards at 8 p.m. one evening. It transpired that it was not Ellen's night to do so, as she

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<sup>103</sup> Ibid., July 17, 1879, p. 69. Workman also visited the wards at the peculiar hour of 4 a.m. on March 10, 1880, but "found all the night watches on duty". Ibid., March 10, 1880, p. 103.

<sup>104</sup> Ibid., September 29, 1879, p. 79.

<sup>105</sup> Ibid., July 1, 1880, p. 115.

<sup>106</sup> Rockwood, Superintendent's Journal, op. cit., May 31, 1880, p. 21.

had done it the previous two evenings. However, Dr. Workman informed her "it was her duty to obey the matron or come to me to get instructions if she thought she was not rightly used",<sup>107</sup> which suggests that Workman had an inadequate understanding of staff dynamics.

Asylum staff also flouted regulations by being drunk on the job. A dispute between the Toronto Asylum's tailor and an attendant apparently arose out of political differences, but Dr. Workman noted "tailor Beard seemed to be under the influence of liquor" and forbade the two men to discuss religion or politics in the future.<sup>108</sup> A month later, however, Workman wrote, "I had seen himself [the tailor] with a black eye. He did not deny it. I told him that if it was repeated he would lose his position."<sup>109</sup> Attendant Kiernan was also discovered drunk by the Steward, who found him "the worse of [sic] liquor - as he supposed - from his gait and actions." Later in the day, the Steward found Mr. Kiernan in bed, and "drunk at 2:30 p.m."<sup>110</sup>

#### **Patients and Attendants**

Although moral therapy emphasized the crucial role of

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<sup>107</sup> Superintendent's Journal, Toronto Asylum, January 19, 1882, p. 198.

<sup>108</sup> Ibid., January 28, 1880, p. 155.

<sup>109</sup> Ibid., February 28, 1880, p. 159.

<sup>110</sup> Ibid., March 27, 1881, p. 243.

attendants in patients' treatment, the reality was that relations between the two groups often were rather unfriendly. Specifically, attendants appear to have abused patients, if not regularly, then quite often. Instances of patient abuse that appeared in the Superintendent's Journal were fairly extreme, which leaves one wondering if there were minor occurrences on a daily basis that went unrecorded and unnoticed.

Patients occasionally complained to the superintendent that an attendant had attacked or otherwise physically abused them. They were often not believed; their complaints were either dismissed as paranoid fantasies or distortions of reality. A patient at the Toronto asylum who complained to Dr. Workman that an attendant had hit him with a broom handle, was disbelieved because there were no marks on his body.<sup>111</sup> A "serious disturbance" on ward six of the Kingston Asylum resulted in injuries to two patients. Arnold Haight claimed that he had first been attacked by another inmate on leaving the dining hall one morning, and that subsequently several attendants converged on him and hit him in the face. The attendants then allegedly carried him off to the bathroom and threw a bucket of water over him. The superintendent's comments make it clear that he did not place much faith in Haight's version of the incident. "His

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<sup>111</sup> Superintendent's Journal, Toronto Asylum, August 20, 1878, p. 17.

[Haight's] account is not a very connected one...he is very quarrelsome, is an epileptic, and is particularly dangerous on account of his great size and strength. He has been the cause of several serious rows on the ward."<sup>112</sup>

After investigating another incident involving Haight, the superintendent concluded that this time Haight had been in the throes of a maniacal paroxysm. The attendants, who Haight once again claimed had attacked him, were commended for their courageous actions "securing the patient without using any violence". All the same, in subduing the patient the attendants had turned the hose on him, "and after a desperate struggle he was seized and a dose of hyoscyamine administered hypodermically".<sup>113</sup> Patrick Connor has explained the discrepancy in patient and attendant accounts of abuse by noting that attendants often refused to help the superintendent investigate an incident or covered up for each other.<sup>114</sup> When a report of attendant abuse of patients came from a more reliable source, the consequences were dire. On one occasion, Dr. Clarke of the Toronto Asylum saw "Keeper Montgomery strike with his fist and otherwise roughly use a patient...". Dr. Workman promptly fired

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<sup>112</sup> Superintendent's Journal, Kingston Asylum, op. cit., July 19, 1883, pp. 208-209.

<sup>113</sup> Ibid., January 21, 1884, p. 261.

<sup>114</sup> Patrick J. Connor, "'Neither Courage Nor Perseverance Enough'", op. cit., p. 260.

Montgomery.<sup>115</sup>

General uproars seem to have resulted in patient-staff violence, although brutality by the staff was always denied. Ellen Handford provoked an altercation in Rockwood's dining room one day and ended up with "two black eyes, facial bruising, and a swollen upper lip". Enquiries by Dr. Metcalfe as to how she had received them were not especially productive. "I asked of some of the most rational patients who were in the dining room at the time, some state that the nurse struck her, others that she did not..."<sup>116</sup> The Superintendent also investigated an allegation by Joseph Little, asylum carpenter, that Keeper Johnston had asked the carpenter's assistant for "a stick of wood for the purpose of beating the patients with". Little pointed out, "it has been reported to you before this how Johnston treats the patients of No. 8 ward...". Although Johnston was found to have a fifteen inch wooden stick in his possession, he denied beating patients with it or mistreating inmates in any way.<sup>117</sup>

While asylum residents' accusations were generally dismissed, relatives' assertions of patient abuse required more careful handling. The claim of a Captain Johnston that

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<sup>115</sup> Superintendent's Journal, Toronto Asylum, October 10 1879, p. 83.

<sup>116</sup> Ibid., January 25, 1881, pp. 47-48.

<sup>117</sup> Ibid., December 14, 1886, p. 100.

"in his presence his daughter was brutally treated" at the Toronto Asylum was called "a gross exaggeration". Investigation revealed that when Captain Johnston left, his daughter had tried to follow him, "but was prevented by Nurse Love who took her by the hand." Miss Johnston struck Nurse Love in the face. A patient rushed to the nurse's aid and wrestled Miss Johnston to the ground, causing more nurses to arrive on the scene. The superintendent wrote, "Both nurses positively deny that any violence was used by them and not more force than was absolutely necessary...[Miss Johnston] says she was not hurt or locked into a room and that she did not receive as much as she deserved", which is hardly definitive proof that she was not violently treated.<sup>118</sup> A patient died in the same asylum after "throwing herself violently against the door and furniture" during an attack of mania. Her brother thought that the bruises resulted from abuse, but refused to allow an inquest. In any case, Dr. Workman had already spoken to the ward supervisor and was satisfied that the woman had not been harmed by the staff.<sup>119</sup>

Part of the denials of patient abuse may be rooted in historical perceptions of what constitutes ill-treatment. Sent to Ward #2 at Rockwood to discover if a patient who

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<sup>118</sup> Ibid., May 28, 1881, pp. 64-65.

<sup>119</sup> Superintendent's Journal, Toronto Asylum, op. cit., April 21, 1881, p. 107.

seemed catatonic was malingering, Dr. Metcalfe treated the patient in a way that would bring accusations of unnecessary cruelty in the late twentieth century. Deciding that the patient, Joseph Knight, was in fact not ill at all, the superintendent "sent for the small electro-magnetic battery and applied it - he stood it well for a very short time but he soon got out of bed and made every effort to avoid contact with the battery without standing up." Knight was then stripped and immersed in a bathtub full of cold water. He "quickly sprang to his feet" but otherwise remained torpid, so the next step was to give him "a cold douche with the hose - again applied the battery to his wet body which he strongly resisted".<sup>120</sup> The details of Knight's treatment are recorded in full, in a very matter-of-fact tone, indicating that Dr. Metcalfe found nothing untoward or unusual in his actions.

Abuse of patients was also subtle. Dr. Workman one day asked the ward supervisors at the Toronto Asylum how many patients were bathed in each bathful of water. He was shocked to learn that nineteen patients went through the same bathwater on Ward Seven; on ward Five, 4 to 5; Ward Three, 10 to 11; Ward Fifteen, 12 to 14. On only one ward did each patient receive a fresh bath. Workman's response indicates that although he thought patients were being

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<sup>120</sup> Superintendent's Journal, Rockwood Asylum, May 30, 1881, pp. 66-67.

poorly treated, only upper-class patients merited a fresh bath: "I instructed the matron that at the most not more than 4 under any circumstances [?] bathe in the same water and in the superior wards fresh water is to be supplied to each patient."<sup>121</sup>

The asylum staff were the most directly concerned with patients' treatment, but they were also the ones who subverted moral therapy. Part of their behaviour was simply resistance to the expectations placed upon them to be "respectable" people, which they clearly thought foolish. Their actions can also be read as simply the effort to get through their working day without suffering serious injury. Through necessity, benevolence became control, and in many cases, control drifted toward coercion. As for the superintendents, the benevolent aspect of "paternalism" was not much in evidence in the day to day lives of the attendants or patients. Attendants were subject to stringent rules and unpleasant working conditions, and in some cases, forcibly re-educated. While the professed goal of therapy was non-restraint, superintendents were not above using extreme physical measures on patients.

### **The Patients**

Attempts to reconstruct the actual lives of asylum

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<sup>121</sup> Superintendent's Journal, Toronto Asylum, November 30, 1878, p. 37.

patients tend to be fraught with difficulty. Few records written by patients survive. There are some exceptions to this rule, but most of the work currently available has been done on asylums in England.<sup>122</sup> The sources left are mostly "official" accounts of patients' lives, which are either casebooks or journals of the medical staff. According to Geoffrey Reaume, the idea that asylum inmates should be permitted to make their experiences known is only now gaining credence. His article draws on patient letters and writings from the turn of the 20th century, as well as clinical notes.<sup>123</sup>

One of the features of asylum life was the "amusements" put on for the benefit of patients and sometimes staff. These performed two functions; they distracted the patients from their own preoccupations, and they helped to reinforce the benevolent aspect of paternalism as practised in the asylum. Christmas was celebrated in the asylum with

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<sup>122</sup> See, for example, Michael Barfoot and Alan Beveridge, "'Our Most Notable Inmate': John Willis Mason at the Royal Edinburgh Asylum, 1864-1901" History of Psychiatry Vol. 2 No. 4 (June 1993), pp. 159-208; Roy Porter, A Social History of Madness: Stories of the Insane London: Weidenfeld and Nicholson, 1987; Roy Porter, "Bedlam and Parnassus: Mad People's Writing in Georgian England" in George Levin, ed., One Culture: Essays in Science and Literature Madison: University of Wisconsin Press, 1987, pp. 258-84.

<sup>123</sup> See Geoffrey Reaume, "Keep Your Labels Off My Mind! or 'Now I am Going to Pretend I am Crazy but Don't Be a Bit Alarmed': Psychiatric History from the Patients' Perspectives" Canadian Bulletin of Medical History Vol. 11 No. 2 (1994), pp. 397-424.

appropriate festivities every year. Christmas of 1870 at Rockwood involved throwing the asylum open to some of Kingston's "respectable inhabitants." These were people present by special invitation:

There were several ladies and gentlemen present who like the Directors, saw with extreme satisfaction the handsome and substantial arrangements made to give to the great Christmas anniversary a pleasing memory in the minds of the partakers of the Medical Superintendent's thoughtful liberality. The quiet demeanour and universal pleasure manifested by the entire body of patients present was a pleasing feature in the enjoyments of the day, and elicited great surprise from those, who for the first time, witnessed the large [?] aggregation of that unhappy class of sufferers.<sup>124</sup>

Patients were also amused with dances, as were attendants.<sup>125</sup> In the winter, sleigh rides were a common pastime.<sup>126</sup> Library facilities were also available.<sup>127</sup> Occupational therapy also took the form of work which benefitted the institution. Rockwood's grounds were landscaped largely by the asylum's inmates, who were described as working well and "quite happy and cheerful". The groundwork was praised as adding significantly to the physical appearance of the asylum as well as "materially to

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<sup>124</sup> Inspectors' Memoranda Re: Rockwood, 1 June 1866 - 9 November 1874, op. cit., December 25, 1870, p. 26.

<sup>125</sup> Toronto Asylum, Superintendent's Journal, op. cit., January 10, 1878, Annual ball; January 17, 1878, Attendants' ball.

<sup>126</sup> Ibid., February 26, 1879, p. 49.

<sup>127</sup> Minutes - Board of Superintendents of Rockwood, op. cit., July 7, 1871, p. 68.

its value".<sup>128</sup> There are also descriptions of patients' work in the casenotes, indicating that it was deemed to have considerable therapeutic value.

Patient resistance to the course of treatment in the asylum is somewhat difficult to gauge. Violent behaviour and refusal to cooperate could in many cases simply be a symptom of the patient's illness. However, patients either escaped or attempted to do so quite frequently. While this too could well be a result of illness, it nonetheless indicates that some patients who did not enjoy the asylum environment were rational enough to find a means to avoid it. Not all who escaped enjoyed their freedom. One patient who left the Toronto asylum returned on his own after some days, having walked seventy miles, and professed himself happy to be "home" again.<sup>129</sup> Another was thwarted in her attempt to leave by her own clumsiness. Missing overnight, Hannah F. appeared in the morning claiming she had climbed a tree, fallen out of it, and slept on a bench. Dr. Workman remarked, "This is probable as she had hurt her hand and sprained her ankle." He also rebuked the carelessness of the nurse who had let Hannah out of her sight for a few

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<sup>128</sup> Minutes - Board of Superintendents of Rockwood, op. cit., April 23, 1873, p. 81. Similar comments were made about the landscaping efforts of patients in the same volume on September 27, 1872, p. 76.

<sup>129</sup> "Report of the Medical Superintendent", Toronto Lunatic Asylum, April 5, 1855, Appendix H, JLAUC 17 Victoria 1856. Not paginated.

minutes which allowed her to run away.<sup>130</sup>

Therapeutics were a crucial part of asylum life. Over the course of the nineteenth century, moral therapy fell into disuse, largely because it had proven to be unworkable. Instead, psychiatrists began to espouse the theory that mental illness had a physical cause. Changes in the brain in particular were thought to lead to mental illness, although by a circuitous reasoning process these physical changes were often believed to be the result of significant emotional trauma, such as religious excitement or a disappointment in love.<sup>131</sup> The failure of moral therapy led to the increased use of drugs for the "restraint and control" of patients. Because of the difficulties in controlling patients, drugs became a crucial part of asylum life. Although the use of physical restraints remained controversial, they were nonetheless rationalized as necessary to control violent patients.<sup>132</sup>

Whether by drugs, moral therapy, or other means, the purpose of "treating" the asylum inmate was to effect a

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<sup>130</sup> Toronto Asylum, Superintendent's Journal, op. cit., October 16, 1878, p. 29.

<sup>131</sup> Warsh, Moments of Unreason, pp. 26-27 and pp. 43-44. This idea was not that far-fetched. Syphilis in its tertiary stage, for example, manifests itself in certain physical changes -- deformity of the joints, for one, known as tabes dorsalis -- as well as a form of insanity known as "general paralysis of the insane" which is a result of the syphilis bacteria attacking the brain tissue.

<sup>132</sup> Warsh, Moments of Unreason, pp. 124-125.

cure. Although moral treatment lost its appeal, the idea that an inmate should exhibit consistently "respectable" behaviour to be judged sane did not. Women in particular were subject to this sort of constraint, but not just in the asylum; the pressures to conform to social expectations were equally as intense outside the asylum walls.<sup>133</sup> The provincial inspectors made a point of noting that the female quarters in the Kingston Asylum were "as usual in the best state of order and neatness", but rarely singled out the men's quarters for such attention.<sup>134</sup>

There is some evidence to suggest that families committed an "insane" member because of the supposed lunatic's nonconformity. Refusal to contribute to the family income, which occasionally happened with adolescent children, was sometimes taken as proof of mental disturbance. Cheryl Krasnick Warsh cites the case of Arthur D., who was admitted to Homewood Asylum with the diagnosis of "neurasthenia and 'mental excitement'", but was more

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<sup>133</sup> Wendy Mitchinson, "Gender and Insanity as Characteristics of the Insane: A Nineteenth-Century Case" Canadian Bulletin of Medical History Vol. 4 No. 2 (Winter 1987), p. 108. See also Elaine Showalter, "Victorian Women and Insanity" in Andrew Scull, ed., Madhouses, mad-Doctors and Madmen: The Social History of Psychiatry in the Victorian Era London: The Athlone Press, 1981, pp. 313-336; Cheryl Krasnick Warsh, "The First Mrs. Rochester: Wrongful Confinement, Social Redundancy, and Commitment to the Private Asylum, 1883-1923" CHA Historical Papers (1988), pp. 145-167.

<sup>134</sup> Minutes - Board of Superintendents of Rockwood, op. cit., January 28, 1867 (page # obscured on photocopy).

probably a juvenile delinquent.<sup>135</sup>

Proof that normality was equated with respectability can be found in the casebooks of Rockwood Asylum. Patients who were admitted with well-developed insanity were often judged improved when their behaviour corresponded to that of respectable women. Henrietta McCarter was admitted with "recurrent mania" in September of 1877. The case notes describe her as "most dirty and filthy in her habits and person", as well as prone to violence. But by March of 1883, the description of her had changed to "works steadily and remains quiet." Although she remained at the asylum until 1889, her mania did not reappear.<sup>136</sup> Nancy Brown was admitted in May 1883 with "delusions" and had been "more or less peculiar since her marriage". Despite her affliction, she worked quite happily in the asylum laundry for several years. She did, however, have an unfortunate tendency to enjoy the company of the male patients, so she was hastily moved to the main building "in case there might something happen". She was eventually pronounced well enough to leave the asylum, since she had turned out to be a model patient in every respect, and therefore "cured". Ironically enough, given her fondness for male company, Nancy ended up as a

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<sup>135</sup> Cheryl Krasnick Warsh, Moments of Unreason, op. cit., pp. 64-65.

<sup>136</sup> AO, RG 20 Series F-1 Ministry of Health Records, Kingston Asylum, Vol. 1, Casebook, Female, p. 141. (The men's casebook was unavailable for use.)

resident of the Mother House of the Sisters of Providence in Kingston, although there is no record of her taking her vows.<sup>137</sup>

Judging by the reaction to Mrs. Brown's friendliness with men, one of the major concerns in the asylum was with sexual propriety. That it was sometimes taken to ridiculous lengths is evident not only in the case above, but also by the unintentionally farcical case of a Mrs. Forde. Great consternation resulted from her very pronounced "abdominal enlargement", which, together with a visit from her husband five months previously left the medical superintendent suspecting that the woman was pregnant. When asked, Mrs. Forde admitted to having had sexual relations with her husband during the visit, and expressed concern that she might indeed be pregnant. Mr. Forde and his father-in-law were accordingly summoned to the asylum, where Dr. Metcalfe apprised them of the situation. Mr. Forde denied any "wrongdoing", but during the course of the interview it transpired that he had been castigated by the assistant physician for visiting his wife without permission. The man's father-in-law privately told Dr. Metcalfe that his son-in-law was a liar, citing the fact that Mr. Forde had claimed that his wife had had an affair with the gaoler of the Ottawa jail while awaiting committal. After further interviews, accusations, and counter-accusations failed to

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<sup>137</sup> Ibid., p. 337.

resolve matters, Dr. Metcalfe finally examined Mrs. Forde, but in order not to disturb her unduly, only made an external examination. Finding no trace of a "gravid uterus" or of a fetal heartbeat, he pronounced himself satisfied that there had been no impropriety and concluded that "the enlargement of the abdomen is evidently due to an abnormal deposit of fat".<sup>138</sup>

### Conclusion

The life of the asylum inmate was circumscribed both by the confines of moral treatment and by the expectations created by the definition of the normal. Moral treatment, which incorporated paternalism, had two aspects. Benevolence, which removed physical restraint and harsh treatment, advocated kind and even loving treatment of the patient. The asylum was to be the patient's "home", with the medical superintendent acting as the institutional "father", and staff and other inmates forming the "family". Such was the ideal to which the medical superintendents aspired. But the attendants, who had to deal with the chaos and dirt of the asylum, were more concerned with maintaining order by any means possible. Thus patients were abused and moral treatment collapsed.

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<sup>138</sup> Medical Superintendent's Journal, Kingston Asylum, February 23, 1884 to February 29, 1884, pp. 266-271. I could not discover from the available records whether Mrs. Forde surprised everyone by producing a baby a few months later.

Attendants also were a decided problem for the aspect of moral treatment which involved paternalistic control. Instead of being a home, the asylum in many ways resembled a battlefield where a war was raging. Medical superintendents did everything they could to make asylum staff aware of their "inferior" status by treating them like slaves and insisting that they remake themselves. Attendants retaliated; they defied the authority of the superintendent and undercut his power at every possible opportunity. They resisted attempts to make them into models of propriety. Frequently, they left the asylum altogether.

Patients were subjected to similar forces which tried to make them into "normal" and respectable men and women. Their resistance is more difficult to gauge, although incidents of violence and escapes could well be construed as indications that all was not well. Patients were perhaps not resisting directly the expectations being imposed upon them, but the asylum itself and its discipline. Nevertheless, mental illness by definition involves aberrant behaviour, and actions such as throwing food, attacking staff, and refusal to cooperate could be interpreted either way. It is probably safe to say that some patients were not fond of the asylum and wished themselves elsewhere.

However, the behaviour of the attendants, who were rude, insubordinate, undisciplined, and vengeful, can only be evidence of their dislike both of the asylum and the

expectations of propriety it embodied. In the end, moral therapy proved unworkable because those chiefly responsible for putting it into effect, the attendants, balked in no uncertain terms. However, the asylum also failed to accomplish its transformation into a benevolent institution because of the confused motives of its advocates and the haphazard manner in which the precepts of moral treatment were implemented.

### Conclusion

The intention of this dissertation was twofold: to test Corrigan and Sayer's assertion that the cultural and the political are closely related, and to examine the significance of "everyday resistance", as formulated by James Scott, in the development of institutions of segregative control in mid-nineteenth-century Upper Canada. Both were chosen for their ability to cast further light on the notion that power is a critical component of social relations.

This idea is based on the argument developed by E. P. Thompson in The Making of the English Working Class. In discussing class, Thompson emphasizes that it is something that brings various elements together in lived experience:

By class I understand a historical phenomenon, unifying a number of disparate and seemingly unconnected events, both in the raw material of experience and in consciousness. I emphasize that it is a *historical* phenomenon. I do not see class as a 'structure', nor even as a 'category', but as something which in fact happens (and can be shown to have happened) in human relationships.<sup>1</sup>

Such an interpretive injunction forces us to view class formation as a complex process of reciprocities. These relations unfold over time in ways that often necessitate looking at areas somewhat distant from traditional

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<sup>1</sup> E.P. Thompson, The Making of the English Working Class Harmondsworth: Penguin Books, 1968, pp. 8-9. Emphasis in original.

workplaces, of which the institution is one.

The emphasis on power as a relation can be extended to cover a wide range of activities. First of all, the phrase can be modified to read "relations between people", to include both men and women in the process. Although men were more visible in the nineteenth century, women too had an important role in the shaping of Upper Canada's means of segregative control. The behaviour of women in the asylum, penitentiary, and poorhouse was particularly shocking to contemporaries, since it defied all their notions of respectable femininity. Women in the penitentiary were often far more inventive than men when it came to verbal abuse of their keepers. Several of them were violent as well. They further horrified authorities by an open flaunting of their sexuality. Trying to attract the attention of male prisoners; writing them "improper" notes; engaging in clandestine sexual activity -- all of these were recorded in the penitentiary punishment books as offenses for which female inmates were disciplined, sometimes severely. Female inmates of the House of Industry were less openly defiant, but nonetheless revolted observers by their slatternly ways and, in some cases, by their frequent drunkenness. Finally, women in the asylum were sometimes committed precisely because their deportment did not meet societal expectations of what was correct. Henrietta McCarter and Nancy Brown, for example, were two inmates of Rockwood Asylum who were

judged "cured" when their illnesses had retreated enough to render them quiet and respectable. In every case, the contempt of women toward the disciplinary regime proved more disquieting to authority than did similar reactions on the part of men.

Thompson's relational understanding of power was of course focussed on class, and this was of undeniable importance in institutional formation. "Race", too, had its place in the history of segregative control. Europeans arriving in Upper Canada encountered people completely unlike themselves in almost every way imaginable. The First Nations were of an alien culture which had its own religious beliefs and way of life. Most obviously, they were non-white. At first, the differences were secondary to the importance of the First Peoples as military allies. The British found their help invaluable in the struggle for control of the North American continent, and were careful to avoid shattering the alliance for fear that the Americans, French or Spanish would overwhelm them with the First Peoples' help. Once the military threat retreated, however, the Natives became a liability rather than an asset. It was at this point that they began to be included with the criminal, the insane, and the poor as a social problem. Contemporaries spoke of them in terms reminiscent of those used to refer to the Irish, another group that was poorly regarded. Natives, like the Irish, were seen as a group

badly in need of reformation and education. For the former, the problem was compounded by their lack of "civilization". Natives were not incarcerated in buildings, but were nonetheless separated from the rest of society for their own good by the simple expedient of placing them on land set aside solely for their use. The drawing of boundaries to "Indian lands", as well as the forcible implementation of "civilization", bore a strong resemblance to the institutional project elsewhere in Upper Canada. Like the rest of the province's marginalized, Native groups were meant to re-produce themselves for the ultimate purpose of becoming respectable. The irony of this project is inescapable. Natives were restricted to reserves but expected to adopt white ways as they became "civilized"; the much vaunted freedom of movement, upon which the ideology of "market" relations rested and out of which civilization emerged, was demonstrably denied aboriginal peoples.

The Irish, as mentioned above, were often thought of in this period as socially inferior. It is possible to conclude from this that ethnicity too plays a part in determining power and its class dimensions. Ethnicity is not one of the main considerations in this work, but there is enough evidence to suggest that it was a factor in categorizing the marginal. Contemporaries experienced the Irish as violent, drunken, dirty, lacking in self-control, and above all, destitute, largely because of their supposed character

flaws.

Gender, race, ethnicity -- all three were recognizable ways of categorizing a person as part of a socially inferior group, which then led to the construction of power relations and informed an appreciation of class. All of these categories were "created" by the powerful in order to differentiate themselves from the less desirable elements in society. The division grew out of their wish to distance themselves from and exercise mastery over the unruly. This was partly a result of Colborne's vision of a hierarchial society, where paternalism and deference were the guiding principles of social relations. For Colborne and his like-minded contemporaries, power and its exercise were the primary determinants of all their actions and policies. Those at the bottom of society -- the labourers, the dispossessed, and the "deviant" -- were the ones toward whom such measures were directed.

Upper Canada was not England. The people who had left aristocratic control on the other side of the Atlantic, as they hoped, were not about to permit a repetition of their original situations. Added to all this was the beginnings of the market economy. For some, particularly the merchants and "rising bourgeoisie" as well as the more prosperous farmers, the market economy provided the hope of an end to the monopoly of power enjoyed by the established elite. The developing struggle over who would hold the larger measure

of power in society was thus partially responsible for the early beginnings of social differentiation in Upper Canada. It would not be entirely correct to label this process "class formation", but it certainly is possible to see the suggestion of such an event unfolding. The term "proto-class formation" seems apt for the situation in which workers and producers found themselves in mid-century.

The expression is particularly applicable to the institution and the Native Reserves. Inmates of institutions were put to "work" as a matter of course. In every case, useful occupation was supposedly an essential part of the disciplinary regime. Penitentiary inmates were "educated" in order that they would not be tempted to return to a life of crime after their release. Workhouse inmates were provided with tasks to accustom them to the daily routine of a useful job. For the insane, an "occupation" was considered an essential part of their treatment and eventual cure. Natives too were subjected to a similar process; they were encouraged to farm or take up a trade such as blacksmithing.

In each case, however, "work" was not really work at all. It served a more insidious purpose, that being "re-formation" of the person doing the work. The inmate or Native as a "producer" was really "re-producing" himself or herself. Every crop raised on the Reserve, every shoe made in the Penitentiary, represented the victory of the

disciplinary regime. The actual production of goods was far less important to those in control than what their manufacture represented. Certainly, the products of inmate labour were used to offset the costs of running the institution. However, inmates were required to "work" even when the results of their labour served no useful purpose. Penitentiary inmates were set to crushing stone, even though the local market enjoyed a surfeit of the product. In the workhouse, the inmates were subjected to the unpleasant task of picking oakum (pulling the threads out of rope) for no reason other than the Board of Directors chafed at seeing them idle.

In this respect, work in the means of segregative control once again served the purposes of the powerful. It was meant to emphasize the differences between the inmate and those in the outside world. At the same time, it helped the inmates to become aware of social differences between themselves and those who controlled the means of production, even though the whole work process was a "perverse" one.

The staff of the institutions and the local superintendents on the Reserves were also part of this process. They found themselves enmeshed in the complex structures at all levels. Workers and superintendents clashed with their charges, each other, and their superiors in ways that are suggestive of the struggles over power in society at large. The two were not the same; but each

conflict contained elements of the other.

Members of the marginalized groups very rarely owned the means of production. If and when they worked at all, they worked for a wage or the most meagre subsistence. All they had to offer was their labour. The commodification of their labour continued in the institution. In other words, the institutional managers tried transform them into wage labourers, although imperfectly and in the case of the Native peoples, with very little success.

Throughout the course of the dissertation, I have suggested that the attempt to realize the reforming project met with resistance from Upper Canada's marginal populations. James Scott's thesis undergoes rigorous testing when placed in the context of the institution and the reserve system, because of the constraints imposed by the institutional mentality itself. The whole point of the institution was regulation and discipline, reformation and self-control. There was bound to be friction regardless of who was in charge. There are other circumstances that differ from Scott's model. Scott's Malaysian peasants dealt directly with the elites. Inmates of the institution did not; their contact was largely with intermediaries who were nonetheless acting on the elites' behalf. Nor were the subjects of the reforming projects "peasants" in the strictest sense of the word, but wage labourers, the displaced, and Natives.

This said, it is worth repeating that Scott himself argued for the broader applicability of his thesis to the lives of working women and men. Everyday resistance, he proposes, is part and parcel of relations between employers and workers and the powerful and the powerless. This also fits well with Corrigan and Sayer's plea that the political and cultural not be considered discretely, but as branches of the same phenomenon.

I have no qualms about agreeing with Scott that everyday resistance is an underexplored aspect of social history, particularly since the underclass were so often subjected to segregative control. For many, it must have been the defining point of their existence. But the details of life in the institution or on the Native Reserve do not always tally with what could be construed as resistance or a culture of opposition. In the institution, oppression and the desire to push against it were paramount; that did not necessarily mean that resistance was always indicative of an awareness of class or other power inequities, especially in the case of Upper Canada. In this particular instance, resistance must sometimes simply be taken at face value, as signalling an individual's dislike of the institutional setting or its particulars. Indeed, this is precisely one of the problems with everyday resistance that Scott and others have pointed out -- it is often overlooked or dismissed because of its covert nature, making it difficult to

determine exactly what it signifies.

Nevertheless, there are certain instances in which the resistance offered was evidence of a concerted effort that hints at the formation of an overt oppositional culture of a sort. The activities of the First Nations, in particular, falls into this category. Much of their recorded behaviour fits with Scott's description of what everyday resistance constituted. They were masters of false compliance; in many instances, the local superintendents seemed unsure as to whether the civilizing project was succeeding or not. Natives set to farming with enthusiasm, but they soon walked away from the fields to go hunting, or pretended that they could not master the farm implements, or only worked when they felt like it rather than on a regular schedule. They brought liquor into the Reserve behind the superintendent's back, causing particular distress to superintendents proud of their "civilized" charges. They refused to send their children to school when they judged the learning environment detrimental and, as James Miller has noted, sometimes resorted to outright violence when faced with coercion from officials at residential schools. Natives also asserted their rights, demanding payment for lands, for example, as well as selling timber without governmental permission, complaining about unfair treatment from superintendents, and demanding the continuation, in various ways, of the presents system. After the implementation of the 1857 Gradual

Civilization Act, Natives refused to comply with guidelines that permitted them to vote since doing so would have stripped them of their culture. These were the "weapons of the weak" at their most effective. Natives, however, differed from institutional inmates in several important ways. In offering resistance to the attempts to "civilize" them, they were also declaring their refusal to become "workers" as the term is commonly understood. They fought against regimentation, discipline, and the division of the workday. They often refused to farm systematically or learn a trade. They persisted, for the most part, in their own culture and religion when they could, although the Colonial government boasted that both had been largely abandoned.

Yet while this was undoubtedly resistance, it was not entirely that of the completely powerless against the strong. For many years, the British and the colonial governments feared that the Native population would forswear their loyalty to Britain and ally with the Americans, thus making the British position in North America precarious. Native-white relations were never as unequal as they were in the United States, where the First Peoples were relentlessly oppressed and sometimes eradicated. Furthermore, the First Nations were concerted groups, not scattered individuals, although the government of Upper Canada did what it could to weaken them. Resistance offered to the civilizing project was sometimes directed by the leaders of the First Nations.

The Indian Department found itself battling tribal leaders more than once, and there are letters in which a Department official castigates a chief for the poor example he sets for his people. This does not change the fact that the First Nations were on the whole quite powerless in comparison to the Indian Department and its bureaucracy. In this respect, Scott's thesis can be upheld. If race really is one of the determinants of power, then the resistance offered by Upper Canada's First Nations in this context can be construed as part of the formation of these relations of authority, paralleling and relating to class formation.

The opposition of penitentiary and asylum inmates is similarly related to the process of power's historical evolution, and its relation similarly complex. The tensions engendered by the environments of both places were in themselves conducive to obstinacy and non-cooperation. Admittedly, the methods chosen by convicts and inmates of the asylum were similar to James Scott's everyday resistance. This was particularly true for prison inmates, who routinely broke the rules and were sometimes openly defiant. Prisoners talked, sang, and gestured, although no unnecessary communication was permitted. They idled in the workshops or refused to work at all, harboured contraband, and secretly made tools and weapons. Open defiance was less common, but when it did occur, it tended to take the form of verbal abuse or physical violence or both. What little

evidence there is from the punishment books does point to the convicts' dislike of the disciplinary regime and the attempts to "reform" them. Violent behaviour, however, seemed to be directed at individuals more often than not. Female prisoners were notable for their open expressions of dislike for the matron and her assistants. Male prisoners tended to single out individual guards or other prisoners as objects of their wrath. Asylum inmates appear to have resisted treatment on occasion, but it is difficult to distinguish between behaviour caused by their illnesses and open defiance. Nevertheless, there are instances of patients trying to run away from the asylum and taking issue with the discipline to which they were subjected.

More telling is the behaviour of the penitentiary guards and asylum attendants. They too were under the aegis of the reforming project, although more indirectly. Both were frequently recalcitrant in ways that are strongly suggestive of everyday resistance. Penitentiary guards, for example, were frequently drunk on the job or found asleep at their post. Guards also absented themselves from work. There is evidence to suggest that they also were abusive to prisoners. Asylum attendants were under even more severe strictures than were the guards at the penitentiary. The medical superintendents exhorted attendants to be examples of respectable behaviour to the patients as part of the moral therapy regime. However, many of the attendants were

themselves working poor, and they seem to have bitterly resented the idea that their own department needed improvement. Their resistance to the reforming project took the form of petty tactics similar to those found in the penitentiary. Attendants pilfered food from the kitchens and sometimes the asylum farm, drank on the job, consorted with patients, and accused their superiors of improprieties and mismanagement. Patients suffered from physical abuse at the hands of attendants, which ranged from slaps to outright assault.

There is a solution to the conundrum posed by the power/resistance/class formation dilemma encountered in the institution. Asylum attendants and penitentiary guards were in a direct relationship to the means of reform, but prisoners, asylum inmates, and residents of the workhouse were in an indirect relationship to the same process. The resistance they offered was to the institution itself, which was the only contact inmates had with society at large, or anything that represented it. Although inmates of all three were put to work as part of the reforming project, their efforts in this regard cannot really be thought of in the same way as would be work in the open marketplace. They did not directly profit from the work they did and the value they produced was of an ideological rather than a material sort. All their immediate needs were satisfied in the institution, and any "pay" they received for the "sale" of

their labour was actually a reward for cooperating with institutional discipline. Admittedly, the institution often made money from the work done by the inmates, or reduced its own expenses, but in most cases the disciplinary aspect was far more important than the profit motive. Ultimately, of course, the inmate was expected to take his or her place in society as a "normal", "productive" individual, who would then fulfil a useful function.

The institution thus became the means through which the market economy was filtered, albeit in a distorted manner, and perhaps more importantly, the market economy's expectations and demands were made known to the inmates. A blow aimed at the institution was also one aimed at propriety, punctuality, cleanliness, abstemiousness, and all the other attributes required for good and dutiful workers by the market economy. Resistance under these circumstances, however fragmented or incoherent, was a form of oppositional culture. It has parallels with the Canadian practice of charivari during the Rebellion period, for example, in which a "crowd would gather at the house of the offender, usually masked or in disguise or under the cover of darkness, treating the object of their displeasure to all manner of discordant sounds."<sup>2</sup> It seemed harmless enough in itself, but nonetheless alerted the neighbourhood to the fact of a

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<sup>2</sup> Bryan Palmer, Working-Class Experience: Rethinking the history of Canadian Labour, 1800-1991 (Second edition) Toronto: McClelland and Stewart Inc., 1992, p. 67.

social transgression. In much the same way, defiance in the penitentiary or the workhouse was a means of letting those in authority, and anyone who happened to be within earshot, know that their attempts at regulation were ineffectual.

Yet because of the underdeveloped state of the Upper Canadian economy, identification of this form of indirect protest as a representation of class formation cannot be made unequivocally, although it tells us much about relations of power. That resistance and opposition were in fact present in the means of segregative control lends some credence to the supposition that class was not entirely about the material economy in one sense. The opposition offered by institutional inmates and the Native population occurred as a result of their displeasure with the reforming project and its disciplinary aims rather than directly because of their alienation from the means of production.

During the 1820s and 30s, the divisions in Upper Canadian society began to form. They were perpetuated by the Family Compact's short-sighted desire to become the new "aristocracy" in a new land. The hostilities began heating up in the 1820s, particularly with the Alien Bill which threatened the ability of American immigrants in Upper Canada to find work and to vote. A host of other issues aggravated existing tensions: the Clergy Reserves; the University Question; the problem of public education -- all contributed to the irritation of working people with the

abuses of power exercised by the Family Compact and their cronies. Power and privilege were part of the immediate causes of the Rebellion. The conflicts that arose during the Rebellion were not satisfactorily resolved; the growth of the market economy continued inexorably; the two met in the institutional reforming project, thus driving the elites and the underclass even further apart. The social divisions present in the 1830s found their way into the institution where conflict continued between ideas of paternalistic mutual obligation and deference, the needs of the market economy, and the determination of the underclass to pursue their own course.

What complicates the question is that the idea of segregative control was by no means unique to Upper Canada. Workhouses had long existed in Britain and colonial America; the insane asylum had a long and inglorious history; the prison was a feature of virtually every European city. Only the Reserve system was unique to Canada, and that because the circumstances were unprecedented. Structural features of the institution are virtually universal. They exist to effect a change in the inmates; reform is at their heart.

Nor were the conflicts between inmates and staff, and staff and management, entirely the result of hostile feelings that had become palpable during the Rebellion years. The elites sitting on the Boards of Directors were undoubtedly men whose ideas had been shaped by their long

association with the Family Compact, and people reacted to those ideas with some violence. However, the ongoing resistance of inmates -- and in some cases staff -- to the reforming project was often no more complicated than the resentment of one group being told what to do by another. Moreover, the ideas of "reform" were those which overturned all previous norms of behaviour, and for no real reason other than society's respectable elements found the activities of the underclass reprehensible. Historical events and structures do affect social relations - but not always in the same way, at the same time. There are too many undefinables at stake when human personalities become involved. One might even be tempted to assert that it is human relations that affect historical process. Without the sheer pig-headedness of Sir Francis Bond Head, for example, which met its match in William Lyon Mackenzie's fiery determination, the Rebellion might never have occurred.

The Upper Canada Rebellion was a turning point in the province's history, and not just because it began the journey toward so-called responsible government. As Alison Prentice has mentioned, the mid-nineteenth century saw a change in the organization of society. The hierarchical, multi-layered world of deference and obligation became transformed into sharply divided groups which saw each other as having entirely opposed interests. The advent of capitalism was one of the deciding factors. To some extent

as well, the opportunities presented by life in the New World did affect social relations. Leo Johnson, using Susanna Moodie's voice, has argued that the more equitable social climate of Upper Canada helped to strip away the deferential veneer - but one could go on to say that the stripping away was what prompted the resentments that led to the Rebellion.

In any case, there is room for further exploration of the connection between resistance in the institutions and the Reserve system, and the social changes of the period. In the process, Corrigan and Sayer's contention that "state formation itself is cultural revolution" has undergone a severe test. There are links between the growth of the state in Upper Canada as exemplified through the growth of institutions, and the division of society into more clear-cut "classes" with different agendas than was the case before the Rebellion. The 1837 Rebellion, as part of state formation, brought about a considerable cultural revolution in the Upper Canadian case. The institution is not, of course, unique to Upper Canada, but the idea of the institution became popular at a time when the state was casting about for a way to reduce the threat to its own powers as represented by the lower orders.

### A Note on Sources

The nature of the sources available for the various chapters required care in their use. In the case of penitentiary records, those of the Indian Department, and Upper Canada Sundries, (RG 5), the sheer volume of the records available presented difficulties. These records were therefore sampled as the best and most efficient means of extracting information. Close examination of the records revealed endless repetition of detail; some paring was essential. Punishment books of the penitentiary were looked at on a five-year interval basis, with all of one year being read at a time. Indian Department Records, which comprise several tens of thousands of pages, were treated in a similar fashion, with Superintendents' correspondence and administrative records forming the bulk of the research. Since the dissertation looked at the structures of power, I thought it best to look at these records as exemplifying the relations between the Superintendents, the Native peoples they supervised, and the administration of the Indian Department generally. Determining what to examine in Upper Canada Sundries -- another enormous record group -- was facilitated through careful consultation of the typescript index so helpfully prepared by archivists at the National Archives of Canada.

Records for the Houses of Industry and the Asylums represented a challenge of a different sort. Neither the

Toronto nor the Kingston House of Industry have a complete set of records readily available at a central archival repository. In Toronto's case, the letterbook is unfortunately largely illegible. This is particularly irksome because the material that can be deciphered offers fascinating glimpses into the day-to-day operations of the Toronto House. As much as possible that could be read, was read, for both Houses of Industry, with the emphasis on the daily experience of the inmate. Asylum records are also spotty. Although Sessional Papers and the like do exist, these are official accounts that tend to gloss over a great deal. The most accessible accounts of asylum life in the nineteenth century come from the Superintendents' Journals and Minute Books of the Inspectors, as well as casebooks. Journals and Minute Books were read completely; the casebooks tend to be truncated accounts of a patients' stay in the asylum which tend to vary little from year to year. Unfortunately, these materials focus on the 1870s to the 1890s. Rather than ignore them entirely as being outside of the period, and therefore unsuitable, this material was included on the assumption that the daily life of the inmate -- and his or her reactions to it -- would not have changed significantly over a period of twenty to forty years. Nineteenth-century psychiatry was a poorly-developed science, and evidence from secondary sources seemed to suggest that significant advances in treatment did not occur

during the period under consideration.

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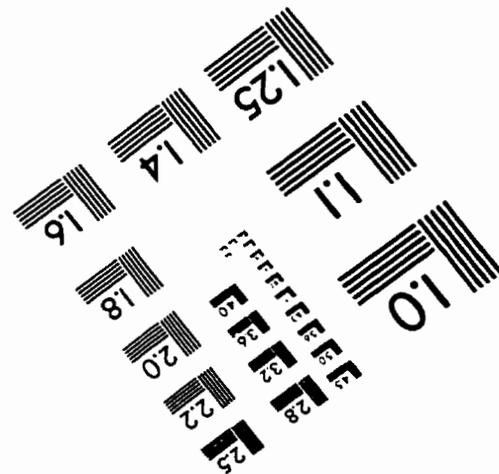
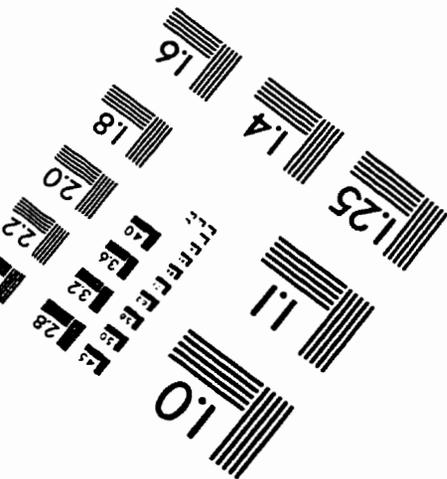
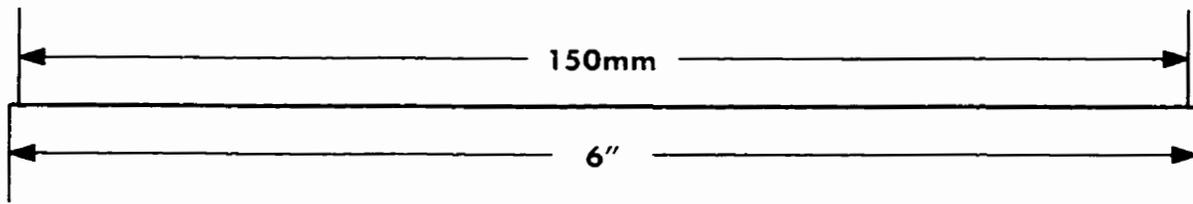
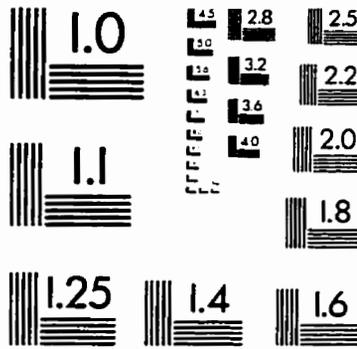
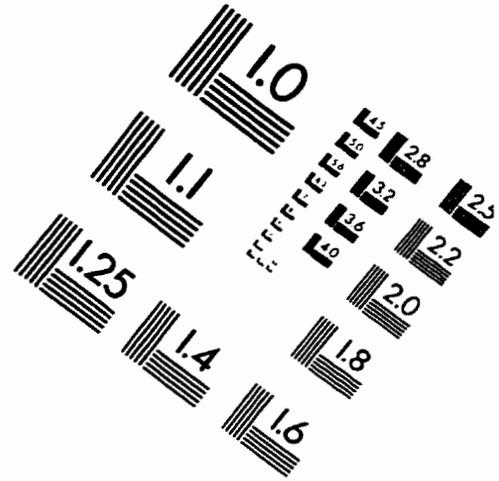
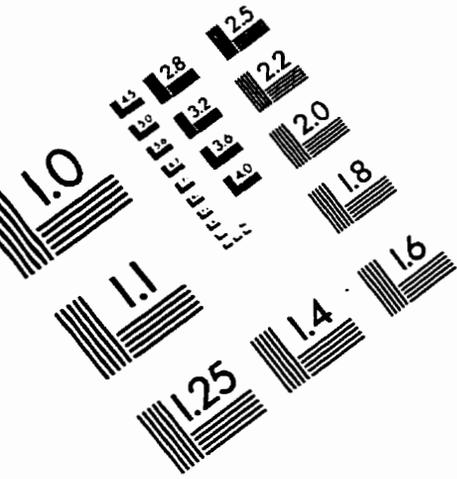
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