

NEW RULES FOR FEDERAL PRISONS

Changes to Be Made for Ad- ministration and Reform of Penitentiaries

KINGSTON IS CRITICIZED

Complaints of Dr. Edwards Precipitate Debate in the House of Com- mons

(Special to The Gazette.)

Ottawa, March 30—Announcement of his intention to frame new regulations for the administration of the penitentiaries of the country and the improvement of conditions therein was made by Hon. C. J. Doherty, the Minister of Justice, at the conclusion of a lengthy debate in the House of Commons today. Mr. Doherty said that the findings of the Royal Commission which conducted an investigation of prison management at Kingston in the summer of 1913 had been submitted to the wardens of various penal institutions, that the reports of the officials thereon had been received and that the task of framing the new rules would be commenced at once.

At the same time, the minister maintained that the state had no right to imprison a man simply to reform him. The penitentiaries were punitive institutions and reformation could only be incidental to punishment. Mr. Doherty could not agree, therefore, that a prison should be a health resort for its inmates. He was sincerely desirous to see conditions in the penitentiaries improved, however, and hoped that one day the Dominion would possess an institution for the treatment of insane convicts. The debate was precipitated by Dr. Edwards, of Frontenac, who besides reiterating criticisms of the management of Kingston penitentiary, also suggested extensive and useful reforms in all such Federal institutions in Canada.

Col. Hugh Clark, of North Bruce, also suggested improvements and pointed to the work being done at the Guelph prisoner farm as an example of what could be done.

Mr. W. F. Nickle, of Kingston, and Mr. Bickerdike, of Montreal, also contributed interesting addresses.

JUSTICE DEPT. ESTIMATES.

In committee on estimates of the Justice Department, Mr. Roch. Lanctot brought up the matter of the pension, which the Minister of Justice draws as an ex-judge, a matter to which he has already referred a number of times in the House.

Hon. C. J. Doherty pointed out that there was no special vote for his pension in the estimates. It being provided for by statute.

"You are the Minister of Justice. If you make the laws why don't you repeal this unjust law?" asked Mr. Lanctot.

He was called to order by the chairman.

On a vote for the maintenance of interned aliens. Hon. Mr. Doherty said there were 2,752 in the various camps and places of detention. The aliens were being held at Halifax, Quebec, Montreal, Kingston, Toronto, Spirit Lake, Kapucasing, Brandon, Vernon and Nanaimo, B.C. In addition, a camp was being organized in the Port Arthur district to accommodate 800 prisoners, and one at Amherst, N.E., for the reception of prisoners from Jamaica.

Mr. Doherty told Mr. Marcell that no prisoners were being detained in jail in Montreal or elsewhere. In Montreal the building used for the detention of immigrants was now occupied by aliens awaiting removal to the detention camps. The minister said that at Petewawa there were 573 prisoners of war; at Spirit Lake, Que., 683, and at Kapucasin, Ont., 438. Ontario and Quebec had agreed to give the Department of Agriculture tracts of land of 1,000 acres or thereabouts. These would ultimately be model farms. They were being cleared by prisoners of war, and it was expected that some of the people would settle in the localities under the provisions of the provincial laws.

SOLICITOR-GENERAL'S DUTIES.

A brief debate upon the duties of the Solicitor-General arose when Mr. German, of Welland, suggested that neither the present incumbent nor the last had carried out the intention of the statute, under which the office had been established. It had then been intended that the Solicitor-General should conduct cases for the Government, instead of the board of counsel receiving fees.

Mr. Doherty said the Solicitor-General had attended quite a number of important cases for the Government and had performed valuable service. For instance, he was called upon to deal with important questions arising out of the Ticket of Leave Act.

Hon. Arthur Meighen added that the act creating the office of Solicitor-General had described his duties as "to assist" in the work of the Department of Justice. He might thus be employed in a number of ways besides conducting cases in the courts. He was disposed to agree that the practice of having the Solicitor-General appear in the courts had become practically extinct under the late Government. However, he himself had conducted some litigation, notably in the proceedings before the Exchequer Court in regard to the expropriation of property in connection with the Winnipeg terminals of the N.T.R.

In reply to Mr. Wilson, of Laval, Mr. Meighen said that he had four cases now in course of preparation.

KINGSTON PENITENTIARY.

On the estimates for Kingston peni-

entenary, Dr. Edwards, of Frontenac, had some remarks to make. He said that the population of the Canadian penitentiaries was 1,907, according to the last report. Over 55 per cent. of the number were convicts under 30 years of age. The increase in the number of prisoners indicated beyond a doubt, he thought, that the system which had prevailed for a number of years had been a failure. There had been some effort to make it appear that things had improved at Kingston since the investigation in 1913. He believed they had improved, but that the general conditions in that institution were very much the same as before that investigation. This was because the committee had not investigated as far as they might have done.

"I believe," added Dr. Edwards, "that conditions in our penitentiaries are, to say the least, deplorable, and my sole object has been to see that their improvement is warranted."

Turning to the report of the commission which investigated Kingston penitentiary affairs, he said that if he could not establish that the commissioners had repeatedly misrepresented, and in some cases absolutely falsified, in their report, he would be ready to resign his seat and retire into private life.

BLAMES THE OFFICIALS.

Dr. Edwards said that his connection with the affair had commenced when Mr. W. S. Hughes, now Lieut.-Col. Hughes, was accountant of the penitentiary and was desirous of becoming warden. Dr. Edwards had supported his candidature.

Col. Hughes had made the charges which Dr. Edwards afterwards brought before the House. Yet, when subpoenaed to testify before the commission, Col. Hughes had told the member for Frontenac that he was not going to tell all he knew about Kingston penitentiary.

"I have been reported as a man who goes around with a belt of bowie knives for persons not of my own religious faith. I hope to live that down and I hope members of this House do not believe it," said Dr. Edwards. He declared that until he became fully acquainted with Colonel Hughes he had not realized the full importance of Shakespeare's words: "You have among you many a purchased slave, which, like your asses and your dogs and mules, you use for abject and for slavish parts because you bought them."

No matter how anxious the Minister of Justice might be to remedy conditions, he would not be able to do so while Col. Hughes, Deputy Warden O'Leary, Dr. Phelan and Hospital Overseer Wilson remained in office. It had been said that he opposed Deputy Warden O'Leary on the ground that he was not a Protestant. As a matter of fact, he was of the opinion that the deputy warden at Kingston should be a Roman Catholic, but he did not think O'Leary was the man.

REFORMS RECOMMENDED.

Dr. Edwards recommended the following reforms in the penitentiary systems:—

That the penitentiaries be placed under a board of management as before 1875; that the system of indeterminate sentences be adopted; that convicts under 21 years of age be kept apart from old offenders; that the power to pardon or parole first offenders be more freely used; that more time be allowed for good conduct; that tobacco be given to convicts; that the privilege of writing letters be used as a disciplinary force in penal institutions; that convicts be employed at productive labor, such as the making of articles now imported, or articles used in the public service. Labor should be reformatory and prisoners should not be allowed to leave the penitentiary penniless and without a trade, broken in health and crushed in spirit.

Mr. Bickerdike, of Montreal, said that Dr. Edwards had not gone far enough when he said that the penitentiaries were a disgrace. The management of penal institutions had been marked by the most barbarous methods, that the most heathenish nations had every man employed. Instead of reforming criminals, the Canadian system was making them. Mr. Bickerdike advised the Minister of Justice to visit the Guelph prison farm and observe the methods introduced there by Hon. W. J. Hanna. Mr. Bickerdike drifted into a discussion of his proposals to abolish capital punishment on the ground that it had been alluded to by Dr. Edwards. He was reluctant to desist when informed that he was transgressing a rule of the House, in referring to the subject of a past debate.

Col. Hugh Clark, of North Bruce, commended the suggestions of Dr. Edwards to the further consideration of the Minister of Justice. He said that several of United States cities, such as Massachusetts, Ohio and New York, were ahead of Canada, except perhaps, the province of Ontario, in dealing with first offenders and minor offenders. Col. Clark described the methods in use at the Guelph farm. "I don't believe," he said, "that every prisoner is a criminal any more than I believe every criminal is a prisoner." Therefore, he advocated a generous use of the indeterminate sentence.

Mr. W. F. Nickle, of Kingston, said he could not speak upon Dr. Edwards' complaint against Col. W. S. Hughes. He could, however, differ from the member for Frontenac, as to the findings of the commission which investigated conditions at Kingston penitentiary. Mr. Nickle denied that the commissioners had misrepresented the evidence. If their conclusions were erroneous they were honestly arrived at.

Mr. Nickle said that Dr. Edwards lost sight of a great opportunity for good when in his zeal to secure the dismissal of two men he blinded himself to the whole importance of the report of the investigating committee. He read from the report to show that the commission had drastically criticized the present penitentiary system and recommended a number of reforms. He agreed with Dr. Edwards that the system was wrong and must be changed.

Convicts should be allowed to engage in productive labors; the stone pile was an iniquity. Young convicts should be educated, Mr. Nickle thought.

HON. MR. DOHERTY'S VIEWS.

Hon. Dr. Doherty said that strong language did not always help a cause and that exaggerated statements were sure to hurt it. He was as anxious as any member of the House to see the convict treated with the fullest degree of humanity consistent with the purpose for which he was immured.

He did not question Dr. Edwards' good faith, but he thought it was unfortunate that the general question of the **postage system** should have been

bound up with charges against particular individuals. It might have been better, perhaps, had there been a separate commission to investigate the

charges against officials and another to go into the general question of prison systems.

Mr. Doherty said that the department had had great difficulty in dealing with the problem of the insane in penitentiaries. Some of the provinces had not been over anxious to take demented convicts off the hands of the penitentiary authorities. However, an arrangement had been made. The Minister of Justice, however, hoped one day to have a dominion institution to care for the insane prisoners. He said that before taking up the whole question of penitentiary administration he had thought it well to have the views of those in charge of these institutions. Copies of the recommendations of the investigating committee had been sent to all the penitentiary wardens. The last of the reports of the officials had just been received. The Department would now proceed to make new regulations. He thought that the question of medical treatment in penitentiaries should be taken up and hoped to have the co-operation of the members in their effort to improve the conditions in the penal institutions of the country. At the same time Mr. Doherty was of the opinion that when the penitentiaries ceased to be punitive institutions, the right of the state to maintain them would cease.

"We have no right to imprison a man for the sake of reforming him," said the minister. "Reformation may be incidental to the punishment." He hoped to bring about improvements, but he could not promise to make the penitentiaries health resorts.

The House then adjourned.