Influences Affecting the Treatment of Women Prisoners in Toronto, 1880 to 1890

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INFLUENCES AFFECTING THE TREATMENT OF WOMEN PRISONERS
IN TORONTO, 1880 TO 1890

By

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Abstract of Thesis

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Treatment of women prisoners in the 1880's was largely dependent on the general attitudes towards the importance of their roles in society. In late nineteenth century Toronto the expected roles of women of all classes were those of wife and mother within the home and, to a very limited extent, of worker within the community. The responses and behaviour of women, which naturally was dependent upon and reflective of the circumstances within which they existed, nonetheless influenced society's conception of what types of female behaviour were considered criminal and with and for what women were charged and committed, namely, actions considered to be disruptive to the family unit. An examination of the backgrounds and lifestyles of the women who ultimately were incarcerated in one of Toronto's female penal institutions, the Toronto Gaol or the Andrew Mercer Reformatory for Women, shows an appreciable difference when compared statistically to the average Toronto or Ontario female. Moreover their divergent behaviour was such that it was easy to interpret it as a disruptive factor to the stability of the family unit. In general.

As long as the natural mother was virtually the only means of raising children and the maternal role therefore of vital importance, female inmates were subjected to fairly rigorous programmes of rehabilitation in efforts to teach them their proper roles and prepare them for an eventual
reintegration into the community and hopefully into their traditional functions.

During the latter part of the nineteenth century unsuccessful attempts at adult reformation and an increasing desire to control socially all deviant members of a rapidly changing society culminated in a definite shift in emphasis during this period from a focus on the adult offender to one on the juvenile delinquent. Despite a great deal of cooperative effort by penal officials and prison reformers influenced by religious and secular motives, crime was thought to be still on the increase and the negative effects of urbanisation still on the rise. Rather than questioning their own motives for their penal activities, the officials and even more significantly the reformers believed that further control was necessary.

The urban reform techniques of bureaucratisation and professionalisation, together with and a part of a growing faith in the power of institutions, culminated in the development of institutional facilities to take care of the child. With the development of legal and practical means to take the neglected or deviant child away from what was considered to be unhealthy surroundings, declared to be caused by irresponsible parents, the traditional role of the women in these lower classes was potentially but effectively usurped by the institution functioning as a sort of surrogate mother. While it was readily admitted that the natural mother was by far preferable when at all possible, when attempts failed at training women to be good
mothers it was assumed that the institution would provide an alternative which would save the child from an otherwise inevitable career in crime.

Obviously the inability of prison reformers to provide effective changes to the Toronto penal institutions or the Ontario prison system as a whole was a failure affecting the prisoners more than these urban reformers. Since the primary object always had been social control, the tactical shift to the child-saving movement merely ensured a greater possibility of success for the reforming classes. Emphasis on the immorality and incompetence of parents helped guarantee the continuance of societal interference on this persistently existing deviant segment of society. While the ultimate or long term effects upon female prisoners is not known, one thing is clear. Once actual facilities were coupled with faith in institutionalisation, a re-direction of efforts and interests on the part of professional and amateur reformers occurred--towards the child, but away from the woman.
PREFACE

Treatment of women prisoners in the 1880's was largely dependent on the general attitudes towards the importance of their roles in society. In late nineteenth century Toronto the expected roles of women of all classes were those of wife and mother within the home and, to a very limited extent, of worker within the community. The responses and behaviour of women, which naturally was dependent upon and reflective of the circumstances within which they existed, nonetheless influenced society's conception of what types of female behaviour were considered criminal and with and for what women were charged and committed, namely, actions considered to be disruptive to the family unit. An examination of the backgrounds and lifestyles of the women who ultimately were incarcerated in one of Toronto's female penal institutions, the Toronto Gaol or the Andrew Mercer Reformatory for Women, shows an appreciable difference when compared statistically to the average Toronto or Ontario female. Moreover their divergent behaviour was such that it was easy to interpret it as a disruptive factor to the stability of the family unit in general.

As long as the natural mother was virtually the only means of raising children and the maternal role therefore of vital importance, female inmates were subjected to fairly rigorous programmes of rehabilitation in efforts to teach them their proper roles and prepare them for an eventual
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The most useful resource material for this study has proven to be the annual reports published by the Inspector of (Asylums,) Prisons and Public Charities and by the Prisoners' Aid Association. The various records kept by the Toronto Police Department have been similarly helpful. From the wide variety of studies relating to one or more aspects of the period, those most beneficial as references were Richard B.
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INTRODUCTION

Treatment of women prisoners in the 1880's was largely dependent on the general attitudes towards the importance of their roles in society. In late nineteenth century Toronto, the expected roles of women of all classes were those of wife and mother within the home and, to a very limited extent, of worker within the community. The responses and behaviour of women was naturally dependent upon and reflective the circumstances within which they existed. Stereotypes nonetheless influenced society's conception of what types of female behaviour were considered criminal and with and for what women were charged and committed, namely, actions considered to be disruptive to the family unit. As long as mothers were virtually the only means of raising children and the maternal role of women therefore of vital importance, female inmates were subjected to rehabilitative programmes in efforts to teach them their proper parts and reintegrate them into the community. During the latter part of the nineteenth century, unsuccessful attempts at adult reformation and an increasing desire to control socially all deviant members of a rapidly changing society culminated in a definite shift in emphasis during this period from a focus on the adult to one on the child. This was paralleled by increasing criticism directed towards the negligent parents, and primarily towards the mother. When the concept of institutionalisation became linked to child care, the traditional
role of the disadvantaged woman was potentially but effectively usurped by the institution functioning as surrogate mother. While it was readily admitted that the natural mother was by far preferable when at all possible, when attempts failed at training women to be good mothers it was assumed that the institution would provide an alternative which would save the child from an otherwise inevitable career in crime. The negative results efforts to alter the women's behaviour patterns in prison by both government officials and by amateur urban reformers paralleled and reflected a growing concept of the state's and society's responsibility for the juvenile. This led to an increasing disillusionment with negligent parents and finally to a gradual change in professional and amateur activity centred upon the child. This affected women prisoners in a particular way; positive attitudes towards the institutionalisation of child care led to a decreasing need to be interested in women prisoners.

This period of the nineteenth century was a period of tremendous expansion in Ontario. The feelings of general optimism for the future, encouraged by rapidly changing economic conditions, development of railways, factories, monopolies, and the like were not lessened by concomitant labour abuses, price-fixing, spreading slums and ghettos, and temporary business depressions.

The trend towards urbanisation was accompanied by and resulted in a formal development towards a welfare state. Statistics began to be collected in a systematic
way to assist a provincial government that was becoming increas-
singly rationalised and bureaucratic. The judicial system was re-
organised, laws pertaining to the provinces were codified and in a variety of ways the government encouraged the tremendous economic growth and expansion. Thus by the end of the period, under the premiership of Oliver Mowat, an embryonic welfare state existed in Ontario.

Yet the resulting effects of Ontario's urbanisation had negative aspects for its largest city, Toronto. Indeed while problems were seen to exist everywhere, they seemed enlarged and infinitely more serious in metropolitan centres, if only because of the concentration of people. Nowhere was this more evident than in the city of Toronto which developed an expanding role as the metropolis of Ontario. Composed largely of immigrants from the British Isles, with a slight edge in favour of the Irish, Toronto was firmly anti-Catholic, anti-
French, and politically conservative.

Respondent to these less desirable aspects of urbanisation, the middle class, who were dominant in so many areas of Toronto's life, both directly and indirectly linked their standards and activities to quite specific reform attempts. Risen to middle class prosperity and affluence through habits of abstinence and hard work, these individuals were threatened by the growth of an urban working faction which combined intemperance and poverty and associated with a general lack of individual control. While there virtually always had been a few persons interested in social reform, it was only in
this latter part of the nineteenth century that the numbers involved increased to a significant extent. A thrust towards more uniformity in public attitudes and a closer supervision of individual behaviour was aimed at protecting public interest. To create this model city, areas which received the attention of the reformers included social justice, creation of a healthy environment, regulation of utility corporations, beautification of the increasingly industrial city, town planning, tax reform, and the general targets of eliminating vice and crime.

The late nineteenth century Toronto urban reform movement was influenced by similar activities in the United States before and during this period. Predominantly a middle class movement, the dynamism and success of American reformers affected Canadians with their ideals of efficiency and honesty based on business principles and their techniques refined highly to campaign effectively.

One of the liveliest areas of concern for the Ontario reformers was in the causes and results of crime. The period from 1880 to 1890 is a particularly significant one in the criminological history of Ontario. Immense changes in population growth and industrialisation resulted in unsettled conditions and caused a radical shift in policy toward and treatment of the prisoner in the Ontario penal system. Partly related to the promptings of highly visible crimes such as public drunkenness, to specific desires to keep the several characteristics of the quickly changing social groups in line, the
penal conditions with which the urban reformers were faced were long term results of the penological history of the province.

An examination of the range of penological activities and attitudes in Toronto is particularly useful. Crime tended to be more predominant as an urban phenomenon. Toronto's inmate population has consistently been larger than that of any other city or town in Ontario. As the capital and as the primary industrial centre, the provincial institutions for the incarceration of adult offenders were built in this city. As a result, an examination of the two provincially-controlled segments of the Canadian penal system, the common gaol and the prison/reformatory, is possible.

Within this spatial framework female prisoners provide an interesting and workable case study. While various approaches of penological history are important and equally possible, the present study is limited to the treatment of prisoners in the penal institutions and the exploration of some of the reasons for the treatment the inmates received. Although obviously it would be desirable to examine in detail the roles the women reformers played in the prisons and to consider how the women prisoners themselves reacted and felt about the penal reform movement and the treatment they themselves received, initial concentration seems best focused on the treatment of women prisoners as they are affected by instruments of change. This focus lies on middle ground between detailed studies of female reformers and female offenders, thus hopefully concentrating on what did in fact exist rather than
what was merely desired.

Resources related to any aspect of criminological history in late nineteenth century Toronto are very restricted, as they are limited for this type of history virtually anywhere. For example, the Toronto court records are uncatalogued and the files of the Andrew Mercer Reformatory for Women are unavailable. Resources that are accessible and applicable are of varying degrees of reliability and consistency. Much information used within the paper consists of official reports prepared specifically for publication. As a result, the records were conceivably slanted or edited, whether consciously or not. The natural need for justification of one's activities might also have prompted distortions. Resources that would be included in these categories include the inspector's annual reports published in the Ontario Sessional Papers, the Toronto City Council papers, the annual reports of the Chief Constable of the Toronto City Police, and the annual reports of the Prisoners's Aid Association.

Contemporary material such as newspapers and magazines were obviously biased for particular purposes, from materialistic reasons as indicated by increasing circulation of papers to moral reasons suggested in awakening readers' desires to take active part in the various charitable movements. Similarly guidebooks, memoirs, histories, all had their particular motives and rationalisations for proposing their theories on crime, commenting on the criminal situation in Toronto, or even attempting to personally
absolve themselves from blame for the resultant conditions as they saw them. Obviously, however, these problems are germane to history as a discipline and do not lessen the value of such documents automatically. One must as always use a combination of quality, quantity, and even intuition when weighing the facts.

Secondary work written on the subject of crime and the treatment of prisoners in the 1880's in Toronto is meagre. The problem is basically one of too few studies upon which one may build; this not unnaturally exposes initial studies, certainly including this work, to misrepresentation and misinterpretation. As studies in the criminal history of Ontario increase, errors will inevitably be corrected and perspectives put into more equitable focus.

To a considerable extent, the influences which affected the treatment of prisoners in general and women prisoners in particular were dependent upon dissimilar characteristics of the different classes. The class system was very strong in the last quarter of the nineteenth century in Toronto. The definition of 'class' was either Marxist in that people were thought to fit into social classes on the basis of their relationship to the means of production, or was defined in terms of North American social science. In this frame of reference, 'class' was subjective in the sense of being defined by the way people actually perceived the classes. Both types of categorisation were visible in Canada; working people had their place defined by the very absence of what the former group had. Individuals were placed into one position or
another by the presence or absences of such subjective characteristics as economic power, education, cultural sophistication, religion, and family background.

These dissimilarities were perhaps most evident in the influential values of the rising, aggrandizing middle class reformers. Class ideals, a set of values held by most members of that particular class, reflect the attitudes and help to explain why the reformers did what they did. Since the influx of immigrants to the cities provoked uneasy and unsettling feelings by the very nature of unfamiliarity, newcomers who were not immediately assimilated into existing orders were viewed by those who were well settled as being potential threats to their own position. Maintenance of the status quo which became increasingly important thus included protection against revolution, republican democracy, and the threat of anarchy, and was thought to be achieved by loyalty to the crown, unity of Empire, perpetuation of recognised institutions, support of the established church, and high regard for landed wealth. What is most significant for our purposes is the fact that all these beliefs carried with them the understood obligation of responsibility in the social and political spheres of society. Not only were the workers seen as unstable, different in outlook, and a potentially disruptive influence upon society, they were believed to have less ability and capacity than the reformers. Perhaps most important, they were thought always to be in that same position in society for the rest of their lives. Class lines were indeed fixed.
The reformers' values both directly and indirectly affected the stereotyping of classes and the individuals within those classes. Aside from religious and ethnic reasons the motives of the reformers are of particular interest. Not only were they self-seeking to one extent or another, studies show that they were essentially opposed to progressive reform; rather their purpose in their campaigns was to conserve what they already possessed.

The fact that the social system was so strong and entrenched almost naturally led to the stereotyping of the members of the various classes. Thus the middle classes were considered to be filled with a reforming zeal, with a singular sense of mission. The turbulence created the necessity for community-wide rules to absorb and assimilate these changes at a gradual rate. The natural framework of social control was dependent upon the adoption of some available, traditional, practical stabiliser. The most fundamental unit to achieve this was the family; not only could it provide the emotional security of a focal point, it could guide the behaviour of the individuals who made up or were in the process of joining that society. Since it acted as a counterweight, the more unpredictable the external forces of urbanisation became, the more static and rigid this idealised familial stereotype became. While interest in crime seems to be multi-causal, such as rising crime rates, the people most sensitive to and aware of any individual deviation from the increasingly important traditional social pattern remained virtually of the same group, namely, those
with recently acquired prosperity. In possession of the opportunity and leisure time to look for new roles to play and consolidate socially their economic gains, they had a vested interest in maintaining the status quo. This 'middle' class, anxious to set itself apart from the immigrant class, from the labourers, from all those 'lower' than they, thus singled out physical, mental, and social deviants for attention. The latter, because these individuals were assumed to have consciously rejected some of society's standards, were most looked down upon and as their social deviance was translated into legal deviance, when eventually members of the penal community, were declared to be "the very lowest stratum of society".

With regards to the individuals who became classified as offenders, little is known concerning the social processes by which formal organisations defined persons as delinquent. Many interpretations as to what causes people to commit crimes and what governs society's responses to these actions exist. A useful approach is to study the repudiation of society's traditional values by one group and the subsequent attempt at social control by another segment who not only find the former rejection offensive, no matter how unconscious, but have the means to attempt redress. This phenomenon is largely evident in and resulting from the rapidly changing environment of late nineteenth century Toronto. Thus the common 'pathological' approaches to delinquency and crime neglect the possibility that attitudes towards deviance
from the norm may play an important part in preserving social stability and reinforcing the status and prestige of the ruling classes. The emergence of deviant forms of behaviour in periods of rapid social development demonstrated the failure of large sections of the population to erect new codes of conduct when freed from the controls of older social institutions. Not surprisingly those who had the most to lose and at the same time were furthest from the actual conditions were those who opposed the deviants most strongly.

Not only is it relatively clear that these social processes which defined deviant behaviour in Toronto originated from the middle and upper orders, but it is reasonably obvious that the assumptions of the characteristics of the offender stereotype were predictably disadvantageous to the lower class individuals who fit the model. The treatment the lower class prisoners received was governed by the conceptions of their proper roles in life as held by the members of the middle and upper class who were involved with provincial and local penology. The traditional emphasis of the penal system on adults apparently resulted in remarkably similar treatment for female and male prisoners; the difference seems to have occurred in the particular role that was to be indoctrinated. Male lack of interest in or refusal to work and aggressive attempts at destruction of property and person were obviously detrimental to society and were acknowledged as such, partly through the establishment of the Central Prison for more serious offences in 1874.
The gap between role and reality for females was more dependent upon one's station in life than for males. The role of the Canadian woman in the middle and upper classes was essentially a conservative one to produce, protect, and maintain the wellbeing of her family through setting an example. Beyond this, it would appear that these women assumed the expected roles of their respective classes with a moral, religious, and civic obligation to extend their ameliorative influence from the household out into the community to those less fortunate than they. The role of the woman in poverty would appear to be more difficult to assume because of its nebulous, contradictory, and inappropriate qualities. On the one hand, industrialisation had created opportunities for women to extend their role into the factories and become part of the general work force—still, however, for the purpose of contributing to the support and wellbeing of the family unit. On the other hand, lower ordered women were still viewed by most as women first and thus were seen as deviating from their proper functions within the household. While anxiety created by these role conflicts has not been investigated, the middle and upper classes exerted pressure to work in what to them was really the only acceptable and safe alternative to staying and working in one's own home, namely, working as domestics in the homes of others.

Efforts to correct the behaviour of these deviant members of the lower classes were predictably based upon the desire to make them conform to middle class...
and upper class ideals. Lower class men, therefore, were given
the example and standard of the respectability, duty, and
nobility of honest labour. Lower class women, in turn, were
indoctrinated with ideals of being good mothers and wives.
The wide variety of social ills attributed by both amateurs
and professionals in the late nineteenth century were all re-
ducable, to a greater or lesser extent, to the lack of social
controls. The reformers saw everything in very straight-forward
terms: every member of society was either positively assisting
the general development or was impeding it. It was therefore
both logical and sensible that to maintain the equilibrium, to
utilise and channel the potentially beneficial trends of the
time, the solution was to prevent social deviance and reform
and reintegrate all misfits into the traditional pattern. These
stereotypes thus labelled female behaviour which was inconsistent
with the familial role as deviant. As long as mothers were
virtually the only means of raising children and the maternal
role of women of vital importance, female inmates were therefore
subjected to rehabilitative programmes in efforts to teach
them their proper parts and integrate them into the community.
It is suggested, however, that during the latter part of the
nineteenth century unsuccessful attempts at adult reformation
were made. Concomitant to this was an increasing desire to
control socially all deviant members of a rapidly changing
society. It is further suggested that the culmination of these
two effects resulted in a definite shift in emphasis from a
penological standpoint. It appears that as the concept of
institutionalisation became linked to child care, reformers saw
in these 'homes' a viable alternative for raising children and inculcating values suitable to a growing industrious technological country. While it was still admitted that the natural mother was by far preferable when at all possible, it was assumed that the institution would provide an alternative which would save the child from an otherwise inevitable career in crime. While the ultimate or long term effects upon female prisoners, or upon male prisoners, is not known, one thing is clear. Once actual facilities were coupled with faith in institutionalisation, a re-direction of efforts and interests on the part of professional and amateur reformers occurred--towards the child, but away from the woman.
Activity in the work force was primarily the role of the male; indeed, the only truly 'acceptable' role for females outside the home was in domestic service—a literal but remunerative extension of the preferred roles of housewife and mother. Obviously women to a certain extent were employed in other areas. The significance for our purpose lies in the fact that domestic servants were acceptable by government officials and reformers associated with prisons as an often necessary (and from a personal point of view, because the domestic labour shortage was so great, as a desirable) alternative to the functions of wife and mother.

Again, with regards to the treatment of prisoners and prison reform, the role of 'wife' was, perhaps surprisingly, poorly defined. Despite the assumption by the general public that women provided spiritual and moral guidance to society as a whole and were therefore capable of inspiring the men in their lives to legally and socially conform to traditional patterns, the female in prison was not thought of as a wife influencing a husband at all. Notwithstanding, she was exposed to a training programme to teach her what were considered the necessary accomplishments of a good helpmate i.e. domestic skills. Not only was marriage and a good home the ultimate goal for these women in the minds and programmes of officials and reformers involved with the inmates, they unqualifyingly considered the true sign of achievement and rehabilitation. Reasons for the lack of immediate association of female inmates with the role of wife include the simple fact that, over the period in question, more women in the gaols and reformatory were single and, if married, were thought by those in charge to be so in name only. With regards to possible negative influences on males, crime was assumed in this instance to have been the result of free will rather than by an outside party. Moreover, many of the crimes for which males were incarcerated were based on refusal to play the roles society required of them i.e. refusal to work (manifested, of course, in a variety of forms).

The regular births which occurred in the female penal institutions obviously underscored what was already considered by the penal policy-makers to be woman's primary status, that of mother. Aside from the fact that many of the inmates actually were mothers, was that the number of neglected and delinquent children seemed to be increasing rather quickly. Since the general public assumed that the parental influence was either positively or negatively crucial to the ultimate future of the offspring concerned, and since the stereotype of the woman was both generative and 'home-oriented' (in contrast to the male who's function was primarily outside the home and 'community-oriented'), her image as mother within the gaol system was very important.

Thus although the phrase, 'wife and mother' was a frequently linked association, partly of course because
it was considered desirable to be the former before the latter, the term 'mother' is used predominantly throughout the paper. As a matter of fact, this selection coincides with the increased interest in the child during the last quarter of the nineteenth century and the concentration by virtually all those who were associated with the treatment of female offenders, on the intractable belief that the primary, natural role of women was a maternal one.

2 Such behaviour was considered disruptive because everything seemed dependent on following acceptable patterns to avoid chaos. While naturally women were charged and committed for the other classifications of crime i.e. against the person and against property, it was the proportion of these other types of crime that is of some significance in interpreting why the rehabilitative programmes, for example, were instituted instead of some other kinds of reformation. The possibility that women actually committed fewer of these crimes against the person and against property is no longer believed. See Appendix II- A General Discussion on the Use of Statistics. Yet obviously not all arresting officers or justices of the peace felt that women basically needed protection and should therefore be 'let off with a warning' and returned to their homes.


4 Ibid., "Introduction", pp.3-5.


7 See Morton, Howland, p.7ff.

8 See Swainson, Mowat's Ontario, passim.

9 The Ontario penal system was quite unique. In alliance with the provincial charity system, both structure and philosophy were in apparent contrast to that of the older countries.
The originally small system existed for so short a time and in such a loose fashion that it had not become unduly rigid or insulated. Nor did it significantly prevail during the period when common penal philosophy centred upon punishment and retribution. Virtually from the beginning, offenders were considered to be aberrant rather than evil. As social or environmental nonconformists, criminals were treated with mental and physical deviants through the government office of "Asylums, Prisons and Public Charities", including hospitals. While comparative international studies have not yet been done, one might thus expect Ontario criminals were treated more humanely from a comparative point of view.

10 See Waite, "Reflections", passim.

11 Various degrees of public agitation and subsequent government response was the norm. In 1832 an investigating committee was appointed to examine the feasibility of establishing a provincial penitentiary; this was opened in 1835 as the Kingston Penitentiary for the prisoners of Upper Canada. In 1838 a Gaol Commission was established for the reformation of regulations. A Royal Commission was appointed to investigate the treatment of prisoners in 1848-1849. This led to the establishment of a Board of Inspectors of Prisons, Asylums and Public Charities in 1859 and the Prison Inspectors' Act in 1868. The beginning of the middle tier of provincial penal institutions occurred with the opening of the Central Prison in 1874.


14 See Michael S. Cross, ed. The Workingman in the Nineteenth Century. Toronto: Oxford University Press, 1974, especially in his introduction, p.2ff and Clark, Canadian Community, p.7ff for a sociohistorical discussion of the causes and
effects of the nineteenth century Canadian class system.

15 See, for example, Morton's discussion of these classes as well as that of David Gagan. The Denison Family of Toronto, 1792-1925. Toronto: University of Toronto Press, 1973. The latter points out that George T. Denison, a member of a prominent Toronto family, felt quite sensitive when by his early forties he had yet to achieve any socially acceptable position or contribute anything viewed by his peers as worthwhile. p.4ff.


17 Prisoners' Aid Association of Canada. Annual Report. 1883. p.6. Also see Appendix I for a discussion of different influences.

18 Broadly speaking, these include economic position, social conditions, political environment, psychological make-up, and social status.

19 See Platt, Child-Savers, pp.8-9 and Clark, Canadian Community, p.12.

20 Although children had been provided for to a certain extent by the 1859 establishment of a boys' reformatory nothing had been set up for the girls. See also Houston's "Juvenile Delinquency", passim, for a general discussion on the treatment of children from the 1840's to the 1870's. One reason for believing that males were not carefully associated with the familial unit can be seen in the fact that although it was illegal to fail to provide for a wife and child very few convictions took place. See Ontario, Inspector of (Asylums,) Prisons and Public Charities, Annual Report, 1881-1890, passim, for provincial male commitment statistics. Interestingly, George T. Denison as police magistrate claimed that the public's trust in their magistrate came from his strict objectivity on all questions; yet Gagan considers him to have been a born partisan at heart. Denison, p.68. The actual effects of this busy Toronto magistrate upon late nineteenth century offenders remains to be explored. One might assume, nevertheless, that the attitudes of the individual magistrates influenced decisions on who would be sentenced and who would be not.

22 See Terry Copp, The Anatomy of Poverty: The Condition of the Working Class in Montreal 1897-1929. Toronto: McClelland and Stewart Limited, 1974, chpt. 3 and D. Suzanne Cross, "The Neglected Majority: The Changing Role of Women in 19th Century Montreal". Histoire social/Social History, VI, November, 1973 for a discussion of the various options available to working class women. The fact that women seemed to prefer factory work more than domestic service was a source of annoyance to the middle and upper classes who frequently complained of the 'servant problem' throughout this period. While it is not known exactly why women preferred to go into the factory rather than into another's home, various suggestions have been advanced, including a change in work activity, greater freedom, a chance for companionship, and a sense of adventure.
CHAPTER ONE - BACKGROUNDS OF FEMALE OFFENDERS

The expected roles of women in all classes in nineteenth century Toronto were those of wife and mother within the home and of worker within the community to a very limited extent. Society generally believed that only women could bring up children, oversee a family, and provide a moral and cultural foundation for the future generation. In searching for explanations which reveal why certain individuals are considered legal deviants, one must examine their cultural environment. While the responses and behaviour of all individuals are dependent upon and reflective of the circumstances in which they find themselves, one might suppose that the reaction of a society in the state of flux in which Toronto was at this time would in turn influence that society's conception of what type of female behaviour was considered criminal. Obviously this would affect what crimes women were charged with and committed. By examining in detail from available information the backgrounds and lifestyles of the women offenders one might see whether the backgrounds differ from the general stereotype and whether their lifestyles could be viewed as detrimental to the family unit. In so doing, one is provided with one basis for understanding why the reformers tried to do what they did and how their programme was supposed to work, that is, according to their system.

An examination of each known and
measurable characteristic of the female offenders in isolation does not tend to be significant per se. Collectively, however, the small and for the most part subtle differences give the distinct impression that these women were of a decidedly different or 'lower' class than that to which the general public were accustomed. A comparative study of the backgrounds of the women who ended in gaol or prison with the larger female population illustrates some interesting contradictions.

An examination of the countries of origin of the inmates of the Mercer Reformatory is useful. Fully half the number of the total inmate population from 1881 to 1890, 1,496 women, were immigrants. Of this number, Irish-born women represented 21%, or close to half the total number of newcomers. As evident from the table below, this was over twice

<table>
<thead>
<tr>
<th>TABLE A</th>
<th>COMPARATIVE PERCENTAGES OF COUNTRIES OF ORIGIN 1881 - 1890</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>England</td>
</tr>
<tr>
<td>Mercer</td>
<td>50</td>
</tr>
<tr>
<td>Toronto*</td>
<td>65</td>
</tr>
<tr>
<td>Ontario*</td>
<td>81</td>
</tr>
</tbody>
</table>

*Statistics on the Toronto and Ontario female populations used in all the tables were taken from Canada, Census Returns, 1891.

the proportion of the Irish population in Toronto, and over four times that of Ontario. American women were similarly overrepresented. Three times the proportion of the Toronto Americans and over four times the number in Ontario as a whole were incarcerated.

<table>
<thead>
<tr>
<th>TABLE B</th>
<th>COMPARATIVE PERCENTAGES OF RELIGIOUS AFFILIATIONS 1881 - 1890</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Baptist</td>
</tr>
<tr>
<td>Mercer</td>
<td>4</td>
</tr>
<tr>
<td>Toronto</td>
<td>5</td>
</tr>
<tr>
<td>Ontario</td>
<td>5</td>
</tr>
</tbody>
</table>
Comparisons of the religious affiliations of the offenders and the general population reveal that Roman Catholic women represented 37% of the Mercer population, or twice as many as the Roman Catholic populations of Toronto and Ontario. In contrast, those of the Methodist and Presbyterian churches were considerably under-represented.

Forty-five percent of all women in Mercer were married while 55% were single. The figures for Ontario and Toronto are not exactly comparable since the categories lump unmarrieds and children together. Nevertheless, in Ontario 35% of the women were married, 6% widowed, and 63% were unmarried or were children. In Toronto, 32% were married, 7% widowed, and 61% unmarried (again including children.)

A comparison of the levels of education between the inmates and the female population at large is most interesting. In fact, this perhaps more than any other statistic, underscores the disadvantaged position in which these women were found. Furthermore, if the level of education is taken as an indicator of social class, as it often is, one can readily see the low position of these females on the social scale of Toronto and Ontario.

**TABLE C**

COMPARATIVE PERCENTAGES OF EDUCATION LEVELS 1881-1890

<table>
<thead>
<tr>
<th></th>
<th>Read and Write</th>
<th>Read Only</th>
<th>Neither Read nor Write</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Mercer</strong></td>
<td>48</td>
<td>23</td>
<td>29</td>
</tr>
<tr>
<td><strong>Toronto</strong></td>
<td>96</td>
<td>1</td>
<td>3</td>
</tr>
<tr>
<td><strong>Ontario</strong></td>
<td>92</td>
<td>2</td>
<td>6</td>
</tr>
</tbody>
</table>

*These figures excluded statistics on the female population under 10 years as taken from the Census to be more in line with the Mercer percentages.*
It also seems important that almost all the women had occupations of one sort or another and were therefore at least superficially employment-oriented. While most occupation listings are self-explanatory, some are not. The fact that servants made up fully 40% of the total population in Mercer is expected from a criminological viewpoint. Indeed, domestic

| TABLE D |

THE FIVE MOST POPULAR OCCUPATIONS OF MERCER REFORMATORY INMATES 1881-1890

<table>
<thead>
<tr>
<th>Occupation</th>
<th>Numbers</th>
<th>Percentages</th>
</tr>
</thead>
<tbody>
<tr>
<td>Char-women keepers</td>
<td>74</td>
<td>5</td>
</tr>
<tr>
<td>House-presidents</td>
<td>129</td>
<td>9</td>
</tr>
<tr>
<td>No prostitutes</td>
<td>148</td>
<td>10</td>
</tr>
<tr>
<td>Prostitutes</td>
<td>426</td>
<td>29</td>
</tr>
<tr>
<td>Servants</td>
<td>593</td>
<td>40</td>
</tr>
</tbody>
</table>

Service has long been considered a disproportionate contributor to prison populations, in contrast to that of factory workers, for example, who have been extremely low, opinions of the late nineteenth century general public to the contrary notwithstanding.

Not only did the backgrounds of the women not generally correspond with those of the typical woman in Toronto or Ontario, the general activities of the woman offender were considered most threatening to the institution of the family. As a matter of fact, crimes against public morals and decency (such as keeping or frequenting houses of ill-fame, prostitution, exposing the person and so forth) and against the public order and peace (such as drunkenness, disorderliness, vagrancy,
begging, frequenting, keeping a disorderly house and the like) were those with which women were predominantly charged and committed. In the same manner, while 61% of the women were classified as intemperate, it was generally believed that a good number of the 39% who said they were temperate were lying; indeed, drink was considered by some to be the major cause of crime. That these women were considered the exception can be seen in the fact that only 1/8th of the population were thought to be serious drinkers and normally not female drinkers. The crimes against the property and the person, understandably punishable by society (and illustrated through an examination of male crime), are of low incidence with regard to female offenders. That these committals are indeed gender-based can be seen from the proportions of each, even more than the actual numbers.

FIGURE 1.
COMPARATIVE PERCENTAGES OF TYPES OF CRIMES FOR WHICH INDIVIDUALS WERE COMMITTED IN ONTARIO BETWEEN 1881 AND 1890.*

<table>
<thead>
<tr>
<th>Type of Crime</th>
<th>Females</th>
<th>Males</th>
</tr>
</thead>
<tbody>
<tr>
<td>Crimes against the person and against property</td>
<td>22%</td>
<td>63%</td>
</tr>
<tr>
<td>Crimes against public morals and against the peace</td>
<td>78%</td>
<td>37%</td>
</tr>
</tbody>
</table>

(Fraser Reformatory) (Central Prison)

*Statistics were taken from Ontario, Inspector of Prisons and Public Charities, Annual Report, 1891.
These statistics obviously represent recognised criminal activity rather than actual.

To be sure, some inequities were acknowledged; this is illustrated to a degree in the albeit uncritical observation that it would "appear that a larger number of convictions are secured against women than men".

General attitudes of the public towards the female offender were quite low. Preconceptions led to dwelling on certain aspects of the lives of the females which were interpreted as improper and deviant. This was perpetuated in part by such people as the doctor at Mercer, who repeatedly characterised the women as profligate and diseased professional prostitutes or chronic drunkards who as a rule would arrive at the reformatory "in a very enfeebled condition, largely owing to the excesses and evil habits of their former lives".

Even more than the influence of comments, however, were the probable repercussions of the publication of the reports of the syphilitic ward specially set apart in the women's reformatory. The doctor painted lurid, shocking pictures of disease-ridden inmates, deaths, and still-born infants in the nursery all which were attributed to syphilis. Indeed, the increase in the percentage of inmates confined in this sector of the institution paralleled to a very small extent the growing concern of the public at large against this social evil.

The normal result of negative societal reaction towards this exceptional behaviour of the Toronto women was ar-
rest, trial, sentence, and committal to Toronto Gaol and, after 1880, to the Andrew Mercer Reformatory for Women. A capricious administration of justice, dependent upon the variables of individual personalities, stretched from police departments to justices of the peace. Undoubtedly influenced by popular opinion, the decisions, however unconscious, which the police would make in arresting a female, in deciding the grounds upon which she would be charged, and so forth, all would vary from constable to constable, from sergeant to sergeant. Dependent largely upon what type of law was broken and its gravity, the individual would be tried after usually spending a night in a police lock-up.

Most offenders appeared before the police magistrate, who was able to try almost all offences except those such as murder, manslaughter, rape, and high treason. This wide jurisdiction, as well as the fact of being in the city of Toronto, made the Toronto Police Magistrate's Court "the principal criminal court of Ontario."

Juxtaposed against the letter of the law however, was a highly personalised system of justice. From 1877 to 1920, Colonel George T. Denison, as police magistrate, was solely responsible for almost all the thousands of criminal cases tried in the Toronto Magistrates' Court. His judicial reputation partly grew from his incredible record of trying 180 cases in 3 hours; this one-case-per-minute record, moreover, was proudly equalled several times. Extremely opinio-
nated, he not only disregarded precedents, he did not even want to hear them. The general assumptions held by the public as to what was the proper function of women would no doubt have some bearing on the way in which the members of the judiciary in general and Denison in particular would regard the behaviour of the women who appeared before them.

On the whole, women in prisons had neither backgrounds or lifestyles that were compatible with the stereotype of the Toronto/Ontario woman. While the responses and behaviour of these women no doubt were dependent upon and reflective of the circumstances within which they existed, they were nonetheless influenced by society's general conception of what types of female behaviour was considered criminal. The disparities which could be interpreted as detrimental to the unity of the family help to explain the high incidence of female committals for offences which could be disruptive to the familial unit. That this was recognised implicitly can be seen in the programme designed to rehabilitate these women offenders.
NOTES


2 See Appendix II for a discussion on the use of statistics in this paper.

3 Unfortunately, though, it is difficult to say whether widowed women would be classified under the former or latter heading, since there would be justifiable reasons for both. On the other hand, it is questionable how significant this would be at any rate.


5 Studies on inmate intelligence have long been made. Although nothing comparable for Canada was done at the time, a notable difference between the low intelligence of prostitutes in relation to other female offenders was cited by Frances A. Kellor, "Psychological and Environmental Study of Women Criminals", (The American Journal of Sociology, V., 1900), pp. 527-43; 671-82.

6 For example, it is rather difficult to decide whether the classification of "housekeeper" meant a woman in charge of someone else's house or hotel, or whether this occupation would simply be comparable to today's 'housewife'. The term was used in this latter sense in newspaper advertisements, as seen for example, in The Globe, 1887, passim. Moreover, there is never any occupational categorization that might be construed as describing the function of housewife. That it was not considered under the classification of "no occupation" can be seen in the disparagement directed towards those who were so described. The only alternative to this, of course, is that there simply were no housewives, i.e. the women were drawn from a sector of society where staying home to look after the house and the children was not done.

7 Pollak, Criminality, p. 111.

8 The meaning of the word 'intemperate' is not consistent but varies according to context. To some reformers, it meant being an alcoholic; to others, it meant taking a drink at all.


See Inspector of Prisons and Public Charities, Annual Report, 1881, (No.8), p.79, when 76.24% females were convicted and sentenced in comparison to only 64.88%.

Indeed, the inspector of prisons had to specifically remind his readers in his annual reports that the reformatory for women was not solely for prostitutes as was commonly believed. Ibid., 1882, (No.8), p.181.

Ibid., 1889, (No.2), p.108 as well as throughout the period in the medical section of the inspector's report.

It is interesting to note that nothing comparable was organised at the male prison, even though the actual numbers there were considerably larger.


See the yearly reports on the Mercer Reformatory Syphilitic Ward in Inspector of(Asylums)Prisons and Public Charities. Reports, 1881-9

Articles on this subject were frequently published in contemporary religious magazines. Typical of this fashion was seen in a description of the campaign in "The White Cross Movement", (Canadian Methodist Magazine, Feb., 1890).

See any of the Toronto Police Department Order Books for examples of changes in regulations on procedure which were handed down to the private constables responsible for the various patrols in the city by the Chief Constable of the City of Toronto.

See Great Britain, Statutes, 1867, c.3, s.91. ss.27, 28 and s.92, ss.6, 7, 14, 15.

Toronto had six divisions with a 'lock-up' in each although when a Mrs. Adams was appointed police matron in 1889, (Order Book No.8, Jan. 2, 1889, p.383) women were all transferred to the headquarters to be supervised by her. Descriptions of procedures on arrest, booking, incarceration, and...
the like are found in Toronto Police Department, Toronto Police Force: A brief Account of the Force since the Reorganization in 1849 and up to the Present Date Together with a Short Biographical Sketch of the Present Board of Police Commissioners, (Toronto: E.P. Clarke, printer, 1886), p.5.


23 The administration of justice was guided by standard rules of procedure to which constant reference would be made for such things as definitions of offences, judicial authority to try particular cases, appropriate sentences, and the like. These would have included G.W. Burbridge, A Digest of the Criminal Law of Canada (Crimes and Punishments) Founded by Permission on Sir James Fitzjames Stephen's Digest of the Criminal Law, (Toronto: Carswell and Co., Law Publishers, 1890) or James Crankshaw, The Criminal Code of Canada and the Canada Evidence Act, 1893 with an extra appendix containing the Extradition Act, the Extradition Convention with the United States, the Fugitive Offenders' Act, and the House of Commons Debate on the Code, (Montreal: Whiteford and Theoret, Law Publishers, 1894). A magistrates' manual on procedure would also be normally used, such as James Crankshaw, A Practical Guide to Police Magistrates and Justices of the Peace, with an alphabetical synopsis of the criminal law and an analytical index, (Montreal: Whiteford and Theoret, Law Publishers, 1895).

24 In fact, Denison stated that "I never allow a point of law to be raised. This is a court of justice, not a court of law." John Foster Fraser, Canada As It Is, (London,1905) quoted in Carl Berger, The Sense of Power: Studies in the Ideas of Canadian Imperialism 1867-1914, (Toronto: University of Toronto Press, 1970), p.18.
CHAPTER TWO - REHABILITATIVE INSTITUTIONS AND PROGRAMMES

The women who were confined in the Toronto penal system had backgrounds and lifestyles that contradicted the stereotype of the ideal woman as wife and mother. To counteract their previous histories, attempts were made in a variety of ways to reform adult offenders. Not only were these desirable to contain and control socially the new and ever shifting population, but since there was virtually no substitute for the business of child-rearing, it also seemed very important that all women function smoothly in accordance to their customary and vital role. The importance of having its future citizens brought up and trained to be positive contributors to the community can be seen in the fact that the state built institutions essentially, if unconsciously, designed to alter the behaviour patterns of nonconforming adults and children. For women, these programmes would centre upon rehabilitation and re-integration into society; for girls, structures would function as protection from potentially unhealthy environments and as preparation for their future function in society.

The aberrant women, having been socially and legally recognised as such, were submitted to an environment hopefully reformative. Prior to 1880, the only provincial means of controlling female deviants was through the common gaol system.\footnote{The establishment of the women's reformatory in 1880, however, seemed at the time to represent the completion of a unified prison system.} It included the Common or County Gaols for the custody of misdemeanants sentenced for short periods and of civil prisoners, as well as for the detention of prisoners awaiting trial; the Central Prison for the custody of prisoners selected from the County Gaols and who have been convicted of more serious offences, as well as those sentenced direct
32

Despite these additions, modifications were not made to the individual common or county gaols; in fact, it was over twenty years before any gaol rule revisions occurred, in 1881, and even then the application of the guidelines was mostly at the county's discretion. As a result of static conditions, the state of the Toronto Gaol remained relatively unchanged throughout the 1880's. Aside from various minor physical complaints, the most serious defect was considered to be sheer overcrowding. As such, a lack of classification of prisoners beyond the simplest divisions of sex occurred. While the fact that the insane, the old, the impoverished, and the enfeebled were grouped together with those who were incorrigible, it was this association of offenders that was most worrisome and explained the commonly held belief that "the indiscriminate association of all classes of female prisoners in the corridors of our Common Gaols was rendering them neither more nor less than organized training schools in vice and crime."

The overcrowding and lack of facilities drew attention to the other major complaint--the fact that there was insufficient, frequently no labour for the inmates to perform--other than keeping the building clean, working in the kit-
chens, and so forth. The females were employed to a greater extent than the males, mostly in sex-typed occupations i.e. laundry work, sewing, and the like.

Failure of the system can be seen by the general trend of commitments to the gaol. Notwithstanding a large decrease in 1881, the number of imprisonments between 1871 and 1881 rose nearly 40% while the population increased by only 13%. Virtually throughout the 1880's the direction of this trend remained the same. Year after year, the inspector would point out that, once again, Toronto had the largest rate of growth in commitments for all Ontario. Even in 1885, when there was an overall reduction, attributed to a smaller number of minor offences in general, the number of females rose, albeit to a small degree. As a matter of fact, from 1880 to 1886 there was an average yearly increase of 192 commitments. Closely associated with this lack of success was the assumption that most women were recidivists. Complaints were frequently made that "with one or two exceptions, the women are habitual offenders, of the vagrant, drunken and disorderly class. Six of them have been in gaol twenty times and 26 for half a dozen times and more."

The fundamental reasons for the total failure of the common gaol system in general and the Toronto Gaol in particular seemed to be the lack of proper facilities and of any definitive policies. Without a specific programme of rehabilitation or reintegration into the family sphere, and hampered by
unclear legislative responsibility of provincial and municipal governments, officials and reformers frequently declared that more specialised levels of the penal system would be effective. These included the Central Prison for males, built in 1873, and the Andrew Reformatory for Women, built in 1880.

Hopes for Mercer Reformatory were high when the institution opened for inmates on August 28th. Repeated requests to the Ontario legislature by the inspector, John W. Langmuir, as well as by judges, jurors, prison officials and philanthropists had finally been heeded. When the government obtained an unexpected sum of money from the intestate estate of Andrew Mercer, upon the advice of the inspector the Reformatory was created because

association is bad enough in its effects upon male prisoners, but as regards females, it is not only most demoralizing, but is painful and repulsive in the extreme. Habitual female criminals and depraved women, in expiating their sentences, in most cases in complete idleness, too often look upon the Gaol rather as a convenient refuge than as a place of reformation or punishment; while the lack of classification too frequently confirms in crime and disgrace some unfortunate girl, who under stricter discipline and better moral influences would be reclaimed from vice. 15

In reality, the attitudes held towards the inmates' characters more than justified the urgent need for social control. Almost without exception, the inmates were regarded in negative terms. Described as "depraved", "evil", "debilitated", with a "great abhorance to work of any description" and a lifestyle that varied only "between an outside debauch
and a prison recuperation”, they represented, in sum, “the worst portion of the female population of the country.”

Designed as an industrial reformatory for women, the institution accommodated prisoners who either were transferred from common gaols or were sentenced directly. Effective behaviour alteration obviously necessitated a competent staff. This was to consist of as many women as possible for "then and only then, will women be fully able to exercise and wield their great power and influence, in a practical way towards reclaiming the criminal and fallen of their sex."

The necessity of capable employees for the inculcation and regulation of proper social control was thus recognised. Even the lowest attendants' positions were thought to be more than jobs; closer to that of social workers, they were in actuality responsible for reshaping the personalities of these social deviants. Because of this, each staff member was thoroughly impressed with the importance of her work for the benefit of the inmates in her charge. The fact that "the inmates are daily and hourly in contact with these attendants and have the opportunity of consulting with them for their benefit, is sufficient evidence that in the hands of the staff rests one, if not the chief, agency for the reformation of those committed."

Successful modification of conduct also required specific articulated goals. Because it was assumed that the offenders had been criminal and subject to bad influences
since childhood, the decided solution was "to break up the evil habits so engendered, and to substitute in their place moral control and restraint." Part of the organisation was based on the isolation or classification system which was originally very elaborate. By 1883, however, the methods were not found practical and therefore were modified. Government investigations several years later, in 1891, showed that even the alterations were not, for apparently practical reasons, followed. Inspiring the offenders with feelings of self-respect, teaching them to value pure thoughts, perform good deeds, live soberly, and reform themselves were all social values which were to be substituted for former depravity. These substitutions would be achieved by "kindness" which was believed to be the "most effectual way of influencing them, treating them as human beings." It was recognised that changes in behaviour and ways of thinking could not occur quickly; in fact, "months must elapse before their moral and physical being can be so relieved from the controlling power of dominant vices, as to enable them to appreciate or desire a better life" i.e. a life favourable to the middle class. Aside from moral regeneration, domestic skills were to be taught, not only for their supposed intrinsic value of instilling order, discipline, and reformation, but for the purpose of equipping the women for earning good livings upon discharge from Mercer.

Clearly, articulated goals were not the only dyna-
mic forces involved. Unconscious aims also influenced their methods. These were the logical extensions of expressed desires to reshape the female deviants into the 'normal' pattern of Toronto society and fit them into a family unit for their intended roles as mothers and wives. The metaphor of the family was not only intelligible to government officials and to reformers as a workable formula which could be easily adopted, but to them there was no viable alternative. Consequently, the entire system was designed to accommodate and maximise these intertwined conscious and unconscious ambitions.

The major consideration was to keep the building as unprison-like as possible; as such, everything was to be "entirely different and far less costly than for males." Built just south of the recent extension of King Street and west of the Central Prison, it was close to the railway for effective transfer of prisoners. Total dormitory capacity was for 196 inmates divided into 12 distinct wards, 130 cells, and 66 small rooms. Isolated cells in the basement were to be used for punishment. The design was considered most advance and as perfect a system of classification as possible. The building, which included a hospital, a chapel or hall, a storeroom, and offices, was designed in the "Modern or Gothic style" of architecture, and so considered to have "little of the gloomy or prison-like aspect."

It would seem obvious and logical that the methods of implementing the value-laden goals of the institution would
involve further imposition of standards upon the inmates. This, indeed, was the whole point—to transmit or transfer 'middle class' ideals in an intelligible fashion so that inmates would absorb them, incorporate them into their own lifestyles when discharged, and emit them for the benefit of children and husbands. To a considerable extent, the organisation of activities effectively interpreted their goals and standards and attempted to change completely these women who were almost totally ignorant of what society considered to be normal female skills. While the ultimate primary goal was to train good mothers and wives, the inmates naturally were not in a position to practise these skills directly. There were, however, many aspects of behaviour that collectively simulated desirable female conduct.

Aimless lives had to become well-directed and thoroughly organised. Not only were the prisoners regulated, the institution itself was as well. Order and discipline were taught through the inauguration of a formal daily routine theoretically patterned on a well-run household.

Cleanliness and tidiness of self and surroundings was constantly stressed in efforts to change this "class who are unclean and filthy in their habits." Indeed, it was considered a reward to give the women time off to repair their clothing so they might "appear respectable" when discharged. Year after year favourable reports were sprinkled with such value-laden adjectives as "order", "neatness", "cleanliness", and "tidiness".
The above ideals were inculcated through the work programmes at the Reformatory. Since the training of the inmates for the earning of a living when discharged was considered a necessary preventative to recommittal, the prisoners were considered lucky not to "suffer the degradation of utter idleness". While all kinds of labour were suggested as possible before the institution opened (such as cane-seating, paper-box making, and light shoemaking), sewing, knitting, and above all, laundry work, were the only activities undertaken, supposedly because of high inmate turnover, low mentalities of prisoners, lack of proper facilities, and because "washing and ironing are favourite occupations among the inmates." Along with the teaching of technical skills, a positive attitude towards work and supervision was cultivated. Accordingly the females were praised for having "done their work cheerfully", having "been obedient" and "respectful to the officers and attendants" who would supervise the women performing their daily assigned tasks.

An education programme was begun primarily for the illiterate, although arithmetic, Canadian history and geography classes were held for those who could read and write. While not specifically stated, one might suppose that literacy would improve their skills on the labour market and in the home in teaching children. Aside from formal classes, the female prisoners were encouraged to (and apparently did) use the Mercer library. Other recreational pasttimes including sewing, knitting, and crocheting for their own use (as opposed to the 'paid'
prison labour) no doubt were designed to provide a respectable alternative to the generally assumed prevalent recreation of drinking on the outside.

Predominantly nondenominational religious education was considered much more important than secular training, however, mostly because it was the primary concern of the Prisoners' Aid Association and of the philanthropic individuals working in and for the prisons. In fact it was said that "much of our success in the management of the inmates must be attributed to the influence of the several religious services. . . . We realize more and more that religion alone will produce a true reformation of character." Like education, religion not only would directly benefit the woman, it would indirectly improve those around her.

Despite the fact that direct guidance was almost nonexistent for the future-anticipated roles which the female offenders were expected to play, the one exception to this was the nursery. Special provisions were made to establish a distinctive section in the Reformatory for those women who either brought infants into the institution or gave birth while incarcerated. The Superintendent represented both penal officials and prison reformers when she declared that "we would prefer not to separate mother and child, and had we sufficient accommodation this might be avoided. We believe that the care of her child has a softening effect on the mother, and is a great incentive to her reformation." Yet whatever admittedly potential influence existed was slight since the numbers involved were small.
After serving one's term of sentence and having been exposed to the influences of the staff, having specific standards supposedly instilled, and articulated and unconscious goals implemented through various activities and methodological routines, the final stage of social control was hopefully ready to occur. This was the introduction of the reformed offender into society in preparation for taking her place as a functioning member of the family unit. Discharged prisoners technically were to be sent back to the place where they had been committed, at the province's expense unless they themselves had enough money or unless suitable jobs could be found for them elsewhere. While officially this ended the legal system's association with the former inmate, it was soon argued in this period, by the staff, the inspector, and by an interested segment of Toronto society, that turning these women out alone was tantamount to ensuring their return.

The transformation of behaviour patterns for females was attempted through state-run institutions as discussed above. Although the adult programme concentrated on reformation and reintegration, the organisational setup for female children functioned as protection from potentially unhealthy environments and as a preparation for a future role in the community. Thus the Industrial Refuge for Girls was designed primarily to compensate for the inadequacies of certain types of Ontario families by approximating a familial environment as closely as possible. More of an alternative to the traditional family unit than a penal institution, it operated on the assumption that
it was better to prevent crime than to punish it. Despite the fact that the majority of the inmates were believed to be the children of drunken parents, legally the Refuge was open to any girl under fourteen who was found begging or receiving alms; wandering, without a home; destitute and an orphan or having a surviving but imprisoned parent. A girl could also be committed by the request of a parent, step-parent, or guardian on grounds of unmanageability or by the state if considered to be growing up without control or education because of parental neglect or drunkenness. Once admitted, the children were to be detained until some means of earning a livelihood (such as a proper trade) was learned or until industrious habits had been formed.

Much confidence was expressed in this institution which was assumed to be "under far more favourable auspices than the department for adults can ever hope to attain to. The entire separation from the vicious and the depraved, and from all corrupt associations, for long periods—which must always be the fundamental principle underlying all successful Reformatory work—can here be effected."

The external and internal construction of the building was devised for the entire absence of anything of a prison nature. Dormitory-like sleeping rooms accommodated fifty girls. Efforts were made to surround the children as far as possible with home comforts, and to bear in mind that these young females were there because of their parents' faults rather than because of their own. Even the discipline in the Refuge was supposedly "the discipline of the family; we try to rule by kindly ad-
monition, and by appeals to their better nature rather than by terror of punishment." Activities stressed the 'family' aspect of the Refuge in efforts to minimise the unavoidable institutional characteristics. These included picnics to High Park, annual sails on the Toronto harbour, long walks in the Parkdale area, and trips to the Exhibition. At Christmas a tree and presents for each child were provided.

Like a well-run, responsible family, the Refuge tried to prepare the young females for their future roles in society. It was thought that there could be little doubt that "the subjection of young girls of from 10 to 15 years of age to educational and industrial training and the moral restraint afforded by such an institution as the Refuge during a stay of 5 years; and the subsequent placing of them in respectable families, would, in all human probability, result in saving the largest proportion of them from disgrace and ruin."

Official efforts to make them "become good and useful members of society" were nevertheless limited to fitting them for a service role in life. Both penal officials and prison reformers consequently assumed the girls would become thorough domestic servants; "we do not expect to make them either dressmakers or tailoresses, nor do we teach them any needlework, except the making and mending of their own clothes. Should any girl give evidence of a decided talent for a particular branch, we would consider it our duty to give her every advantage to cultivate that talent." Perhaps significantly, this did not seem to occur.
The girls were kept on a well-regulated schedule which divided their time between practical education (washing, ironing, sewing, knitting, scrubbing, general housework, cooking, and baking bread) and regular education (reading, writing, spelling, arithmetic, geography, calisthenics, and the like). Because of the steady increase in numbers it was thought desirable to build a laundry to provide the girls with employment and the opportunity to become good laundresses. Partly to prevent becoming accustomed to being waited upon, no servants were employed in the institution; all work was done by the girls themselves under adult supervision. While everything was geared to a family atmosphere, the ultimate goal was to provide a disciplined, obedient, and reliable class of servants, at least in the minds of the penal policy-makers.

That the potential role of female prisoners was considered important and positive by those in power can be seen from these detailed efforts made by the state to alter their personalities and lifestyles. Everything about the adult programmes was designed for rehabilitation while the shelter and schooling experience was organised to assist the girls. Although methods were different, goals nonetheless were the same. Both aspects of the penal structure attempted to fit these individuals into society's traditional role of woman, so that good mothers, good wives, and, to a limited extent, good domestic servants would be the ultimate result. Because of this extreme importance, not only did the state get involved, but a significant sector of the public became even more concerned and active. Aside from the paid involvement of the state in modification of characters, volunteers would provide an extra dimension of freedom and control.

2 Ibid., p.5

3 Ontario, *Statutes*, 1881, c.224, s.9, "Rules and Regulations for the Government of the Common Gaols of Ontario".

4 One such complaint was poor ventilation. Inspector, *Report*, 1885, (No.12), p.68.

5 Until 1887 when structural alterations finally occurred, overcrowding was the norm.

6 Although even in this instance the number of males in the Toronto Gaol were so numerous that in the mid-1880's the lower corridors in the female side had to be used to house them. Inspector, *Report*, 1886, (No.10), p.63.

7 Ibid., 1879, (No.8), p.105.

8 Ibid., 1884, (No.8), pp.144-51.

9 Ibid., 1882, (No.8), p.67.

10 Ibid., 1886, (No.10), p.2

11 These increases were mostly caused by male committals; because they were so noticeable, however, public reaction carried over to the females and no significant discernment was made between the sexes in this instance.


13 The general attitude throughout the period, expressed in Inspector, *Report*, 1879, (No.8), p.62, was that nothing could be done before the structural conditions were suitable. Only after physical improvements were achieved could efforts be made towards promoting discipline and moral character in the inmates. This belief explains the concentration of comments by the inspector on the physical conditions of the gaol.


15 Ibid., p.106

16 Ibid., 1883, (No.8), p.109; 1885, (No.12), p.120; and 1886, (No.10), p.99.
17 Although because of the cost, women would be transferred only if they had been sentenced for at least six months. Inspector, Report, 1882, (No.8), p.179.
A female bailiff for the province was appointed to supervise the transportation of prisoners to Mercer. Ibid., 1881, (No.8), p.174.

18 See Ontario, Statutes, 1887, c.239, s.12, 13.


20 Ibid., 1883, (No.8), p.105.

21 Punishments, if required, appear to have produced the desired effect of behaviour modification. For example, habitual offenders "were much more amenable to the rules and discipline of the Institution and the smaller number of dark cell punishments is attributed to this cause." Inspector, Report, 1887, (No.12), p.103.


23 Ibid., 1879, (No.8), p.110.

24 Ibid., 1884, (No.8), pp.136-37.


26 Ibid., 1883, (No.8), p.104.

27 Ibid., p.106.

28 Nevertheless, whether the inmates ever lived the family experience which the government and reform decision-makers had in mind is rather dubious.

29 Inspector, Report, 1879, (No.8), p.107. No reason why this was to be so was given.

30 Ibid., 1880, (No.8), p.189.

31 Ibid., pp.188-94.

32 Ibid., 1887, (No.12), p.102.

33 Accordingly, the inspector made frequent visits to settle any personal disputes or problems, aside from official inspections as required by statute. Even his office was connected with Mercer by telephone for close and immediate control. Inspector, Report, 1885, (No.12), p.106. Because nothing comparable seems to have occurred anywhere else, perhaps this supervision existed because the institution was staffed almost
exclusively by women.

34 See Inspector, Report, 1889, (No.2), pp. 103-104, for complete details.

35 The idea of a surrogate family in public institutions under the circumstances was true for adult females as well as for children, even to the extent of frequently, if not predominantly, disparagingly referring to the inmates as "girls".


38 Ibid., p.105. The rationalisation of the officials here is of course obvious.

39 Ibid., p.458.

40 Ibid., p.458.

41 Yet even here there was strong social control. Complaints were made that the books were beyond the inmates' comprehension and they only needed "simple moral tales". Inspector, Report, 1882, (No.8), p.459.

42 Ibid., 1890, (No.11), p.112.

43 Although the fact that by the mid-1880's the Mercer women were doing the laundry of the male inmates in Central Prison because they did a "much better job" might be construed as fostering a sex-typed role. Inspector, Report, 1884, (No.12), p.107.

44 That this had not been foreseen is obvious since no provisions were made when the building was designed. While the doctor complained about this, and the superintendent said that often this was the source of poor discipline (since the fact that nursing mothers were thought unable to perform hard labour apparently annoyed the other inmates), the nursery remained.


46 Ibid., 1881, (No.8), p.174.


48 Ibid., 1882, (No.8), p.460.

49 See Appendix VI for statistical profile of Refuge inmates.

50 Ontario, Statutes, 1887, c.240, s.11.
52 Ibid., 1880, (No.8), p.191.
53 Ibid., 1883, (No.8), p.111.
54 Ibid., p.111.
55 Ibid., 1882, (No.8), p.167, for example.
56 Ibid., p.183.
57 Ibid., p.186
58 Ibid., 1883, (No.8), p.111.
59 Ibid., 1882, (No.8), p.460.
60 Ibid., 1885, (No.12), p.111.
General attitudes towards the importance of woman's role in society was based upon those ideals of wife and mother within the home and, to a limited extent, of worker within the community. Female prisoners were seen as having the potential of fulfilling these roles not only by government officials but by a significant and influential sector of Toronto society as well. In fact, the far-reaching implications of the female offenders' backgrounds and lifestyles seemed of greater concern to society than to the government. Driven by wideranging causes that included a more active participation in religion through what was recognised as 'applied Christianity', a desire to consolidate socially newly-won economic gains, and an increasing fear of the confusing industrialising environment, a significant sector of the Toronto population attempted to alter the behaviour patterns of the women not only within the institutional framework organised and used by the state, but also outside the prisons after discharge. The resultant Prisoners' Aid Association was virtually the sole vehicle for urban reformers interested specifically in penal improvements. These individuals were, in fact, trying to fulfill a social role themselves as proponents of community control. Indeed their goals and activities were all planned to rehabilitate these inmates and fit them in to their proper position in society.

Urban reform in late nineteenth century Toronto was an amalgamation of the secular goals of social control and the movement of religious revivalism. An example of the efforts of the older churches to forestall the influence and popularity of evangelical sects, revivalism recognised that the "really important problem of religious organizations in Canada after 1885 was that of
reaching the urban masses." Frequently referred to as the 'social gospel', its "most important function was to forge links between proposed reforms and the religious heritage of the nation, thus endowing reform with an authority it could not otherwise control." This urban reform, organised into groups according to the particular focus for social change, was nonetheless interrelated. Not only did they all operate within the same environmental context, influenced and affected by equivalent causes and trends, but they operated within an identical social concept. Even more than the frames of reference, goals, and ideals of a perfect urban society, all of which were held in common, was the fact that a great many of the same individuals were involved in several of these organisations. Moreover, it was assumed that "the question relating to our criminal classes, affecting as it does the social life of modern society, influencing us both morally and economically, is of the greatest possible interest to everyone . . . . It is now seen that the interests of the convicted criminal and the interests of society are practically the same, and the efforts to effect a reformation of offenders has now become an acknowledged duty." Aside from social or status-oriented advantages, the need to control the unmanageable forces of urbanisation was of fundamental importance. Reform was almost an end in itself. It was the fact, the dynamic action of change, of progress that evidenced human control over the environment. This belief, this proof, was even more important than what precisely was being reformed. Interlinked so closely, therefore, because the success of one cause in the
reality of Toronto meant success for the other campaigns, re­form was the physical and moral fact of overcoming the inertia of social ossification. The several modes of operation were not necessarily consciously incorporated. Because both theo­retically and actually, in ideals and in personnel, the vari­ous organisations were the same, the methods adopted by one group were eventually, by osmosis, adopted by all.

The degree to which these trends were influenced by personal ambition is presently not known; considering the upward mobility, consolidation of power, and social legiti­misation associated at the various levels of Toronto's social classes, certainly altruistic motives would not be the pro­pulsion of all.

The individuals who became involved with prisoners were thus part of this religious/secular reform milieu. As reformers, they possessed the typical characteristics of On­tario crusade leaders in general. Mainly Anglo-Saxon, Protes­tant, and well-educated, they were either businessmen or professionals in the ministry, law, or medicine. Methodists, Presbyterians, and Anglicans predominated. Although conven­tionally men organised the overall movements, women "dealt with reform at an inter-personal level" as teachers and so­cial workers. Aside from religious motives and idealistic notions of women's inspirational role in society, opportuni­ties for participation were often created by circumstance.

With regards to women specifically involved in pri­son reform, there existed an expressed desire to counteract
the apparently frequent "sweeping assertions about the hardness and severity manifested by the virtuous Christian woman towards her fallen sister". Accordingly, they maintained that "in this city there are women of culture and refinement, who are giving not only the tear of sympathy, but the kindly word and the helping hand to fallen sisters, and are every Lord's Day reading and teaching God's word to wandering ones of their own sex, with a power and pathos worthy of Elizabeth Fry."

Work in the Toronto Gaol started some time in the mid-1860's. Mrs. Lizzie J. Harvie had begun visiting the females with two other Presbyterian women in Toronto and in 1868 an association or society was formed to establish a Sunday School in the Toronto Gaol. Known as the Toronto Jail Mission, its leaders soon organised the Prisoners' Aid Association of Toronto in response to an appeal by the prison inspector for a specialised group to aid discharged offenders, especially those leaving the newly-built Central Prison for men. Drawn from "the various Evangelical Religious Bodies of the City", over the years it prided itself on its nonsectarianism. An expansion of the Sunday School system and the establishment of a denominationally-rotated preaching service (handled soon by the Toronto Ministerial Association) was achieved. In 1880 when Mercer Reformatory opened, the PAA was asked by the provincial government to extend its services because

"although it is clear that the government must
take upon itself the expense of maintaining Pri­
sons and Reformatories, and the care and treatment
of offenders undergoing sentence, it is equally
clear that the care of the families of prisoners
undergoing sentence, and of the prisoners them­
­selves after their discharge, as well as the pro­
per provision for the apprenticing or employment
of the youth of both sexes discharged from the
Reformatories, must largely, if not altogether, come
within the sphere of private benevolence."16

The reformers responded immediately, with an all-female staff
of Sunday School teachers and workers, including Lizzie J.
17 Harvie as the "Lady Superintendent". From this time on, the
female offenders incarcerated in both the Toronto Gaol and
Mercer Reformatory were taught and assisted by women from the
PAA. These reformers viewed the prisoners with thoughtless
sympathy; they considered most of them to have deviated from
the norm to become "depraved and fallen women and girls"
through rashness or folly. Indeed, many of the "poor girls"
had been absolutely "destitute of such kindness and consi­
deration for years." Yet enlightened attitudes to drinking
problems were seen in the belief that many of the women
should not have been imprisoned because "numerous middle­
aged women confined in the Reformatory are the wives of hard­
working, but respectable men, whose children, in some in­
stances, are in good positions. These have fallen through in­
temperate habits" and it was "painful" to see them incarce­
rated with those in "deeper sin".19

The female reformers saw themselves as providing a "gentle restraining influence" upon the females within
the penal system and a protective, strengthening persuasive-
ness once outside. Their attempts at behavioural altera-
tion and social control of the illegally deviant were ini-
tiated and designed solely from the reformers' points of
view. Neither consultation nor communication between these
two groups occurred. Emphasis, therefore, was on what ought
to be, not what was.

The official goals of the PAA were expressed in
religious terms. While complete conversion was the ulti-
mate aim, awakening dormant consciences was acceptable for
the immediate future. More generally, they were concerned
with the "reformation of offenders, their welfare when dis-
charged, and prison reform" and with "the distribution of
prison reform literature, and the use of other means for a-
wakening a more general interest in the cause of prison re-
form." The unconscious goals of the PAA were decidedly se-
cular yet at the same time were inextricably bound into their
religious expressions of purpose. A work ethic, temperance,
respect, good manners, well-cared-for children, and happy
homes all were related to a spiritual participation in the
community. These aims had to be more than expressed and acted
upon; they had to be followed through to the logical and ul-
timate conclusion: salvation of the individual, and, more
important, salvation of society.

Subtleties of unconscious goals were illustrated
by the desire to impart a sense of guilt in the females. In
contrast to police, inspection, and gaol official records, the
reformers maintained, therefore, a position of calculated se-
crecy to engender shame; gradually, their concealed methods of record-keeping filtered into the practice of the previously mentioned authorities.

Although the methods of achieving their goals were unfixed, the time to be most effective was definite—this moment was when they were most vulnerable, most malleable, "when they are suffering the penalty of their crimes and are softened by reflection".

Religious activities within the institutions regularly included teaching Sunday School, bible readings, distribution of tracts, and visitation and counselling with the inmates. With the spread of revivalism throughout the province, evangelical aspects became increasingly important. Indeed, scarcely "a service has closed without one or more openly confessing their sorrow for sin and their acceptance of Christ." Special evangelical services were held throughout the year as well as on recognised occasions such as Christmas and New Year's. Typically, the reformers would speak with the inmates, counsel and advise them, distribute religious tracts and literature, and often address them with a sermon. Visitors prompted by the religious movements or by prison reform came from many different countries as well as from Toronto itself. This increasing participation by urban reformers, both those directly interested in penal conditions and those who were involved with other civic improvements, was indicative of the growing concern with social control and with the protection of their own status, seen to
be made precarious by increasingly uncontrollable environmental and population changes. Recognition of and admission that the wide social gap between the classes had produced the limited success of the established churches in Toronto gave rise to the evangelical work in Ontario penal institutions. That being the case, most prisoners were assumed to be from the "very lowest stratum of society, and in the majority of cases it is safe to say that but for the religious instruction given in the jail, they would never hear the truths of the Gospel."

Closely tied to the religious revivalism in the prisons was the constant encouragement of total abstinence by all the women. Not only did the prison reformers advocate this through their daily contacts with the prisoners, but others distributed temperance tracts and, in the case of the Christian Temperance Union, established a temperance lending library. Other standards imposed included praise for good manners and for 'proper' respect of the teachers and other workers.

Despite the continuous efforts at Mercer, the teaching of the children in the Industrial Refuge was considered the best opportunity of reforming society's deviants. The women of the PAA looked forward to the time "when large numbers of the destitute and uncared-for children of the province, will find in this well conducted institution a home, where they will be subjected to wholesome discipline, systematic training, and spiritual influences, and through these
become useful members of society."

Most important to the Association, however, was the reintegration of the female into the community. This height of success was illustrated by the glowing report on four former inmates who "have good husbands and pleasant homes, they attend religious services regularly, and there is every expectation that they will eventually become useful, respectable and christian (sic) women." Their greatest desire—that all discharged women would eventually be living in "pretty and comfortable homes" and "become not only good citizens, but good wives and mothers" most blatantly illustrated their middle-class standards.

The most valuable way of controlling the females was through assistance upon discharge, for, many cases without home, family, or financial resources, the women and children would be completely dependent upon the benevolence of these female reformers. From 1875 on the PAA women cared for the discharged by providing temporary shelter, sending them back to their homes in rural areas, corresponding with their friends, and providing them with boots, dresses, hats, under-clothing, outside wraps, and the like. Met at the gate, they were accompanied to new jobs, charitable institutions (such as the Haven or Magdalen House), or to the homes of their Sunday School teachers where they would live until they could find a position. Teachers would frequently take their discharged students to their own churches and even shared their pews with them. Furthermore, the reformers would assist married women to set up housekeeping when released.\(^{32}\)
Employment was thought to be very important. To the discharged prisoner it supposedly meant support and independence (if the work ethic had been sufficiently instilled and ingrained). To her teacher a job was a means of staying away from bad associations and criminal activity, a means of social and moral uplift. Indeed, one of the biggest roles of the Association was as an employment agency. Former inmates who found positions and maintained themselves were seen as "filling respectable positions in society with credit to themselves and comfort to their friends." In this way it was hoped that the discharged woman would be free from the temptation to recommit any crime.

Consequently, perhaps because the efforts were self-initiated, the amateurs involved would take a hard look at the results of their activities. Evaluation and accountability were extremely important. A high regard for the proper roles of women and real concern for the rehabilitation and reintegration of divergent women into these idealised models was evident through the behaviour of a very specialised segment of the Toronto public. These individuals were a part of the larger whole of the urban reform movement as prison reformers through the Prisoners' Aid Association. Primarily parallel to the government, they reinforced and supplemented the work done by the state. Virtually all their policies, goals, and programmes were designed, whether consciously or unconsciously, to effect some social control over female inmates, alter their behaviour patterns, and fit them in to the stereotype which they believed was necessary for the nurturance of the future society.


6 One must, however, be careful of after-the-fact interpretation. It was not illogical that there was no well-defined rationale as to what they were doing or how they were doing it. These particular individuals were relatively new to the 'business' of reform. Moreover, they had no highly-developed reform tradition similar to England or the United States upon which to pattern their roles. Lack of perspective naturally resulted in situational reactions. Not only was it socially acceptable to participate in some or in many organised reform groups, it was an important requisite. Nevertheless, unlike other prison reform movements, that of Toronto's appeared collective rather than individualistic (in contrast to two separate crusades in England initiated by John Howard and Elizabeth Fry respectively, and the American one led by Dorthea Dix).


8 See Morrison, "Child and Urban Reform", p.80 for complete details.


11 These occurrences would have included such things as technological household improvements as well as the population imbalance in Toronto i.e. 7% of all females were widows (5,295) in comparison to 2% males (1,632), and of these women, 75% were between the ages of 20 and 66. See Canada, *Census*, 1891.


14 Ibid., 1883, p.6.

15 Inspector, *Report*, 1874, (No.2), p.218. The PAA seems to have administered to both male and female offenders although it was once briefly mentioned that the Association was organised "specially for the Relief of discharged Male Prisoners". PAA of Toronto, *Report*, 1877, p.14)


17 Although W.H. Howland, who seemed to be the only male, was Superintendent for this whole period.


21 Harvie and several discharged females under her supervision were once followed by several men all the way from the gaol into the city. She herself wondered "what would have been the consequences, if I had not been there to help and protect the dear young girls?". National Prison Association of the United States, *Proceedings of the Annual Congress, Toronto, 1887* (Chicago, 1889), "The Woman in Prison", pp.178-79.

22 The fact that guilt had to be engendered in the prisoners did not seem to raise the question that the standards of the inmates might be different--only that the females had no standards at all.


25 PAA of Canada, *Report*, 1890, p.10. Religion, of course, was a means of upward mobility. Female prisoners who professed to believe obviously would receive better treatment from the religious reformers than those who did not.

26 Two of the most frequent Torontonians who came to assist the female prisoners were S.H. Blake and William Gooderham, both active in many popular causes of the day.
27 This can be seen, for example, in Bishop J.F. Hurst, "Es­
trangement of the Masses from the Church", Canadian Metho­
dist Magazine, Apr., 1890, pp.345-50. The role women could
play to help overcome this is also discussed.


29 PAA of Toronto, Report, 1881, pp.9-10.


31 Ibid., 1883, p.14; 1886, p.9; 1889, p.17.

32 PAA of Toronto, Report, 1881, p.11; PAA of Canada, Report,
1883, p.13.

33 This was, of course, primarily for Protestant women since
the PAA considered themselves a Protestant group. Although
jobs were found for some Roman Catholic women, the female
volunteers insisted it was impossible to follow them up.
Possibly they did not wish to do more because of ingrained

34 PAA of Toronto, Report, 1882, p.7.
 CHAPTER FOUR - LACK OF SUCCESS

Late nineteenth century Toronto was the scene of many co-operative efforts to change the behaviour of female offenders, to minimise their backgrounds, and to change their lifestyles by concerned self-styled reformers operating in an urban milieu. Yet despite the enthusiasm and the energy, in relation to the expectations of the prison reformers, success was limited. Except for what they considered their only real prospect, the Refuse for Girls, positive results did not cancel out negative ones. The resulting frustration and disillusionment over the number of relapses and recommittals would lead to a defence and rationalisation of the combined efforts of officials and reformers as different reasons for failure were sought. Some explanations, after much study and soul-searching, would be regarded as plainly beyond their control. Some would be declared to be the result of insufficient legislation. Ultimately, however, rather than questioning the premises on which their belief in the need for reform was based, rather than examining the possibilities of radically different tactics, the individuals concerned would assert that more was needed—more faith, more effort, and more control.

Nevertheless, some aspects of the penal reform programmes were positive in the minds of those directly involved with reformation attempts. Success was measured by increased interest of the inmates in spiritual matters within the institutions. The incarcerated females were thus described as "most quiet and orderly, indeed strangers are impressed by the stillness which pervades the chapel, during the hour of service, and the earnest, thoughtful, and
teachable spirit manifested by the inmates." As a matter of fact, whether the charges of sentimentalism for noting such things as inmates who "have frequently shown by the quivering lip and starting tear that not only has the attention been arrested but the heart impressed" were justified or not, were extremely difficult to ascertain.

Testimonies of conversion, letters of thanks, and signed temperance pledges of discharged prisoners were mentioned as positive illustrations of their work. Year after year, the PAA gave away thousands of articles of clothing, tools, lodging, and meals; found a countless number of jobs; and loaned hundreds of dollars to the discharged prisoners to help them get established.

Despite these annually-described accomplishments, the only work that was viewed optimistically by the reformers was the efforts taken to help the children. Not only was there a supposed increase in the girls' confidence in and respect for their teachers, but over the decade it was "gratifying to find some who came to the Refuge feeble of both mind and body, ignorant of all that tends to improve mind and body, developed into rugged rosy-cheeked girls, industrious in habit, growing in intelligence, happy and contented in disposition, and fully amenable to the easy discipline of their new home." What was most important was the fact that all these things were seen by both volunteers and officials to "indicate unmistakeably that they appreciate their comfortable home".
Still these accomplishments were considered minimal by the visibly frustrated and disillusioned reformers. Whether these crusaders were in actuality bothered by the number of recommittals or by the continually expanding urbanisation of Toronto and concommitant threats to their own social and economic position is difficult to determine. No doubt some believed it was the literal result of a personal lack of religious faith. Whatever the cause, the overall failure at altering and controlling the lives of the deviants of their society seemed obvious. For example, the total number of females recommitted between August 1880 and December 1887 was 298, out of a total of 1,069 discharged. While this obviously meant that 771 were apparently not recommitted, all policies and programmes had been designed to end all recidivism—not have 28% of the penal population back.

Not only was the fact that the officials and reformers had failed to that extent difficult to admit, but the reasons for their failure were to a large extent inexplicable. They could not comprehend why persons who "not only wrecked their own lives, but also brought ruin and desolation on the lives of others" would not change. The lack of communication between the inmates and the reformers was acknowledged by the latter but seems to have been either misunderstood or ignored. As a result, it was maintained that there existed a problem "all along . . . to persuade them to take advantage of these privileges, which are freely offered them." Opportunities to
ensure success were available. The reformers were not just giving material possessions, they were giving themselves. Indeed, to many it appeared "almost incredible that so many women who keep all the rules and regulations of the Reformatory, always conducting themselves in a quiet and orderly manner, doing their allotted portion of work diligently and well, should, on regaining their liberty, so soon fall back into their old ways of living." Notwithstanding the fact that many were supposed to be "quite sincere at the time in making good resolutions", these lower class females were declared to be "weak and unable to resist the temptations that are ready to meet them on their discharge".

Even the co-operative system of apprenticeship, organised by officials and reformers, apparently was less than successful. For years, many women and girls had been hired out to various Toronto upper and middle class families. Theoretically the arrangement was beneficial; jobs were provided for the discharged prisoners, who were thus socially controlled and supervised to the reformers' satisfaction, and a good supply of domestic labour was obtained (often by the reformers themselves). In practice, however, the programme must not have worked. While there is the possibility that the recidivists were not those who had participated in this scheme, the number of female inmates classified as domestic servants in the prison statistics was greater than any other occupational listing during the 1880's. Moreover, the general public acknowledged that domestic
labour was still in short supply.

In the process of finding answers and alternatives, the reformers excused and defended their work against apparently frequent charges of emotionalism. Almost without exception the maxim on the cover of their printed annual report was a quotation which began with the assertion that "prison reform is not sentimentalism . . . ."

Not only did these individuals declare that the greatest care was "used to avoid the deception to which this charity is peculiarly liable", but they argued that they were completely "freed from all that mawkish sentimentality which only encourages dissimulation and hypocrisy".

Underestimation of inmate ability to reform was seen in confessions of great disappointment felt in lack of success with prisoners. Whether expectations were too high or too impractical, one thing was certain: the cause of failure was guiltily and repeatedly confessed to be the result of lack of faith on the part of the reformers. Despite the confessions, in the final analysis these individuals, along with the employees and officials in the institutions, rationalised that "had we sought to sustain our interest by manifest results we would have been obliged to give up the work long since".

Whatever reasons motivated those working with the prisoners, whether religion, urbanisation, personal ambition, recommittals, or any other, excuses were considered necessary to legitimise past work and justify future efforts. Part of
the problem seemed to lie in the reality of running the institutions. The Superintendent of Mercer, Mrs. Mary Jane O'Reilly, governed by her own rules and personally gave everyone orders i.e. both staff and inmates. She and the deputy-superintendent, Lucy Anne Coad, would alternate being in charge of the Reformatory every other week. According to Coad, this arrangement was unsatisfactory because the inmate women complained that they never knew what to do because the orders kept changing. Justifications of failure included a criticism of the quality of inmate sent to the various female institutions. Not only did O'Reilly and the surgeon, Dr. John S. King, complain about the increasing number of low-grade inmates at Mercer, but the "material sent to the Refuge is not as a rule very promising, many of the children having in them the hereditary taints of vice, thus are of low mental standard, and almost all have been for years before their admission to the Refuge familiarised with vice and debased by bad surroundings."

The fact that no proper facilities were available for the rehabilitation of alcoholics, especially "respectable working women . . . whose only offence is drunkenness" was a key explanation for recidivism. The female prisoners' negative influence upon each other was inexplicably assumed to be stronger than any suasion exerted by the reformers. As a result, poor classification or separation of prisoners was considered to cause occasional offenders to embark upon lives of crime. Lack of success with discharged prisoners
was partly blamed on the system of indenture arranged between the institutions and families looking for domestic help. It was therefore only "just to the teachers to state, in view of the smallness of the number of those doing well, who have been discharged in their care, or who have been admitted to charitable institutions, that this discouraging result is accounted for by the fact that almost all the promising cases are appropriated as servants by householders, previous to their discharge." To a great extent, however, these factors were beyond immediate control and recognised as such. Nevertheless, the fact that "the best behaved while in the Reformatory, prove to be very weak and incapable of resisting temptation when released" demonstrated but one thing to those impatient for improvement. They needed greater assistance and stronger, if different, direction.

Even though there were general reasons for the less than successful attempts by those involved, there were very specific responses for coping with this problem in hopes of changing its course. Sheer physical alterations such as enlargement of the Association's home for discharged prisoners, or changes in format as seen in the increasing number of weekly bible services were attempted throughout the period. Whether the reformers were anticipating too much, whether inherent inadequacies existed, or whether the fundamental desire was merely to extend their personal control more fully, is unknowable. Notwithstanding attempts to improve, the degree of achievement desired was not reached.
Efforts in the 1880's to alter radically the patterns of living, which had naturally been dependent upon the circumstances within which they existed, for the deviant women and transform them into the accepted stereotypes of responsible wives and mothers and dependable domestics were failures, most significantly in the minds of the reformers. The feelings of disappointment and discouragement coupled with an increasing desire to control socially all deviant members of a rapidly changing society gave rise to a strong determination to change. In the long run, this would lead to wideranging alterations in tactics. Indeed, at the core of these modifications would lie the seed which would ultimately affect the regard for women prisoners held by society and by the state.
NOTES

1 The results of course were value-laden. The actual effects cannot, because of lack of material, be measured positively or negatively. As a result, one must unsatisfactorily look at the effects of the reform programme through the attitudes of the reformers and government officials, both of whom were interested in social control of this deviant class. Consequently, the treatment of the female offenders described did not necessarily coincide with what was actually received. The only official communication from the female prison system existed through the Superintendent's accounts which were included annually in the inspector's reports in the Ontario sessional papers. These records would be consciously edited for public presentation. In contrast to the government penal employees, the prison reformers served on a voluntary basis and had the means (through amateur annual reports, newspapers, pamphlets, conferences, and the like) to articulate their beliefs. Owing to this state of affairs, the views of the reformers must primarily be used as representative of all those interested in prisoner rehabilitation, both paid and unpaid.


3 Ibid., 1881, p. 10.

4 This money, incidentally, was almost totally repaid each year, according to mutual agreement; yet the reformers continually expressed surprise at these repayments. This wonder perhaps illustrates their real views of discouragement and lack of faith in those whom they ostensibly were trying to help.


6 Ibid., 1890, (No. 11), p. 129.

7 Ibid., 1882, (No. 8), p. 472.

8 Ibid., 1889, (No. 2), p. 104. Notwithstanding, individuals were blamed for being hardened and beyond help as early as 1874. The changing concept in the programme and in the potential of the Reformatory was revealed through the references in the late 1880's to women who had been sent to Kearsarge for up to nine times when "surely a trial or two, or at least three times should be sufficient to prove that we can do nothing to reform them,"


9 For example, while police maintained that the number of prostitutes and houses of ill-fame had been drastically reduced, their attempts had "merely driven it underground"
according to the Salvation Army who visited these disguised houses and found at least a "score" of women. Robert Sandall, The History of the Salvation Army, V.3: 1883-1953; Social Reform and Welfare Work, (Toronto: Thomas Nelson and Sons Ltd., 1955), p.56.

10 Inspector, Report, 1881, (No.8), p.175.

11 Ibid., 1890, (No.11), p.10.


13 Canada, Royal Commission on the Relations of Labour and Capital. Canada Investigates Industrialism, 1889 edition, edited with a forward by Greg Kealey, (Toronto: University of Toronto Press, 1973) and Jean T. Scott, Conditions of Female Labour in Ontario, (Toronto University, Studies in Political Science, First Series, No. III, 1892) for a description of women's preference not to go into service. The shortage of servants evidently was so great they had to be brought from rural areas and even imported from Great Britain and Ireland (p.19). Part of the problem lay in the type of labour that was introduced. This in fact underpinned a strong if subtle current of class conflict, demonstrated by frequent complaints by labour groups concerning unfair competition provided by convict labour. Common attitudes were illustrated by a mechanic who told a member of the Ontario Legislature that he had no objection to prisoners being employed, but he did object to certain trades being selected. When the member related to the legislature that the mechanic had asked why the prisoners were not taught law and theology, the response was shouts of laughter. (The Globe, Apr.20, 1887) This laughter of course illustrates how absurd such suggestions of upgrading the inmates would appear to an entrenched and self-seeking middle class parliament.


15 Inspector, Report, 1880, (No.8), p.190. Accusations of sentimentalism were not peculiar to Toronto reformers in this period. Somewhat curiously, prison reform has nearly always been equated by some to an indication of being too soft with the prisoners.


17 Ontario Prison Reform Commission, Report of the Commissioners Appointed to Enquire into the Prison and Reformatory System of Ontario, (Toronto: Printed by Warwick & Sons, 68 and 70 Front Street West, 1891), pp.734, 749. Further undercurrents of disorder were suggested by the
bursar/storekeeper, Robert A. Laird, who maintained that the guards and attendants jeered at the religious conversions of the inmates and frequently aggravated the antagonism between the Protestant and Roman Catholic prisoners on purpose. Discipline was lax, according to Laird, and was attributable to an untrained staff. CPRC, Report, pp. 750-51.

20 Ibid., 1883, p. 13.
Treatment of women prisoners, largely dependent upon the general attitudes towards their roles in society, had consisted of attempts by both penal officials and urban reformers to transform their behaviour patterns into roles compatible to the middle and upper class standards of feminine behaviour. Yet essentially as a result of the number of female recidivists, together with the general uncomfortable belief that crime was on the rise, individuals active in the prisons from the Ontario government and from the Toronto public considered much of their work aimed at re-forming the personalities and behaviour of these deviant women to be unsuccessful. The results of this disillusionment were increasing desires and efforts to keep the rapidly changing Toronto society manageable by restraining all misfits. While those inside the system continued to complain to the government, those outside the structure began to campaign among the larger public. Because prison improvement was part of the broader urban reform movement, and since both methods and members were interlinked and interchanged, it was quite natural that the prevailing techniques of reform would be adopted.

Although the general public showed interest in crime in the nineteenth century, it seemed even more concerned about the family. Hence increasing criticism of irresponsible parents, a growing incidence of neglected and delinquent children, disillusionment with adult reformation, together with reformers' close social interrelations, all combined to produce an alliance between prison reform and the child-saving movement while at the same time lessening response to female inmates. The individuals who were associated with penal improvement were not alone in limited
achievement. The very fact that other causes, including education, child-saving, woman's rights, sanitation, and the like, were increasingly active in this period pointed to the lack of easy success. If no specific areas of society were seen to need improvement, no efforts to change them would take place, and obviously no urban reform would occur. Under the circumstances, various modes of implementation for the ultimate purpose of social control were thought necessary. The expression 'to educate' was often used; the reformers felt the public had the right to know of the conditions existing in their communities and, once aware, were sure to be aroused to enlightened action. Of most importance was the inclusive dual selection of the ideals of efficiency and of the scientific method of inquiry. These two modes of thinking explain the major shifts toward professionalisation and bureaucratisation which occurred in the PAA. The former was to be effective on a practical level, providing the necessary expertise, the latter was to be instrumental in channelling this knowledge into the essential areas. Hence the PAA's reactions to its restricted achievements were merely typical of the larger whole.

The need for increasingly efficient control of the female deviants was at least partly achieved by the professionalisation of the role of assisting discharged prisoners. To a limited extent, the prison attendants apparently had filled the role of social worker because of their daily work as counsellors, their assistance in finding jobs for discharged prisoners, and their constant co-operation with the female reformers from the PAA; according to the prison reformers, they were "always ready to give information about special
cases." Nevertheless, it was the individuals who had taught Sunday School and assisted the discharged prisoners in countless ways who were able to act most flexibly. Aside from the external work with the discharged, the Sunday School teachers, who provided the moral lessons, and the prison officials, who supposedly followed up these weekly teachings each day, together seem to have been able to provide a certain measure of influence and control over the female offenders' lives.

In addition to the volunteers, from the beginning the PAA had a paid missionary agent to assist, and, where possible, protect the interests of the discharged males and females. In any way possible, from finding jobs to providing meals and lodgings, from the collection of donations to the distribution of clothes, spectacles, tools, and tracts, the first agent, Henry Softley, set the precedent. He attempted to create a favourable environment by providing the means to render self-help the norm so that, under the circumstances, the discharged prisoners would have no alternative but to follow honest, respectable lives. Even all the prisoners' families were visited "and assisted when necessary, their children (the innocent and too often the greatest sufferers) being the objects of our special care."

The function and sphere of influence of the missionary agent developed quickly. Thus Edward Taylor, agent since the mid-1880's, because of various repeated urban reform pressures on the Toronto City Council, increasingly be-
came involved with social assistance at the level of municipal government. Not only was information on pertinent subjects prepared and presented to the Mayor and City Council, but his duties as City Relief Officer were enlarged. The two hours spent each day in the Mayor's office in this position were not only believed to allow him to discover which cases were really deserving ones than would otherwise be possible, but were assumed to prevent much crime.

A few years after the office of missionary agent began, the complementary position of Bible-woman was created and filled by Lydia Zinkan. Employed as early as 1883 to visit the families of female prisoners, and provide guidance and assistance to those discharged, an 'official' appointment apparently was not made until the 1890's when Maude Keith was hired. The extent to which the office of Bible-woman improved control over the females released is beyond this study; the degree to which this full-time employee usurped the function of the amateur women who had been playing, however informally, this same role, is questionable. The importance and respect for this position, however, could be seen in the published reports, wherein this agent's work, including visits to the Police Court, calls on former inmates, letters of reference written, permanent jobs and homes found, was characteristically detailed; yet space was not similarly accorded to the volunteer amateur female teachers.

The trend towards professionalisation affected not only the traditional field workers, it influenced the admini-
stration. This movement, which gave rise to a fashionable bureaucratisation of the Association, was most evident in the increasing emphasis on executive activities. Perhaps because the practical work had yet to prove really successful, perhaps because of personal ambition, the executive increasingly developed in an autonomous manner. From the early days when it instructed the missionary agent to submit a weekly report directly to it, to the singling out with praise the work of the Sunday School teachers, the executive persistently set itself apart from the workers rather than regarding the whole of the Association as one unit. Change in the style of the annual reports is also illustrative of this trend. Whereas emphasis was placed on teaching activities and individual accomplishments in the early part of the decade, these later were dismissed with the statement that "there has been nothing of special importance calling for particular notice, and the unchanging character of the work leaves little else than mere statistics to mention." As a matter of fact, the reports came to be filled with descriptive accounts of all the influential people who were at the annual meetings, as well as records of visits by the executive with various politicians, judges, and officials in the government administration.

In their attempts to provide genteel agitation towards prison improvements, the reformers gradually shifted from speech-making to government lobbying at the municipal, provincial, and federal levels as social control increasingly
seemed most effectively spoken in the language of the law. At the same time, tactical devises were strengthened and revised through association and interchange with other Toronto reform groups as delegates, speech-makers, and as members of those executives. Similarly, a more effective network of control of discharged offenders was the articulated reason for the change in name to the PAA of Canada (rather than simply "of Toronto") in 1883 and for the late nineteenth century campaign to establish PAA branches throughout the country and as well as for the ultimate growth of institutionalisation. Because the executive was in control of collection and distribution of funds, supervision of the two lower levels of professional and amateur social workers, interpretation of need, public relations with other reform groups and society at large, and with lobbying for government legislation, its power collectively would direct and shape future PAA reform activities.

Throughout this period Toronto especially was interested in the causes and effects of crime. Manifestations of this concern included statistically-laden complaints about direct and indirect escalating costs of crime. Lectures on the inseparable relationship between liquor and crime were frequent. Moreover, the evangelical movement became concerned and involved, believing religious deficiencies to be at fault. Other theories linked crime to lack of education, heredity, poverty, want of religion, bad parents, and the judicial system's inconsistencies. Even the police
were blamed. Lurid and sentimental accounts gave lively illustrations of committed crimes in some newspapers (such as The World); stern moralising and exhortations for reform were seen in featured articles and editorials on the subject in others (such as The Globe).

Other than requests for statistical returns which included figures on commitments and expenditures, occasional discussions on convict labour and classification of prisoners, or infrequent questions to current sensationalistic and invariably distorted cases, Ontario legislative interest with regards to its penal system was minimal. The Toronto municipal government was similarly inactive. Despite the fact that the superintendent of the Mercer Reformatory Sunday School, W. H. Howland, was mayor for part of the period, City Council Minutes commonly concern statistical returns, structural alterations, tenders for supply, prison labour, and appropriations of gaol land for park extensions. That more concern focused on catching criminals than on rehabilitating them can be seen by reason of the various changes which still occurred in the police department including increases in staff and reorganisation of the department. Aside from some apparently small scale relief work at the end of this period in loose association with agents of the PAA, the only notable state penological activity took place in low-keyed disagreements between the provincial and municipal governments. These arguments concerned the legal divisions of power and who, for example, should be responsible for the care of lunatics left in
the Toronto Common Gaol.

Anxiety concerning the state of the family was predominant during the 1880's. Frequent articles which warned and advised improvements included "Between Husband and Wife", "The Decline of Family Life", "Parental Blunders", and "Marriage and the Home". Indeed, marriage was considered to be a business and, together with the added task of child-raising, was the most important business of humanity.

Central to this was a concern for and interest in the child. Prompted by the existence of neglected, destitute children, by the number of juvenile offenders, and by a belief in the lasting effect and extent of parental influence, whether positive or negative, upon offspring, the churches of the various denominations were increasingly interested in the welfare of the child. From 1880 on, the Methodist Church regarded children as the key to the future and as such it began to advocate change in treatment of juveniles who broke the laws. The editor of The Christian Guardian, for example, questioned and finally disapproved of the policy that brought harsh punishment to impoverished children but no punishment to those of respectable parents. Even though this led to various articles on the rights of the child, the biggest criticism was indirectly levelled at the woman as mother. Her apparent lack of maternal abilities, indicated by such evidence as the rising crime rate and the increase of abandoned and neglected children supposed by those concerned with reform, was the underlying subject of countless
articles which basically tried to teach women how to be good mothers. Among others, these essays included "A Tribute to Mothers", "Training for Motherhood", and "A Mother's Heart"; moreover, the articles specifically on children served to remind society that reform at its most fundamental level was necessary.

These writings combined and reflected reformers' expressed disenchantment with attempts to rehabilitate and reintegrate female offenders into traditional roles. Subsequently, increasing disillusionment with adults paralleled a growing interest with children. A concern with the management of the young was coupled with a desire to make government responsibility official, for "if the State undertakes to legislate for the benefit of children peculiarly liable to criminal influences, it should provide means for the sure avoidance of such influences, and the training which will lay a good basis for moral citizenship."

As a result of this trend, although most reform segments played supportive roles to each other, the group with which the PAA became most involved was the child-saving movement. While the prison reform groups' focus was shifting toward juveniles, those who were originally concerned with safeguarding the young concluded that many children were neglected because of parental crime or, even worse, because of their environment, were offenders themselves. Under the circumstances, it seemed necessary to attack the root which apparently existed in an atmosphere of criminal behaviour.
Not only were these groups ideologically inclined towards each other, it was tactically advantageous for them to be so. Furthermore, the membership composition of the various Toronto reform associations made situational alliances seem logical. There was some intellectual ambivalence as to what caused what with regards to crime and children. In a practical sense, however, this was not important. Action was what was necessary, and action in late nineteenth century Ontario meant legislative action.

Interest in the child-saving movement was strong. As a matter of fact, it was generally assumed that Toronto was a "bright young city, where the homeless children are more thought of and cared for than any other city of its size on this continent." These responses were highly praised because "childhood draws out the generous love of men and women, and in that way not only guards itself, but blesses those who give." Various activities specifically directed at child assistance and protection included the organisation of the Toronto Humane Society in February, 1887, the appointment in June, 1887 of a special constable on the Toronto Police Department to look after the prevention of cruelty to children (and other defenseless living things), the Children's Protection Act passed in March 1888, and the establishment of the Fresh Air Fund for children's outdoor excursions in May, 1888. In addition, suggestions were made to build an industrial school for girls, establish playgrounds for children in the city, and provide children's shelters.
Attempts by officials and reformers at changing the behavioural patterns through adult reformation had proved unsuccessful. Because penal reformers felt that adults were too fixed in their ways to change, and because they were becoming increasingly aware of children of the lower orders, these activists began to believe that more of their efforts should be concentrated on these individuals as yet unhardened by crime, namely, the children. Criticism against parents, growing with the emphasis on the young and possibly provoked by a resentment for having to shoulder parental burdens and by anger at their own failure to change the parents, provided necessary justification for reform interference. The resultant feelings of failure to alter the prisoners so that released inmates could be ultimately and smoothly reintegrated into traditional societal patterns led the individuals concerned with this reform to modify their approach and ally with other urban reformers. The simultaneous meshing of the child-saving ideal with the goals of other reform sectors, who were similarly discovering the lack of success in engineering social control over an ever-increasing segment of the population, led to both a moral and physical increase in strength. This in turn would result in the reformers initially campaigning among the general public and lobbying for legislative change. The direction of these campaigns, however, would reflect the disillusionment of the penal reformers with adult reformation and affirm their faith in saving the child.
It is questionable, nonetheless, whether they were intrigued by more than the sensational aspects of crime.

See Morrison, "Child and Urban Reform", pp. 449-50 and passim. For a list of the benevolent, charitable organisations in the city during this period, see Charles Pelham Mulvany, Toronto: Past and Present, (Toronto: W.E. Caiger, 1884), pp. 64-68.


Prisoners' Aid Association of Toronto, Annual Report, 1882, pp. 13-14; cf. R.W. Laird's testimony of attendants' jeering at religious conversions and augmenting inter-religious antagonism. OPRC, Report, p. 750. It is extremely difficult to weigh the relative worth of such conflicting evidence. It would seem reasonable, however, that although some would resort to ridicule, others (and probably the majority because of the strength of revivalism and evangelism) would sincerely try to help.

PAA of Canada, Report, 1883, p. 15.

Such as the "Report Respecting the Management and Maintenance of Tramps and Vagrants", (Toronto, City Council, Minutes and Proceedings, 1889).

Ibid., 1890, p. 249.

PAA of Canada, Report, 1890, p. 7.

Ibid., 1889, p. 15. The extent to which the missionary agent did help discharged females is thus perhaps dubious. On the other hand, the contemporary theory which argued that only females should look after females (such as police matrons, female prison inspectors and the like) was perhaps the explanation.

See, for example, PAA of Canada, Report, 1893, p. 24.

PAA of Toronto, Report, 1882, p. 5.


This perhaps was partly owing to social class. For example, neither male nor female teachers were in the position to have their own means of transportation; this fact was demonstrated by the required yearly expenditures on teachers' cabfare to the several penal institutions.
14 See, for example, PAA of Canada, Report, 1887, p.9.


16 No doubt this was influenced to a certain extent by such writers as Woodson or Clark. See Appendix I.


18 Social work for female deviants started in Canada by the Salvation Army in Toronto in 1886. Drunken women were taken from the streets to a refuge home and, in 1888, the evangelists bought a former house of prostitution, and rebuilt and enlarged it to accommodate fifty women. (Sandall, Social Reform, pp.55-57).

19 Blaming the police for the rising crime rate was a subtle and relatively recent tendency. The fact that there was an undercurrent of suspicion towards those who were officially responsible for socially controlling the community possibly illustrates a common ambiguity felt towards the present society and general uneasiness that the kinds of social controls that had seemed traditionally useful were now inappropriate. At any rate, the PAA considered it to be an optimistic sign that discharged prisoners who had been drinking again at least had "managed to keep from being arrested". PAA of Canada, Report, 1883, p.13. Moreover, the president of the PAA, S.H. Blake, declared in a well-received speech that "the policeman [was] always away when there is something really to be done, (laughter), [and] ever present when there is a small boy to be dragged to jail. (applause.)" National Prison Association, Proceedings, "Addresses of Welcome", p.48.

One of the biggest reasons for this unpopularity could have been caused by the police's attitude toward children. For example, although Inspector David Archibald had originally been closely associated with the child-saving movement, he strongly objected to and publicly denounced its idea of a children's court and juvenile probation, saving (with full support of his superior, Chief Constable H.R. Grassett) that this was just another means of pampering the young. Bain, "The Role of Kelso", pp.85-87. Of course, this lack of respect for the Department would have partially been increased by the behaviour of the police themselves. As such, frequent offences for intoxication on duty can be found in Toronto, Police Department, Record of Service: August 10, 1872-July 1, 1919, passim.

20 At the same time, magazines which published articles
calculated to inspire others to enter the penal crusade included "Elizabeth Fry and Prison Reform" in the Canadian Methodist Magazine, Sept. 1886.

21 Toronto, City Council, Proceedings, 1888, p.413.

22 Ibid., p.109.

23 The Christian Guardian, Oct. 13, 1886; Nov. 24, 1886; Nov. 30, 1887; Sept. 10, 1890; and Mar. 27, 1889 respectively.

24 Solicitude for juveniles was of course not universal. The Governor of the Toronto Gaol seemed to think it was acceptable to commit children to gaol, though not more than twice (the first time not more than seven days, the second time not more than twenty). Toronto, City Council, Proceedings, 1889, p.742.

25 Articles and attitudes are taken from the Methodist magazines, The Christian Guardian and the Canadian Methodist Magazine because "at every stage of its growth the Methodist Church represented an important cross-section of the Canadian people: Methodist thinking, therefore affords some reflection of general social thought." Royce, "Methodist Church", p.241.

It must be remembered, however, that almost all churches worked together in the same causes and basically developed in a similar manner and like rate. As one example, "the Methodist Church, usually credited with initiating such action, in reality worked in very close co-operation with the Presbyterian Church, sponsoring many projects of service to the city areas. The Presbyterian Church was just as alert to the need, and had the necessary institutional machinery to handle the corrective programme. Christie, "Presbyterian Church", p.38.


27 These included "No Joke to be a Baby"(Christian Guardian, Feb.11, 1885); "The Children", (Ibid., Apr.15, 1885); "The Love of Children", (Ibid., Nov.3, 1886); and "Some Special Pointers in the Treatment of Children", (Ibid., Jan.1, 1890).

28 Notwithstanding, it is doubtful how successful these attempts at social control could ever be. The majority of women who would be considered bad mothers were those already in prisons or those who 'ought' to be in some institution, such as alcoholics. That illiteracy and
Irreligiosity were characteristics commonly observed in these women make these efforts written in middle-class church magazines rather inappropriate. Exposure, however, could occur in two ways. Directly, if and when the religious and educational programmes were successful; and indirectly, through the PAA teachers who undoubtedly would read these articles and quite possibly pass them on to their students. Aside from these periodicals, of course, were the thousands of easy-to-read tracts distributed which conceivably discussed the art of mothering.

29 Christian Guardian, Oct. 13, 1886; Mar. 23, 1887; and Dec. 17, 1890 respectively.

30 Ibid., Feb. 29, 1888. Illustrative of this indication of concern was the motion passed to seek increased representation of the City Council on the Board of the House of Industry. Toronto, City Council, Proceedings, 1890, p. 249.

31 This was indicated by the donation of cast-off clothing for discharged prisoners by the general public and the affiliation of such organisations as the Y.M.C.A., the committee of the Hospital for Sick Children, the Flower Mission, and the Woman's Christian Temperance Union with the PAA (whose members in return, either as delegates or in private capacities, were similarly involved in their campaigns).

32 Thus the laws passed for the protection of the mother/child relationship, including the act which gave the mother the right to be guardian of her child beyond his or her twelfth year i.e. the court could appoint the mother of a minor as guardian even if against the father's will, (Ontario, Statutes, 1877, c. 8); the act which gave the mother equal rights with the father to appoint guardians for the children in the event of both their deaths, (Ibid., 1887, c. 21); the act which empowered the court to confirm the mother's arrangement of naming a guardian to act jointly with the child's father following her death if the court were convinced the father was unfit to act as sole guardian, (Ibid., 1887, c. 21); and the act "respecting the Maintenance of Wives deserted by their Husbands" which required by court order the husbands to pay a weekly amount for the support of their deserted or unprovided for wives and families, (Ibid., 1888, c. 23) were either unable to satisfy the needs of the parent/child relationship or were meant and used by a different social class than for those who ended incarcerated in some gaol or prison.

33 The Charity Aid Act of 1874, found in Ontario, Statutes,
1874, c.34, represented the first legislative attempt to express and enforce the province's right to require privately-operated social welfare institutions, especially those operating on provincial grants, to accept provincial inspection and maintain government standards. The revised versions to clarify this act merely expressed provincial control even more strongly.

34 For the background of child welfare in Canada to the late 1880's, see Bain, "The Role of Kelso", pp.18-27.

35 See, for example, the campaign against baby-farming in chpt. VI, "Fighting a Community Problem", Elspeth A. Latimer, "Methods of Child Care as Reflected in the Infants' Homes of Toronto, 1875-1920", (M.S.W. thesis, School of Social Work, University of Toronto, 1953), pp. 45-50.


37 This was otherwise known as "An Act for the Protection and Reformation of Neglected Children" in Ontario, Statutes, 1888, c.40. But child legislation previous to this time was "inadequately enforced" and "often ignored". Indeed, "those concerned with its application often failed to determine what was truly in the interests of the child." Dean P. Ramsey, "The Development of Child Welfare Legislation in Ontario", (M.S.W. thesis, School of Social Work, University of Toronto, 1949), p.8.

38 Kelso, Early History, pp.52-53.
Late nineteenth century failure on the part of penal reformers to effect any significant behavioural changes with the rehabilitation of adult offenders and reintegration into their urban society resulted in a far-reaching disenchantment with original goals and a subsequent rechanneling of efforts towards the juvenile offender. These changing tactics of the prison reformers to combat the increase of crime by reshaping the deviants of their society resulted in aggressive campaigning to make the Toronto public aware of the grave necessity for reform and subsequently agitate for government action. In and part of the process, attention shifted from rehabilitation of the adult to reclamation of the child. When the concept of institutionalisation became linked to child care, the traditional role of the disadvantaged woman would be potentially but effectively usurped by the institution functioning as a sort of surrogate mother. Thus although the adult offender was of course not ignored, the many reform projects of the late 1880's underscored a hope in salvation of the child. The growing belief in the necessity of state intervention, the increasing trust in the curative powers of state legislation, resulted in meetings to generate interest and effectively organise the drive for government action. Successful in part, the ultimate government recognition would occur in the appointment of an investigative commission.

In 1887 the National Prison Association of the United States held its annual congress in Toronto from
September 10 to 15. This convention was important to the Ontario prison reformers because of the publicity and encouragement drawn toward their cause. High expectations were held by Torontonians who felt it would be the starting point from which future Ontario penal achievements would be dated. The majority of the Prison Congress members were not penal officials but reformers wishing to influence "legislation, executive control, and penal management, in the direction of a humane and intelligent effort to prevent the spread of the contagion of crime, within or without prison walls, and to afford to the prisoner every possible opportunity and inducement to regain self-respect and responsibility." Gathered together by reason of a mutual desire to effect positive and tangible control over society's deviants, the conference motto significantly was that 'those above you need not your help, but those below you'. This expression of middle class solidarity thematically continued throughout the conference. That being the case it was assumed that the methods of urban reformers in general would be most adaptable to their particular cause. Mayor W.H. Howland's welcoming address affirmed that strides were being made against the negative forces of urbanisation. "We are mastering it by organization; this century is the century of organization (I am to preside, next week, over a convention of the undertakers of America). Everybody is organizing in all departments, in all branches."

Newspapers favourably reported on the daily proceedings. Not only was the Congress considered "most successful", but the ideas discussed were maintained to have
long been proposed and had been "often insisted upon" by the Toronto papers themselves. Many Torontonians who participated in the various official and unofficial activities included the Lieutenant-Governor A. Campbell; Mayor W. H. Howland; G. W. Ross, the Minister of Education; Professor Goldwin Smith; A. S. Hardy, the Provincial Secretary; James Massie, Warden of Central Prison; E. A. Meredith, former federal penal inspector; S. H. Blake, longtime president of the PAA; and Lizzie J. Harvie, Sunday School Assistant Superintendent and teacher at Mercer Reformatory.

The speeches, papers, and discussions over the week all related more or less to the convention's reason for recognising "the still greater importance of preventing crime, by timely interference in the case of children and young persons exposed to the contamination of a vicious or criminal atmosphere, as well as by a purer and more efficient system of police oversight and control, both in cities and in rural districts." But despite the wide-ranging buffet of subjects, what would prove to be of most consequence to Ontario's penal reform movement were the discussions directly on the model treatment of the male, female, and juvenile offender.

Suggestions for reforming male offenders, who included tramps, incorrigibles, and drunkards, rested on the assumption that these men were the way they were because they refused to work or, in the latter case, were incapable of labour. Possible ways to effect changes with the men and turn them from burdens upon the community into contributors to society broadly included penal programmes that would force them to work and train them to enjoy it.

Not surprisingly, women were also discussed.
in terms of their recognised stereotype as wife and mother. Some delegates argued that female offenders were "contributing nothing to their own support, or to the support of their wretched families." Though mostly able-bodied, they were thought to be adding "largely to the burden of public taxation; and were poisoning the peace and corrupting the morals of the entire neighbourhood." Other participants, however, compassionately felt that "women are very sensitive about being in prison. It is a hard thing for a woman to come out of prison, go into the world, and get on in life, if everybody knows about it. It is hard for a man who has been in prison to find a place to work, but it is much harder for a woman."

Illustrative of the traditional milieu in which the participants continued to stay were the popular discussions of Ellen Johnson's techniques of social control employed by her as superintendent of the all-female-staffed prison in Sherborn, Massachusetts. While different trades, such as cigar and shoe making, were taught for the express purpose of permanently reintegrating the women into society, Johnson frankly stated that the maintenance of a good domestic service class was of fundamental importance. This stereotyping is most effectively seen in her declaration (and in her audience's response) that each inmate "is trained to make a good servant in a family; she is taught to do plain cooking; and every woman who has ability enough learns to make bread; she is never recommended until we feel that she can make bread. Applause."

There was, nonetheless, considerable criticism of women as parents, demonstrated indirectly in talks on children, who were thought to be "condemned to the filthy lanes and miserable
houses, and often with bad fathers and mothers." In fact, feelings were so strong that some proposed removing children from parents for it was declared that these parents would only teach their offspring to be criminals. Thus increasingly stringent rules for community management became more important to the conference as potentially influential factors affecting children were repeatedly linked; these re-occurred in discussions on prison labour, discipline, county gaols, reformatories, and education. Moreover, the trend towards the belief in state responsibility was growing as blame for the above problems centred upon inadequate legislation. That being the case, the "connection between weak or vicious legislation respecting crime and criminals and the growth of crime in the community" was strong.

Benefits of the National Prison Association to the Ontario reformers included the opportunity to hear and discuss the work of other reformers, to examine the possibilities of penological alternatives, and to see the high degree of organisation and professionalisation of urban reform in operation. Perhaps most significant was the encouragement generated by the common sharing of problems and failures. As recognised by Torontonian delegates, however, the words were not so much for the Congress as for the outside world. Indeed, the great number of different American conventions held in Toronto in the last quarter of the nineteenth century demonstrated that the convention itself was a well-used tactic of Ontario urban reformers.

By the fall of 1889, penal reform in Toronto was more sophisticated in approach and more refined in thought.
The Prison Reform Conference, held on November 26, was regarded by Ontario prison reformers as the first real step taken on their own. The conference was supposedly called by the PAA to organise information which would convince the Ontario government of the need to appoint an investigative commission on crime, and to adopt the recently-formulated Principles of Prison Reform. Since it was generally accepted that broad support was necessary for government action, attention was drawn to the wide and popular basis of the meeting which consisted of a "large and influential gathering" of penal delegates from the Ontario government, church courts, provincial penal institutions, Kingston Penitentiary, the Toronto Police Force, ten charitable institutions as well as the full membership of the PAA. Hence it was maintained that, in their era, "it is not crowds that rule, but representation".

In comparison to previous years, when structural and organisational modifications had been frequently discussed, finding "the best means of dealing with criminals, with a view to lessening the number of this class" became increasingly important. Resolutions on the treatment of young offenders, a reformatory for young men, tramps and drunkards, and county gaols were passed. The Conference adopted the PAA's Principles of Penal Reform. In conclusion, a request was made to the Ontario government to initiate an enquiry.

While a work ethic was to be instilled in men
through the establishment of a reformatory for first of­
fenders under thirty and of workhouses for tramps and drunk­
ards, it was obvious that children were thought the "most
important part of prison work." Child-saving reformers
present spoke about their Humane Society, the construction
of a temporary refuge for children, the establishment of a
private commission to try young offenders, and other methods
of preventing crime at this primary level. This 1889 meeting
illustrated the tendency to regard industrial schools as
the answer to the problem of child offenders. Once this sys­
tem was extended throughout Ontario, once the municipalities
co-operated, the penal reformers argued, no child would go
to prison without a chance at reformation. Moreover, class­
ification in prisons and reformatories to separate the young
from the old and vicious would occur, and homes would be es­
established for children eight years old and under as a pre­
ventative measure. Hence it was declared that "instead of
being classed with Gaols, Prisons and Penitentiaries, the
Reformatories should be treated as schools, and placed under
the control of the Educational Department."  

In contrast to both male and juvenile offender
adult females were not considered at the Conference. While obvious­
ly at this point research is too limited to preclude definite ans­
wers, it would seem reasonable to suggest that the avoidance of
discussions on female offenders was illustrative of discouragement
with efforts to turn them into dutiful wives and mothers, and indi­
cative of a growing faith that an alternative to the personalised
social control of the mother had been found in the form of insti­
tutionalisation, that is, in the form of the industrial school.
The greatest significance of Toronto's second big penal conference again seemed to be psychological. Legitimization of reform principles was achieved through the "unqualified endorsement of eminent American penologists." The resolution to keep publicising the subjects discussed at the convention, was thought to be best achieved by the establishment of PAA branches throughout the province and the country, so that county councils, local clergy, the general public, in fact, "all good Citizens, who are interested in arresting this fearful tide of crime in our midst", would become aware of the tremendous need. Copies of the Principles were sent to court judges, sheriffs, gaolers, grand juries, church courts, indeed apparently to anyone who might possibly be interested and potentially be of assistance. Not only did the above groups respond positively with encouragement or petitions to the Ontario government, but the crusade was also taken up by the religious and secular press who demanded legislative action. Nine different charitable organisations, including the Haven, The Girls' Home, and The Toronto Society of Associated Charities, appointed specific committees to give dynamic co-operation to the PAA.

The Provincial Treasurer, in a speech at the Prison Reform Conference on behalf of the Ontario government, had stated that matters dealt with at the meeting would be carefully considered by the legislature. To follow
up this opportunity, a specific committee, comprised of twenty-one PAA officers and members, was appointed to wait upon the government and present their resolutions. They asked for a complete investigation of:

"1) the causes of crime, such as drink, overcrowding, immoral literature, Sabbath-breaking, truants from school, etc.
2) the best means of rescuing destitute children from a criminal career.
3) the best means of providing and conducting Industrial Schools.
4) the propriety of the Government assuming larger control of County Gaols.
5) industrial employment of prisoners.
6) indeterminate sentences.
7) the best method of dealing with habitual tramps and drunkards."28

The combined forces of the prison reform movement and the child-saving crusade, together with the support of many other groups and individuals, led to the Ontario government's appointment of a commission on July 3, 1890. The commissioners, who practically speaking were prison reformers first and government employees second, consisted of John Woodburn Langmuir as chairman, Timothy Warren Anglin as secretary, and three members, Alfred F. Jury, Abner Mulholland Rosebrugh, M.D., and Charles Drury.29

The goals of the Ontario Prison Reform Conference were almost identical to the PAA resolutions approved by the November 1889 Prison Reform Conference. Essentially, the Commissioners were directed to find out what were the causes of crime and what were the best means of preventing them; above all, the best means of preventing destitute children from participating in criminal activities was
hoped to be discovered. Unofficially, the Commissioners no doubt wished to be able to justify their many years of work with and for offenders and to determine practical and workable methods which would provide tangible, positive results in place of frustration.

The Commissioners started their investigations in Hamilton on July 9 and finished around December 13 in Rochester, New York; within this period they visited Ottawa, Massachusetts, New York, London (Ontario), Michigan, and Ohio. In fact, the techniques used by the OPRC to prepare their report on the causes and prevention of crime, such as the above 'fact-finding' missions, appealed to late nineteenth century desires for efficiency and scientific methodology. Thus suitable caution seemed evident in the observation made that while some who were actively employed in various reform groups were quick and definite in their expressions of opinion, "men of great experience who have devoted many years to the study of this and kindred questions and who have done much to lessen the numbers of criminals and reduce the volume of crimes, spoke with doubt and hesitation when questioned on the subject and in most cases expressed views differing widely from those of the less experienced enthusiasts."

The consultation of twenty-nine criminological experts illustrated the Commission's desire to study "prison management as a science" and provided scientific legitimisation for the use of social controls over criminal
offenders. Using such methods of proof as physiological analysis, comparisons with animals, phrenological examinations, and the like, crime-causing factors included the relative influences of heredity and environment, poverty, vagrancy, idleness, and education. Yet although several of these experts' theories on crime and its prevention can be traced within the Report of the ORPC, their doctrines on gender-based crime, and the principles of female behaviour in general, are disguised if indeed at all significant.

The ultimate causes of crime arrived at by the Commissioners reflected the general attitudes held towards social deviants. Accordingly, the lack of, or inappropriate, social control was believed to be the most inclusive problem. Specific factors almost completely related to the environment. A notable reason for crime was thought to be a general irresponsibility and "neglect of its duties by the state and by society in all its other forms of organization." State irresponsibility appeared to be demonstrated by the prevalence of idleness and drunkenness, the lack of education, no playground facilities, an inefficient and impersonal judicial system, indiscriminate immigration policies, poor environment, and female role-breaking.

Notwithstanding, the most significant cause of the greatest proportion of crimes was declared to be bad parents. Consequently, while it was acknowledged that
parents sometimes could not manage their children or were unable to supervise them if both were forced to work, it was still the "almost universal opinion" of the witnesses, as well as of the Commissioners that "the want of proper parental control; the lack of good home training and the baneful influence of bad homes, largely due to the culpable neglect and indifference of parents and the evil effects of drunkeness." The Commission specifically outlined for the use of urban reformers in general when state interference ought to be both acceptable and essential. Hence responsibility was necessary when "the father is a drunkard, or worse still, when both parents are drunkards, or are dishonest; when, as is too often the case, every lesson the child receives either by preception or example is a lesson in vice and crime, the whole life of that child will undoubtedly be a life of vice and crime unless some outer influence for good be employed in its behalf." 38

Resulting from their interpretation of crime-causing deficiencies, the recommendations of the ORC were designed to maximise control over every person who did not fit into the normal, family-oriented pattern of Ontario society. Institutions were to be provided by each county for the care and rehabilitation (where possible) of the old, the impoverished, the physically incapable, the mentally deficient, the intemperate, and the idle. Where appropriate, those committed to these institutions
would not be released until the institutional supervisors considered them to be properly rehabilitated and capable of conforming to society's patterns. In addition to this indeterminate sentence programme, the 'good time' system i.e. time off for good behaviour was considered an incentive for those admitted to penal institutions. Reformation was assumed to take place primarily through forced labour and by "inducing prisoners to work with a will, to create a habit of industry, to make them like work for its own sake and for the benefit it brings, and to teach them some form of industry in which they can earn an honest livelihood when set free."

While of course the above recommendations were designed primarily for males who were not providing any economic contribution to society, women were included to a small extent. Solely for men, however, was the suggestion to build a reformatory for young male first offenders between the ages of 17 and 30, who in the opinion of the sentencing judges were suitable cases for reformatory treatment.

In actually, there were only two recommendations specifically designed for female prisoners. Better separation and classification of inmates in Mercer was supposed necessary to prevent the persuasion of first offenders by habitual ones to enter careers of crime. Instruction in a wide range of skills to
supplement the long-practised, but limited, occupations of laundry work, sewing, and knitting so that women could support themselves by remunerative as well as by honest labour when discharged was also considered important. Yet even here official ambivalence was obvious because immediately following was the contradictory suggestion that making underclothing and bed linen for all the public institutions in Ontario would be a good means of employment for the females at Mercer.

For the most part considered collectively rather than according to gender, the children were the subject of the most far-reaching proposals of all. Nonetheless, the most notable aspect of the completed Report was the fundamentally pervasive concept of the state as guardian of the child. Most affected were those who were in positions to become wards of the province. All children on second offences would be sent to an industrial school, as would those who through disregard and bad example of dissolute, immoral, or criminal parents, or through vicious training or evil associations were thought to be in danger, if not rescued, of becoming criminals. Juveniles, who would be completely under the care and control of the managers of these institutions, would nevertheless remain only as long as absolutely necessary, before being placed out in supervised private homes as apprentices or boarders under parole or being released when they had attained their
majority or had satisfied the authorities they could
take care of themselves. Social regulation was thus
designed to be so strong that "none should be allowed
to leave . . . unless to return to a good home or until
such employment has been provided on a farm or elsewhere
as will afford the boy or girl a fair opportunity of
earning a respectable living and leading a moral life.

With regards to female children in particular, the construction of at least one industrial school
for girls who were petty offenders, homeless, destitute,
or who had bad parents was strongly advised. That being the case, the Refuge for Girls was to be separated entirely from Mercer Reformatory and a new one built in a suitable location. Like the programme suggested for the boys, whose reformatory was similarly to be moved, the system at the girls' school was to be appropriate to the traditional roles in society. Thus these fifteen-year-olds and under were to be taught farming, dairywork, and all kinds of housework, including "cooking, laundry work, general housework and plain sewing, so as to fit them for domestic service."

In addition to these full time schools, day industrial schools were similarly to be established to control those children who were insufficiently deviant in behaviour to warrant absolute regulation, such as the 'arab' or wandering class of juvenile, habitual truants, and unmanageable, destitute, or abandoned children.
Practical training and the development of technical skills were the major functions of these day industrial schools. School laws were recommended to ensure attendance for at least part of the year and to provide for children employed in factories, workshops, and the like.

The internal efforts to direct the conduct of women offenders, to reform them and restore them to society, had failed appreciably to alter behaviour. Counteractions by the external attempts to lobby for legislative recognition occurred. The urban reform programme of the late 1880’s led to a developing interest in prison reform. Moreover, because of the noticeable change in the concentration of the reformers' efforts, it seems that prevention, through saving the impoverished and neglected child, was believed to be more valuable and worthwhile in the long run than curative attempts at rehabilitation of adults. This trend, summed up in the report of the Ontario Prison Reform Commission and representative of reluctant government recognition of public response, from both theoretical and practical levels effectively suggested the transformation of attitudes towards the importance and necessity of the natural mother looking after the child. Although it was quickly conceded that the natural mother was by far preferable when at all possible, when attempts failed at training women to be good mothers it was declared that the institution would provide an alternative which would save the child from an otherwise inevitable career in crime. This change effectively represented a shift, albeit a subtle one, in attitudes towards the importance of women's roles in society.
NOTES

1 Invited by the PAA or, more likely, by James Massie, warden of Central Prison (who was quite active in the National Prison Association), it was in a way the culmination of an international exchange that had been occurring for decades. For example, the prison inspector, John W. Langmuir, gave a paper at the National Conference of Charities and Corrections, Cleveland, Ohio, July 1, 1880, which was revised and printed in Inspector of Asylums, Prisons and Public Charities, Annual Report, 1881, (No.8), pp.5-15.


3 Ibid., "Preface", p.4.

4 Ibid., "Addresses of Welcome", p.36.

5 The Toronto World, Sept. 16, 1887.

6 The Globe, Sept. 14, 1887.


8 These included the Bertillion system of identification of criminals, the establishment of a wardens' organisation, a commemorative sermon (by the Right Reverend F.S. Baldwin), the responsibilities of prison chaplains, the indeterminate system of sentencing, the problems of incorrigible misdemeanants, the treatment of dipsomaniacs, and the defects of county and city gaols.

9 Women were not tangibly associated with these offences; why this was so is unfortunately not known.

10 See, for example, National Prison Association, Proceedings, 1887, "The Indeterminate Sentence", p.165.


13 Ibid., p.171.


17 Although a prison reform conference sponsored by the PAA had been held in Toronto in Jan., 1884, it received little publicity in comparison to the 1889 meeting and was thus perhaps disregarded by the reformers. PAA

18 *The Globe*, Nov. 26, 1889.

19 See Appendix III - *Principles of Prison Reform*.


21 Ibid., p. 3.

22 Ibid., pp. 9-11.

23 Ibid., pp. 8-9. Apparently the municipalities refused to send their refractory children to industrial schools because the expense was charged to them rather than to the province, who nevertheless paid for those sent to the Refuge and the Boys' Reformatory.

24 While obviously industrial schools were not new, never before had the combination of legislative opportunity, public concern, and environmental inducement been such as to organise at a professionally efficient institutional level.


26 Ibid., p. 25.

27 Ibid., p. 15.


29 Langmuir was a businessman and former Inspector of (Asylums), Prisons and Public Charities, from 1868-82; Anglin was a Member of Parliament and Speaker of the House of Commons as well as editor of the *Toronto Tribune*; Jury was involved with working class conditions and a member of the Dominion Trade Congress, Rosebrush was the long-time secretary of the PAA and active in many other charities; and Drury was a Member of Parliament and the Sheriff of Simcoe County.

30 OPRC, *Report*, p. 40. A secondary purpose of the Commission was to define provincial penal jurisdiction in relation to that designated to the Dominion.

31 The gathering of evidence in general, and the hearings in particular, illustrate the contradictory thoughts of the Commissioners. On the one hand, every effort was apparently made to examine all available evidence from every source. On the other hand, much of the data was disregarded, especially the testimonies.
of the well over one hundred witnesses. Possibly caused by the social differences in the classes between the witnesses (who included valets, attendants, and other penal officials) and the Commissioners; possibly by the latter's self-esteem; or by the bureaucratic, professional split with the amateur; nonetheless, the opinions given by the witnesses definitely seemed to be ignored or twisted during the hearings. As a matter of fact, the desired modes of efficiency and scientific inquiry seem to have been overshadowed by the Commissioners' own points of view which, regardless of evidence, apparently remained unchanged.


33 Ibid., p.6. It appears, however, that at least half were merely cited from the authorities actually used.

34 Ibid., pp.35-37.

35 Nevertheless it would seem that these theories would have some effect, however indirectly, on the Commissioners, since the crime-oriented recommendations of these penologists were frequently based on their more fundamental theories of sex roles and the effects of these functions upon society. See Appendix IV - Hereditary and Environmental Influences on Female Crime.

36 Heredity was considered a possible cause of crime. But because this attribution would preclude any environmental changes by society, it was neatly decided that one might inherit a predisposition toward crime, but that the nature of the environment would depend on whether the predisposition developed. See OPRC, Report, pp.39-41.

37 Ibid., p.44. This occurred, for example, when women worked outside the home, especially in factories.

38 Ibid., p.40.

39 Ibid., see pp.214-24 for complete recommendations.

40 Ibid., PP.219-21; 208-14.

41 Ibid., p.221. It would be rather curious that no comparable system was advised for females if it were not for the fact that women were generally and fundamentally considered irredeemable once 'fallen'.
Conceivably the lack of provisions for female prisoners might have been based on the frequently held belief that most of them were prostitutes. Not only does this indicate attitudes of Victorian Ontario, it prefases the concomitant opinion that they were unref-

formable and that incarceration was merely a matter of "patching them up and sending them off for another bout." OPRC, Report, p.649.

Another more obvious reason lies in the fact that proportionately there were far more male inmates than female and therefore sheer numbers dictated priorities.

Not only were playgrounds to be set up with a supervising officer to prevent disorderly conduct and obscene language, municipalities to be empowered to pass curfew laws, and immigration laws restricted from children of criminal parents or environment, but no child under fourteen was to be arrested or taken as prisoner through the streets (when avoidable), taken to a police station (if possible), tried in public, or imprisoned in a common gaol. On first offences, the presiding judge would be granted the power to dismiss the case or give a suspended sentence especially when the parents or guardians agreed to take control.

As a further means of social management, it was suggested by the Commission that an association should be formed, with local boards in every important area in Ontario, to look after and care for the institutions (although actual expenses would be defrayed by the province). In conjunction with this proposal, co-operation between charitable organisations and municipal governments was urged.

Authority was to be given to the provincial government and its delegates to encompass all aspects of social control; they were thus proposed to 'pardon, parole, apprentice, board out and generally deal with and exercise control over all children and youths, sentenced or committed to or placed in' the various institutions.

Rural life was considered more wholesome and less corrupting than that of the city—hence the desire to have the children work on farms. The system of apprenticeship was obviously an old one; legislation in the 1850's emphasised the protection of the minor's rights and disposal of state responsibility (through apprenticeship). In contrast this later period emphasised molding the child's personality and providing social control and direction.

OPRC, Report, p.224.
These extra provisions seem to denote a recognition of the problems inherent in their more radical recommendations as well as a sense of caution with regards to the inclusiveness of the desired degree of social control.

Even professionals were to be appointed to the positions of truant officer to increase the efficiency and regulate the observance of this recommendation concerning school attendance.
CHAPTER SEVEN - AFTERMATH

Treatment of women prisoners in the 1880's had largely been dependent on the general attitudes towards the importance of their societal roles, namely, of wife and mother within the home and to a very limited extent of worker within the community. Yet the original efforts to alter the behaviour patterns of women prisoners so they would be able to function in society as procreators, child-raisers, and inculcators' of suitable qualities beneficial for the making of good citizens, or even as dependable domestics, were not considered successful by those attempting the modifications, namely government officials and amateur reformers. Despite the fact that responses and behaviour of individuals naturally were dependent upon and reflective of the circumstances within which they existed, society's stereotyped conception of what types of female behaviour were considered criminal affected the offences with which women were charged and for which they were committed. Failure to reform would help to lead to a change in tactics and in approach. As the concept of institutionalisation became linked to child care, both government bureaucratisation and emphasis on saving the child increased. Augmented by reform meetings and OPRC investigations, attitudes towards the traditional roles of women shifted subtly and resulted in a decreasing emphasis on rehabilitation of the female offender.
This de-emphasis seems to have continued throughout the period following the publication of the recommendations of the OPRC Report. Indeed, prison reform activities as such were slight in comparison to those of the child-saving movement. This shift in concentration towards the reclamation of the child was not considered indicative of failure by the prison reformers, however, but a tactical alliance, a backdoor approach to prevent crime and criminal behaviour.

The OPRC argued that if their recommendations were put into effect that the existing conditions would indeed be "revolutionized". But it was not to be. Extremely limited effects were in a sense the culmination of the ideals and individuals of the period. While it "merits recognition as one of the outstanding documents in the literature of social welfare in Canada", its importance lies not so much in what is concretely accomplished as in the trends it illustrated and predicted. That being the case, the increasing
tendencies of professionalisation and bureaucratisation continued to strengthen over the next decade, as did the concentration on children. Essentially, belief that some women lacked ability or interest in mothering together with the recognition of the failure to rehabilitate and reintegrate women led to the declaration that

if the fathers and mothers could be trained to be anything like what they ought to be, the question and difficulty would to a large extent be successfully solved. There are no doubt vicious children coming out of honorable well-regulated homes. But that is the comparatively rare exception, not the rule. . . . The children who are a blot and a menace to our civilization are those whose parents are vicious, selfish, lazy, drunken, and self-indulgent good-for-nothings, who are glad to have their young ones on the street or anywhere else so that they may not be troubled with their noise or be burdened by their support. Reformatory training and industrial schools, are, in short, quite as much needed for parents as for children. That, however, cannot perhaps be secured, it may be said, and in its absence the community as such must stand in loco parentis to the poor, neglected waifs, who in six cases out of seven would be a burden or a blot to no one if their fathers and mothers would only do their duty . . . . But let all this be conjoined with a continued reference to the true criminals, those fathers and mothers who, the more society takes the care of their children off their hands, like it all the better and plunge only the more into self-indulgent debauchery and heartlessness. The Industrial School, in short, like charity of all kinds, unless wisely managed, may only feed the evil which it is intended to destroy . . . . let law do its best to keep the selfish, unnatural fathers and mothers from going scot free and laughing at the idea of having got society in general or a number of kind-hearted individuals in particular to shoulder their responsibilities and relieve them from all the trouble and expense of caring for, supporting and training those whom they irreverently call 'their kids', and
whom they would just as soon see dead or kept by the charitable as anything else. Society must, for its own protection, look after those unfortunate waifs and strays; but in any and every case let it do its best to make the fathers and mothers 'toe the mark'.

While adult offenders were thus not completely ignored, quite frankly in the years to follow little reference is made to the adults in prison reform sources such as the PAA Reports. One is inclined to suspect therefore that a shift in focus rather than an enlargening of spheres merely to include children took place; by surveying the events following this period one sees this to be the case. While doubtless external influences such as a possible modification in attitudes towards woman's roles brought about by increasing female labour in factories had some as yet unmeasured bearing on these urban reform changes, situations closest at hand, such as discouragement and disillusionment, would logically be of most influence.

Interest in prison reform did ebb after the publication of the Report in April, 1891. Two prison reform conferences were sponsored by the PAA in November 1891 and December 1892 in order to plan their campaign for urging the provincial and municipal governments to adopt immediately the recommendations of the OPRC Report. Despite the impressively large number of delegates at both meetings from all types of organisations throughout Ontario, very little was done. Puzzled disappointment was expressed at the lack of action taken by various government bodies. Juvenile criminality was the topic of most popularity to both conferences. At the former, the recommendations of the OPRC were repeated and reaffirmed as being necessary for any significant reduction in crime. They included proposals for neglected children, for industrial schools, and for
Arising out of the latter conference a delegation appeared before the Ontario government to request the appointment of a board of guardians to secure supervision and control over neglected children. Lack of success was attributed to public ignorance. The reformers believed that there was still a lot of work in "arousing the public conscience and convincing the public mind that those in our jails and reformatories require, in many matters, a consideration." It was assumed that when the public was educated, changes would occur immediately.

Yet the remainder of the decade to a certain extent was equally discouraging for those primarily interested in prison reform. Bills presented to the provincial and federal governments were disallowed; memorials and petitions were ignored; grants for assistance were refused.

On the positive side, the federal government did confirm the previously-suspect legality of Ontario's 1888 Juvenile Offenders' Act (which legalised Children's Court) in 1895-96 and passed an act "To provide for the Conditional Liberation of Penitentiary Convicts" in 1898-99.

Other small achievements included the establishment and success of a Cottage Home for Girls, an increasing number of poorhouses and Houses of Refuge (to thirteen and nineteen respectively), the expansion of duties and apparent success of the Bible-woman, and the writing and publishing of various books and pamphlets on prison reform by members of the PAA.

Perhaps partly because of the several failures in regards to penal reform, interest and participation in the movement apparently waned. Not only did numbers of and attendance of Sunday school teachers drop, and prison reform conferences cease,
but even the members of the Toronto Ministerial Association delegated
to preach Mercer's weekly sermon would not show up. Even children
were still being sent to common gaols rather than reformatories
in the mid-1890's, and children and adults were still asso-
ciated together at Mercer by the end of the century.

The annual reports of the PAA in the 1890's
demonstrate the deterioration of an organisation. The reports
of the field workers concerning Sunday school classes and
discharged prisoners were extremely short, as the 'professional'
agents' ones were proportionately larger. Descriptive accounts
of the annual meetings, however, took up most of the space
in the reports by listing all the influential people present,
and recording the speeches made and the resolutions adopted.
One might thus assume that form increasingly became more
important than content.

Nevertheless this did not mean that prison
reformers were inactive. Many, in fact, continually partici-
pated in other leading causes of the day, especially those
connected with the child-saving movement. In July, 1891,
the Children's Aid Society was formed shortly after the
publication of the OPRC Report "to wisely direct the trend
of legislation that was sure to follow. The alliance of
the two groups was demonstrated in the Children's Aid Society
motto: 'It is wiser and less expensive to save Children than
to punish Criminals'. Moreover, "it seems that the Society
came into existence not primarily for the welfare of the
child but for the prevention of crime. It was the conviction
that crime could be prevented by wisely directing the social welfare of children. Accordingly, various aims included the establishment of a children's refuge, separate trial for juvenile offenders and young girls, and the appointment of a probation officer to review cases, advise courts, and act on the children's behalf. Two of the more prominent men previously associated with prison reform and now active in the child-saving movement were W. H. Howland and John W. Langmuir. The former, as chairman of the organisational meeting of the Children's Aid Society, asserted that, in contrast to Industrial Schools (which looked after boys and girls already astray) or the Humane Society (which was concerned with cruelty to children), the Children's Aid Society would take care of all aspects of care for the young. Langmuir, shortly after his duties as chairman of the OPRC ended, wrote that "the recent investigations of the Prison Reform Commission have convinced me beyond all doubt that until some such measures are generally adopted in large cities we can never hope to stem the ever-increasing volume of vice and criminality." Under the circumstances, the social controls provided through child protection legislation were associated with penal reform.

The links between child and prison reform continued after the successful beginning of the Children's Aid Society. The Society was said to have therefore "proceeded at once to devote all its energies to the securing of legislation from the Ontario Government." Tactical alliances
were evident to the reformers because "for this purpose an Ontario prison reform conference was called by Dr. Rosebrugh." 18

The next few years were similarly active for the child-saving movement. A Child Welfare Act, for example, was passed in 1893 and, in notable contrast to the expansion efforts of the PAA, fourteen Children's Aid Societies were incorporated by the end of 1894. 19

As a matter of fact, legislation passed fairly quickly, as it had in the past. Indeed, the legislative movement for Industrial Schools was illustrative of this desire for social control. Not only did the reformers hope to keep the social order as it was, they hoped that the labouring classes would accept this state of affairs since there was a "significant though muted fear of the urban proletariat". Thus industrial education was designed to "elevate" the conditions of the working classes, by improving their ability to serve the wealthy." 20

The recommendations of the Report, which had indicated a preventative rather than curative approach, governed the direction of much of urban reform over the next decade. Prison reform per se was overshadowed in appearance by child-saving activities of the state, society, and by legislation. Notwithstanding, the underlying motives, the desire to control socially, the need to regulate and fit society's deviants in to a smoothly-functioning whole, decidedly remained. 21

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Treatment of women prisoners in the 1880's had largely been dependent upon the general attitudes towards the importance of their roles in society. Late nineteenth century expectations for female roles of all classes were those of wife and mother within the home and, to a very limited degree, of worker within the community. The responses and behaviour of women normally was dependent upon and reflective of the circumstances within which they operated. The stereotyped conception of the upper classes not only governed public reactions to the extent that certain behaviour of a particular class of women was regarded as illegal, it influenced the way in which female offenders were treated. As long as mothers were virtually the sole means of raising children and the maternal role of women therefore of vital importance, female inmates were subjected to fairly rigorous programmes in efforts to teach them their proper roles and reintegrate them into the larger community.

During the latter part of the nineteenth century, however, attempts at adult reformation proved largely unsuccessful. An increasing desire to govern the social behaviour of all those members of their rapidly
changing social environment who appeared to behave in deviant ways, together with a refinement and a sophistication of reform techniques, helped lead to shifts in emphasis and to conceptual changes in the roles of the state and of society, namely to that of guardian of the individual for the good of the whole community. Not only did this concept drastically affect many government and public spheres, it was primarily responsible for the redirection of the urban reform focus from onedirected towards the adult to one centred upon the child. The ultimate rise of the concept of institutionalism, in turn removing the deviant or neglected child from what was considered to be unhealthy surroundings caused by irresponsible parents, resulted in the role of unconventional female members of the lower orders becoming increasingly less important in terms of the needs of the community.

Although successful in the sense of social control through the child-saving movement, the prison reformers were less fortunate in their initial field of concern. The obvious indication of failure is seen in the fact that none of these problems ceased, let alone declined. Reasons for the inefficacy of the penal reform movement are many, The efficient and
scientifically methodological goals bureaucratised and professionalised many reformers right out of their jobs, or at least out of their relations with prisoners. The basic motives of preservation and advancement of personal interests paradoxically caused their own lack of success. With regards to women, rigid stereotypes refused to change.

Even more important was the sheer misinterpretation of what the female offenders needed. Not only were the reactions to the inmates insensitive, they were inappropriate. This was because most of those whom the penal officials and reformers were trying to help lived and would continue to live in an entirely different environment to that of the middle class. The fact that the women were "almost wholly ignorant of the plainer duties of domestic work" or that a "considerable number of women cannot sew or run a sewing machine" did not make these 'interlopers' realise that inmates could not do these things or work these machines because they had had no use for these skills nor even machines upon which to learn. Instead of trying to teach them the roles they were likely to play, or improve their chances in roles these female offenders had already played, the officials and reformers trained them to be a part of the service industry for the assistance of the middle and upper classes.

This deficiency largely explains why the prison reform movement failed in a concrete way to bring about changes to the conditions in female prisons or to the attitudes towards female offenders in Toronto, let alone any broader changes concerning the penal system as a whole. The bureau-

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cratic institutionalisation of the child usurped working class parental roles inasmuch as the public institution became the metaphorical mother of the neglected, delinquent, and generally deviant child. The emphasis on the failure and depravity of parents helped ensure the continuance of societal interference on this persistently regarded deviant segment of society which seems to have continued to the present.

Efforts to correct the behaviour of deviant members of the community were predictably based on the desire to make them conform to the standards of the upper and middle classes. Males therefore had been given the example and ideal of the respectability, duty, and nobility of honest labour. Females in turn were indoctrinated with ideals of being good mothers and wives. The wide variety of social ills which had been attributed by both amateurs and professionals to the lack of social controls were targets for reform. The reformers saw everything in very straightforward terms: every member of society was either positively assisting the general development of the community or was impeding it. It had therefore seemed logical and sensible that to maintain the equilibrium, to utilise and channel the potentially beneficial trends of the time, to prevent social deviance the reform and reintegration of all misfits into a traditional pattern was vital. As long as mothers were virtually the only means of raising children and the maternal role of crucial importance, female inmates were subjected to rehabilitative programmes in efforts to teach them their proper parts and integrate them into the community.
It seems however that during the latter part of the nineteenth century unsuccessful attempts at adult reformation were made. Concomitant to this was an increasing desire to control socially all deviant members of a rapidly changing society. It is further suggested that the culmination of these two effects resulted in a definite shift in emphasis from a penological standpoint. It appears that as the concept of institutionalisation became linked to child care, reformers saw in these structures a viable alternative to raising children and inculcating values suitable to a growing, industrious, technological country. It was still asserted that the natural mother was by far preferable when at all possible; yet it was assumed that the institution would provide an alternative which would save the child from an otherwise inevitable career in crime. While her male counterpart, whose role as father of the neglected child seems never to have been seriously defined, still received a notable amount of attention in efforts to turn him into an economic contributor to the community, the female offender, defused of her original purpose, too unskilled, uneducated, and limited by tradition to assume as strong an economic function as the male, was in a sort of vacuum. While the ultimate or long term effects upon female prisoners is not known, one thing is clear. Once actual facilities were coupled with faith in the effects of institutions, a re-direction of efforts and interests on the part of professional and amateur reformers occurred, towards the child, but away from the woman.
NOTES

1 OPRC, Report, p.222.

2 Splane, Social Welfare, p.56.

3 These developments were questionably helpful to the field workers prisoners, who intrinsically needed the amateur, one-to-one relationships for individual accomplishments.

4 The Globe, Nov.27, 1889, editorial.


6 Ibid., p.9.


8 Ibid., pp.5-6.

9 These included Prisoners' Aid Association of Canada, County Paupers and County Houses of Industry, (Toronto: Dudley and Burns, Printers, 1894); Dr. A.M. Rosebrush, "The Treatment of Inebriates", (The Canadian Practitioner, May,1890); Prisoners' Aid Association of Canada, Statutes Relating to Penal and Reformatory Institutions and to Delinquent and Destitute Children, Compiled from the Revised Statutes of Canada, 1885, and Subsequent Statutes, and from the Revised Statutes of Ontario, 1897, and Subsequent Statutes, (Toronto, 1895); and S.H. Blake, Our Faulty Gaol System, (Toronto, 1896).

10 PAA of Canada, Report, 1886, p.5.

11 Ibid., 1893, p.18.

12 In 1894 there was not one at all.

13 Kelso, Early History, p.6.


15 Kelso, Early History, p.75.

16 Quoted in Morrison, "Child and Urban Reform", pp. 72-73.

17 Other reform causes similarly linked included the negative threat of urbanisation and its effects. Thus Beverly Jones, long associated with prison
reform, declared that "gradually the breathing spots of the city were being built upon. He thought that a vigorous effort should be made to secure in the centre of the city suitable playgrounds for poor children". Beverly Jones quoted in Kelso, Early History, pp.72-73.

18 Ibid., p.81.


20 An example of this was the licensing of newsboys and prohibition of newsgirls in the late 1880's. Of course, children, being minors, in contrast to adults who could turn laws against the 'well-meaning reformers, get out of hand, or even take over, could not use or abuse these laws for their own purposes but would still be regulated by those who initiated them.


22 Rutherford, "Tomorrow's Metropolis", p.213.


25 Hence laundry work was the largest and most successful activity within the female institutions. Ibid., p.185.
The causes of crime have always been of great interest, both to penological specialists and to the general public. Theories on this subject periodically have changed in fashion; indeed, it has been suggested that criminologists have often ignored the possibility that explanations for illegal behaviour can change over time i.e. reasons for crime in the nineteenth century do not necessarily conflict with twentieth century theories. Various factors that have traditionally been accepted as contributing to lawbreaking include population growth, poverty, education, housing, alcohol consumption, age of the offenders, class conflict, increasing industrialisation, economic health of the nation, types of punishment in use, and changes in the law and in the judicial system.

In the nineteenth century, crime was attributed to many causes, varying of course according to the circumstances surrounding the theorising individual involved. Statistical changes in inmate commitment levels, because they were most observable and easily measured, were essentially considered to be the prime indicators of the degree of criminal activity within the province. As a result, and in combination with personality variations, the official government response to the relatively 'low' committal rates shifted over the 1880's. At the beginning of the decade, the inspector, J.W. Langmuir, looked upon this fact as evidence that justices of the peace were not sentencing the women for long enough terms and therefore not committing them to Mercer. In contrast, at the end of the decade, T.F. Chamberlain, new at the job, assumed the inmate population decrease at Mercer to be satisfyingly indicative of reduced criminal activity.

Statistical observations prompted discussions on
the various reasons for any decreases in the inmate population in any part of Ontario. These ranged from the hopeful belief that there was a "more healthful observance of the moral requirements of society" to the fact that since there were fewer commitments in all of Ontario for keeping and frequenting houses of ill-fame, there were fewer in Mercer as well. Most women convicted of the above-mentioned crimes were thought not to have been sentenced to Mercer because their sentences were so short that transfer was inexpedient. Even more popular was the belief that women convicted for some aspect of prostitution took the usually given alternative of paying a fine. The fear of Mercer Reformatory as a place of confinement and discipline produced the statistical decrease in the inspector's reports according to some hopeful suggestions, in contrast to the cynical assertion that reductions had occurred because habitual offenders had either died or left the country.

Reference to statistics was also made when rates of crime were on the rise. Reasons for these increases were accordingly attributed to the fact that the judiciary did understand the purpose of Mercer and that the increase in the number of girls under sixteen committed was thought probably due to the opening of the Girls' Department in Mercer. But the attitudes of the government penal officials and the degree of judicial sympathies were only small aspects of nineteenth century interest in crime-causing factors.

A vociferous segment of the Toronto (and Ontario) population believed that the chief cause of crime was intemperance. Although this theory has recently been revived by Tobias, it has been refuted by Gattrell and Hadden. Essentially they argue that while the proposal may be true in a purely local context, crime rates were
not up in good years when liquor consumption was high, and at any rate, intemperance was (and is) really only linked to crimes of violence, and not to the many other types of crime that exist. 8

Other suggestions include the one made by Elizabeth Wallace, which indicated that the three depressions experienced in late nineteenth century Canada, from 1873 to 1879, from 1884 to 1887, and from 1893 to 1896, all had a significant influence on the rate of crime, 9 and the theory that maintained that certain types of crime, especially vagrancy, were influenced by the severity of the weather. 10 Legislative modifications were also attributed to causing changes in the crime rate. For example, the Vagrancy Act, passed by the federal government which sentenced vagrants to the Reformatory for any length of time under two years (in contrast to the previous maximum of six months), was assumed to have caused the increase in the female population in Mercer. 11

Aside from the theories on the causes of crime as postulated or assumed by those directly and completely involved with prisoners, namely government penal officials, as well as police departments and justices of the peace and those indirectly and incompletely associated with the inmates, namely philanthropic organizations, the general public would have received most of its interpretations through the popular secular and religious press. While it is obvious that the above-named sources would have ulterior motives, some Ontario authors did write without the usual partiality. 12 Indeed, Toronto was not without its writers and self-styled social critics of crime in the 1880's. These included Harry Milner Wodson, a melodramatic, cynical, police court reporter; 13 C.S. Clark, a writer; 14 and Charles Pelhan Mulvany, popular author of guidebooks. 15 Although reasonable discussions such as that of Gattrell and Hadden caution against a reliance upon popular literature, it must be remembered that these writers would have reflected and influenced the opinions of some, however immeasurably so.


5 This was supposed to explain why only 13 out of 273 women in Mercer were convicted on these charges. Inspector, Report, 1882, (No.8), p.181.


7 Ibid., 1882, (No.8), p.183.


10 Thus the "unusually severe winter of 1882-83" was given as the reason for the large number of vagrants committed. Inspector, Report, 1884, (No.8), p.5.

11 Ibid., 1882, (No.8), pp.179-80.

12 Although this obviously did not preclude their own prejudices.

13 The Whirlpool: Scenes from Toronto Police Court, (Toronto, 1917)—memoirs of sensationalistic cases told with a flippant but conventional view-point.

14 Of Toronto the Good: A Social Study—The Queen City of Canada As It Is, (Montreal: The Toronto Publishing Company, 1898)—a 'smart', 'worldly' look at Toronto describing in detail, and in contradiction to the police, the number of streetwalkers (pp.13-37) and houses of ill-fame (pp.86-131) and the many blunders of the police (pp.11-27).

15 Toronto: Past and Present. A Handbook of the City, (Toronto: W.E. Caiger, 1884)—a tourist sort of guidebook to the city. He assumed that committals to Mercer had increased because of a growing intemperance as well as increased immigration of the lowest type of London paupers, and begging forced upon young girls by their parents. (p.54).
The use of statistics in this paper is very limited, partly because of unavailability of material, poor and inconsistent recording, different types of non-comparable records, and so forth. While of course this refers to Toronto specifically, the difficulties with criminal statistics are neither peculiar to the topic nor to the period. Indeed, the appropriate use of criminal statistics is as much of a problem for contemporary use as it is for historical use. While the interpretative validity for the different types of statistics is equally suspect, nineteenth century criminal statistics have the additional drawback of inconsistent gathering. ¹

Historiographical use of criminal statistics is quite recent; consequently methodological approaches are not standard. One example is J.J. Tobias' "The Statistics of Crime,"² which are, in his opinion, highly unreliable. Because of changes in law or in practice of recording crimes and because of the changes caused by different personalities in charge of recording, criminal statistics cannot be compared. Furthermore, since each town had distinctive officials with various policies and priorities, statistics for each town are equally unrelatable. Statistics of prison inmates are similarly argued by Tobias as highly unreliable because the information was primarily obtained from the prisoner unless a gaoler, policeman, or some other penal official was familiar with the individual concerned. Because of these and other problems inherent in statistical evidence, Tobias draws the conclusion that the only viable alternative is to rely on contemporary accounts from a qualitative point of view i.e. he recognises that many contemporaries based their opinions and writings on the statistics of the day thus he cautions readers to be careful not to accept an opinion concerning crime just because it was held by a number of people.³ In contrast, Gattrell and Hadden assert that criminal statistics are useful, and indeed, too
valuable to be discounted. Neither fluctuations in trends nor regional and demographic differences can be ignored, however, unless statistical numbers are of sufficient quantity to cancel out peculiar and individual variations.

Dependence on literary sources is convincingly shown to be seriously misleading. Frequently commentators of the surviving sources have their own interpretations as well as anecdotal descriptions; few were in a position to really know what was going on or had the inclination to find out. Many were not always critically aware of dangers of official statistics. But, most important, discussions were (and are) presupposed, prejudiced, and loaded with moral judgements. Important considerations include the effects of changes in police departments, legislative and administrative modifications, size of police force, policies of headquarters, and the like.4

The problem of the reliability of criminal statistics is compounded with a study of women offenders. The actual amount of female criminality has traditionally been underestimated, undetected, and disguised. Various reasons attributed to this include a sense of chivalry, male dominance in the administrative and judicial systems, deliberate distortions to make criminal charges more 'respectable' and so forth.5 Interesting speculation concerning charges and commitments of females is raised considering that "ever since the 1870's criminologists have predicted that the progressing social equalization between the sexes and particularly the entrance of women into ever wider fields of economic pursuits would lead to and increase in the volume of female crime."6

To the people of Ontario in the late nineteenth century, statistics of crime were of considerable interest. Because for a long time the direction of penal commitments was increasing, the public became so predisposed to a rising crime rate that stabilisation or actual decreases were barely acknowledged. Conditions with respect to the female criminal population in the 1880's are therefore, understandably difficult to describe with any degree of accuracy.
With regards to the Toronto Gaol, the records kept were inconsistent and at times illegible. In fact, over the years the prison Inspector periodically issued complaints concerning Surgeon's Books which were in pencil and difficult to read, other books in which no entries had been made for months, and the lack of books or remarks and orders describing the gaol's sanitary conditions, clothing, dietary or treatment of prisoners. At present, it is difficult to ascertain how much was actually known about each inmate. The female penal officials and attendants declared they knew a great deal (as did reformers working within the institutional system) from conversations with discharged prisoners, from recidivists, from letters written, from workers specifically appointed to keep track of former inmates, and finally, from the fact that the Toronto population was relatively small.

Yet even in this period, some still regarded statistics with suspicion. For example, the types of occupations listed in statistical returns were assumed to have frequently been made up by the inmates because many criminals were thought never to do any or very little work. It was supposed that the ones who did ever have occupations were alcoholics who had been committed for crimes caused by drunkenness. Few, if any, were believed to have been employed at the time of their arrest. With regards to those listed as married, "very few of these lived in that condition, and if they had children, they contributed little or nothing to their support, and were a burden rather than a help in the family, the lives of nearly all of them being one of continued debauchery."

The difficulties and controversies related to the use of statistics should not total avoidance but caution. With this in mind, descriptive and enumerative data concerning the female prisoners in Toronto can be found in various locations. Aside from the general statistics published annually in the sessional papers of Ontario as part of the Inspector of (Asylums,) Prisons and Public Charities Annual Report, prisoners of the Toronto Gaol and Mercer Re-
formatory were frequently recorded by the Toronto Police Department, Criminal Register July 26, 1887-December 14, 1894: Book One.\textsuperscript{8} Statistics were also available in the Annual Report of the Chief Constable of the City of Toronto, 1887-1911 (also found published in the Toronto City Council Papers), which were similar in structure and in content to the Inspector's Reports. Other than whatever remains from the reports and records kept within the female penal institutions\textsuperscript{9} most of which is presently unavailable for research purposes, information with regards to female prisoners is limited.

A composite picture of the Toronto female inmate population was arrived at by only using data from Mercer Reformatory because information was recorded in greater detail than in the Toronto Gaol. Moreover, statistics from the latter institution were not broken down by sex. As a matter of fact, very few definitely female categories existed with regards to the Toronto Gaol. Notwithstanding, there is no reason to assume that there would be any marked differences. For comparative purposes, the average figure has been used for the period 1881 (since the institution operated for less than a year in 1880) to 1890. Census returns from 1891 have been used since it is expected they would be more reflective of the period. While the inmate population was drawn from all of Ontario, Toronto statistics have been included since more women came from this city (approximately 34%) than from any other place. It must obviously be remembered that these statistics are used, and can only be used, to provide a general impression of the typical female inmate population. As such, conclusions drawn from them should be tentative.
APPENDIX II NOTES


2 Crime and Industrial Society, chpt. 2, passim.

3 Ibid., pp. 10-20.


5 Thus classifications of vagrancy, drunkenness, or disorderly conduct would frequently mask crimes of prostitution or other sexual offences.

6 Ibid., p. 58.


8 Information normally included name, age, height, physical description, occupation, charge, arresting officer, magistrate, and results of the trial for each individual. Nevertheless, the actual dimensions of women's movements are limited by the fact that one cannot tell just how much of the so-called criminal activity was initiated by the females themselves and how much was activated by male co-operation or coercion.

9 Such as the Register of Punishments Inflicted for Offences in Prison, March 22, 1864-July 15, 1886 for both males and females in the Toronto Gaol.
APPENDIX III

PRINCIPLES OF PRISON REFORM
(Adopted by the Prisoners' Aid Association in 1888)

1. County Jails should be maintained only as places of detention for persons charged with offences and awaiting trial, and should not be used for prisoners after trial and conviction.

2. County Jails should be conducted strictly on the separate or cellular system.

3. Persons convicted of crime should not be detained in county jails, but should be dealt with according to the age and natural proclivities of the criminal.

4. A boy under fourteen years of age, not previously vicious, should be restored to his parents upon their giving a guarantee of his future good conduct. Failing this he should be sent to an Industrial School.

5. A boy under sixteen years of age, having a natural tendency toward crime, or being convicted of a second offence, should be sent either to a Reformatory direct, or to an Industrial School on trial, according to circumstances; and a special court should be organized to deal with these cases, as well as with females charged with light offences. A boy should never be brought to open Police Court nor be sent to a county jail.

6. Industrial Schools and Reformatories should not be considered as places for punishment, but should be utilized wholly for the reformation of character. The young persons sent to these institutions should not be committed for any definite period, but they should be detained until reformation is attained, irrespective of the time required. The officers of these institutions should be carefully selected, preferably by a system of examination and promotion, and without reference to party or social influence.

7. As industrial employment is a necessary step towards reformation, and as this cannot be supplied by the county jails, the necessity arises for prisons and reformatories of ample dimensions, where such employment can be provided, and where other influences of a reformatory character may be utilized, and where a system of classification may be carried on.

8. The expense and management of such persons in such institutions should be borne by the county from which they are
sent, when such expense exceeds the proceeds of the indus-
trial labor of the persons so sent.

9. Tramps and habitual drunkards should be sent to an in-
stitution where they can be provided with productive in-
dustrial employment, and where they can be brought under
reformatory influences, and they should be detained in
said institution under indeterminate sentences. Incor-
rigibles should be sentenced to penitentiary for life.
They should be considered as having forfeited all right
to regain their liberty, unless reformation takes place.

10. In order to meet the requirements of the case, there
should be sufficient prison accommodation in Ontario to
relieve the county jails of all persons undergoing sen-
tence. This accommodation should be provided either by
enlarging the Central Prison or by erecting two addition-
al prisons, one in the east and the other in the west.
There should be unification in our prison system. The
prisons should be graded, and the reformatory principle
in its most improved form and after the best models should
be incorporated with said system.

11. The question of prison labor should be removed from the
arena of party politics, and members of labor organiza-
tions should look at this question from a patriotic rather
than from a trades standpoint.
APPENDIX IV - HEREDITY AND ENVIRONMENT AS INFLUENCES ON FEMALE CRIME

The Ontario Prison Reform Commission avoided exploring the controversial subject of the causes of specifically gender-based crime. Perhaps the Commissioners agreed with one of the cited criminologists who declared that females were so incomprehensible that "woman alone understands woman, and since she alone can enter into her weaknesses, temptations, and difficulties—nay, into the very recesses of her being," officers in female penal institutions ought to be women.\(^1\)

Notwithstanding, more than two dozen authorities to whom the Commission refer with varying frequency, discuss this subject. While direct influences upon the OPRC cannot presently be proved, a brief examination of some of the more predominant ideas concerning the relationship between females and crime provides possible explanations of attitudes towards and treatment of female prisoners.\(^2\)

Crime-causing factors in the late nineteenth century could be categorised into one of two groups. Lawbreaking was either the result of heredity or the result of environment. Inherited or biological attributes had been frequently considered significant. One of the most influential authorities was F.J. Gall, a doctor researching in the early 1800's, who believed that every human characteristic could be traced to some location on the brain. According to him, "the natural feelings of mothers," namely, the "love of offspring" was so strong in women, that any woman who committed infanticide was assuredly insane.\(^3\) The woman's personality was subject to behavioural alterations caused by pregnancy and "menstrual evacuations."\(^4\) Becoming more susceptible, gloomy, easily excited, unpredictable, and generally unbalanced, potentially the female would do things that she normally would not, such as steal.\(^5\) The methods of inquiry used by Gall to discover these "natural in-
instincts" included comparisons with different species of animals and dissections of the brains of infanticidal women.

By the latter part of the century, other biological theories continued to support those proposed by Gall. Henry Maudsley, as a physician, not only believed that the menopause brought on crime-inducing mental disorders, but that girls were very susceptible to committing offences for biological reasons as well. Consequently, his explanations for female juvenile offenders depended upon a belief that, at puberty, girls suffered more than boys. Aside from the conventional opinion that menstruation resulted in periodic mental disturbances bordering in some cases on disease, Maudsley argued that their reproductive organs themselves had stronger impacts on the minds of girls than on boys.

Most popular of all, however, was the biological sexual selection theory as featured in the work of Have-luck Ellis in the late 1880's. Sexual selection was believed to be so important that "masculine, unsexed, ugly, abnormal women--the woman, that is, most strongly marked with the signs of degeneration, and therefore the tendency to criminality--would be to a large extent passed by in the choice of a mate, and would tend to be eliminated."

On the other hand, the influence of the environment was considered very important to Ellis. As a matter of fact, although he did acknowledge the notable and, to a certain extent, inescapable effect of heredity, Ellis maintained that the combination of the two, with environmental factors being predominant, was what drove individuals to committing illegal acts of deviance. As a result, the biological characteristics of sexual selection and physical weakness, combined with the particular social roles to which women were assigned. These included domestic seclusion, prostitution, and maternity i.e. those with children were less criminal than those without. Not only were women protected from committing crimes because they were norm-
ally forced to stay in their homes, but "activities of wo-
men are at a lower but more even level \[than the extreme,
spasmodic outbursts of violence in men,\] and their avoca-
tions have tended to develop the conservative rather than
the destructive instincts.\(^{13}\)

The influence of required roles within the social
environment was thought to be so great by many late nine-
teenth century criminologists that some women were believed
to go mad from not getting married or from having a bad
marriage since, their whole lives were patterned in prepar-
ation for this. The "modest suppression of emotions" and
the lack of various spheres of activity resulted in con-
tinual broodings which were thought to heighten these
feelings and ultimately lead to crime.\(^{15}\)

It was generally believed that as women's social
roles expanded with her freedom in the world, they would
commit more crimes, until approximating the number and, to
a great extent, type of crimes committed by males.\(^{16}\) Consequently, the sweating system, using New York and Chicago
as illustrations (although recognised as similarly true
in Toronto), was thought to result in "thousands of poor
girls [who] are almost irresistably compelled to prostitu-
tion by the utterly inadequate wages they receive;" indeed,
often the shopgirl or typist was told she could better
her position or have her income supplemented by becoming
a mistress.\(^{17}\)

The theories on female behaviour influenced recom-
mendations made for treating women offenders, albeit to a
limited extent. Biological theories, therefore, perhaps
explain why in so many cases little if anything was done
to change those incarcerated. Environmental theories on
crime in contrast provided the justification for behav-
ioral alteration. Nevertheless, because some combination
of the above major crime-causing classifications was the
norm, inconsistencies were the usual result. In one sense,
this was not surprising. Indeed, whatever relative weight
was placed on the effects of heredity and of environment,
nineteenth century criminologists, for whatever the reason, generally agreed that "the woman is more docile, more resigned than the man; she has habits more sedentary, and consequently accommodates herself better than the man to seclusion of the cell. With her the sentiment of religion is stronger, which gives her an additional means of assuaging the bitterness of solitude."
APPENDIX IV NOTES


2 Works referred to were either mentioned in the Report or were the most popular of the author's books at the time and therefore most likely to have been read by the Commissioners.

3 François Joseph Gall, On the Functions of the Brain and on Each of its Parts: with Observations on the Possibility of Determining the Instincts, Propensities and Talents, or the Moral and Intellectual Dispositions of Men and Animals, by the Configuration of the Brain and Head, Winslow Lewis, (trans.), (Boston: Marsh, Cooper and Lyon, 1835), V.1-6, V.1, pp.285-90.

4 Ibid., V.1, p.300.

5 Ibid., p.332.

6 Ibid., V.3, pp.269-72.

7 Ibid., V.1, pp.293-94.


9 Ibid., p.469.

10 In particular, the OPRC regarded him highly, and referred to him more often than to any other authority.


12 Ibid., pp.263-66.

13 Ibid., p.263.

14 Maudsley, Pathology, pp.163-64.

15 Ibid., p.164.

16 See Ellis, Criminal, p.265 for example.


18 Wines, Prisons, p.674.
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