

The Superintendent submitted to the Commission that the manner of dealing with these prisoners was covered by the power vested in the classification boards. The fact is that the Superintendent did not leave the matter to the classification boards, but overrode them and the regulations in regard thereto by issuing orders that certain prisoners should be placed in "permanent segregation," and that others should be "indefinitely segregated." The matter was taken out of the hands of the classification boards, and they were given no opportunity to review the cases of these prisoners, or to consider when they should be removed from the so-called "segregation" and restored to the ordinary penitentiary population.

The expressions contained in correspondence affecting many of these prisoners indicate an unduly vindictive attitude of mind. In one letter, addressed to a warden, the Superintendent used the following language:

"Undoubtedly you will receive many complaints from these convicts wishing to know why they should be placed in the east cell block. It is not necessary for you to give them any information. If any information is given nothing more is necessary than to say that that is a part of the penitentiary in which it has been decided to confine them."

In regard to these prisoners, the Superintendent was asked whether the classification board should not meet regularly to consider these men and determine whether or not they should be kept in segregation. He agreed that it should be done, but that it had not been done to his knowledge. The direction to keep prisoners in permanent segregation does not indicate that he expected such a course to be taken. The Superintendent did not, from the year 1935 to September, 1937, visit the part of Kingston Penitentiary where these prisoners were confined. In our opinion, this shows a callous attitude and a clear neglect of duty.

The regulations governing the trial and punishment of prison offences were drawn up by the Superintendent, and were the object of a detailed brochure of instructions. Regulation 162 is as follows:

"162. A convict shall not be punished until he has had an opportunity of hearing the charge and evidence against him and of making his defence."

Notwithstanding the explicit provision of these regulations, we found it gravely violated, under the direct authority of the Superintendent, in a serious case involving corporal punishment at Kingston Penitentiary.

The warden had tried one Price, a prisoner, on a charge of "attempting to incite trouble," and had found him guilty of two other offences mentioned in the regulations but not included in the description of the offence in the charge. He was sentenced to be flogged with 20 strokes of the leather strap. The warden reported the matter fully, as he was required to do, and forwarded a copy of the evidence to the Superintendent for confirmation of the sentence before it was executed.

We have perused the evidence and, in our opinion, it was not such as would have supported a conviction in a court of appeal, even for the offences of which, although he was not charged with these offences, the prisoner was found guilty. Notwithstanding this, the Superintendent, in a long letter to the warden, reviewed the evidence in detail, the manner in which it

had been given, and suggested the form of answers the guards should have given. He pointed out that the offences for which the prisoner had been found guilty were not covered by the charge. Notwithstanding this, his letter states:

"A perusal of the evidence would appear to indicate that Price was guilty of the following, under Regulation 165,"

and sets out four separate offences. This was followed by the following statement:

"Copy of the evidence is returned herewith, and would appear to support the charges as redrawn."

The letter concludes:

"It is considered that Price has been sufficiently put on his trial under the charges as now re-drawn, and that he is guilty of gross misconduct requiring to be suppressed by extraordinary means. Your award of:

(1) Twenty strokes of the leather strap, ten (10) strokes to be administered immediately, and ten (10) strokes suspended, under the provisions of Regulation 231; and

(2) Twenty-one (21) days No. 2 diet; is approved.

It is presumed that this convict will be kept segregated indefinitely."

Hon. Mr. TANNER: Could the honourable gentleman not put the whole report on Hansard instead of reading it?

Hon. Mr. MURDOCK: No. I am just coming to the interesting part. I am going to read the remainder of the extract.

Hon. Mr. BALLANTYNE: Is it very long?

Hon. Mr. MURDOCK: It is not too long. We have had considerable discussion about General Ormond and what he did or did not do. Let us see what he himself said. That is what I am coming to now.

Hon. Mr. TANNER: I would remind the honourable gentleman that the question before the House is whether we are to have the penitentiaries administered by a commission instead of by a superintendent. That is the only thing we are discussing.

Hon. Mr. MURDOCK: There is a great deal more than that.

Hon. Mr. BALLANTYNE: As we are anxious to dispose of this Bill one way or the other, I hope my honourable friend will accept the suggestion to put the remainder of the report on Hansard as though it had been read.

Hon. Mr. MURDOCK: If I have permission to put the remainder of the report on Hansard, I am content. I wish to treat as read the portion from page 47 to the end of page 51.

Hon. Mr. BALLANTYNE: All right.

Hon. Mr. MURDOCK: I think if honourable members will take the trouble to read Hansard to-morrow they will find that Gen-