

Southeast Grey or any hon. member of this house. Members of this house are statutory visitors. They have the right to go there and the right to see everything and to speak to everybody. That is what a statutory visitor is for. So has a grand jury that right, and so has a judge. If any one desires to examine these institutions either at Kingston or any other part of this dominion I will give them the greatest freedom to do so, they may investigate to their heart's content, and all I ask them to give is an unbiased and unprejudiced account of what they do see, having regard to the fact that these institutions are not hotels or boarding-houses but penitentiaries.

Miss MACPHAIL: Does the minister wonder that it is confusing to the people of this country when the warden says that a man was in solitary confinement for a year and then the minister stands up and says there was no such thing? I want to ask this further question. In the case of O'Brien—I notice the minister takes great trouble to tell the committee how terrible these prisoners are, and I am not defending them, because I know a great many are vicious; on Saturday I placed the percentage of the total prison population as twenty per cent—I am not arguing for O'Brien or Kirkland or anybody, but was O'Brien put in for the two years in solitary confinement other than the forty minutes a day, or was he allowed the same liberty as any other prisoner? Just what does solitary confinement mean?

Mr. GUTHRIE: No. I believe he only got his daily exercise. Then he was offered work in his cell and he refused to do it. Subsequently I believe he asked for work in his cell and got it. His case I may say has been fully reported to the American prison authorities on O'Brien's representations that he was being discriminated against as an American citizen, and I think the American authorities are quite satisfied with regard to the matter. So far as I am aware, they are.

The next matter in the letter of Mr. Nickle is in regard to silence.

Prior to October 17 there was a silent rule for convicts which read as follows:

Every convict shall observe silence and shall not hold communication with another convict.

Mr. Nickle knew full well when he wrote that letter that the rule had been abrogated for a year or almost two years. It so happens that General Ormond, superintendent of penitentiaries, took office on the 1st of August 1932, and his first visit to Kingston was made on September 8, 1932. When he came back from Kingston he had a discussion with me.

He said he was going to visit other penitentiaries, but that there were certain recommendations which he had decided to make in regard to these institutions, and one of those he mentioned was the rule with respect to silence. Another one was in regard to cigarette papers and another in regard to exercise. Prior to General Ormond's appointment the exercise period was only ten minutes and it consisted in walking around a yard, a sort of military march. He said that method did not appeal to him, it was not a proper exercise, and he recommended a change. I think that would be probably the 10th or 11th of September, six weeks before any riot took place. I said, "Had you not better consult other wardens before we change the regulations?" He replied that he would, particularly in regard to cigarette smoking. Unfortunately or fortunately the disturbance took place on October 17th, before there was any change in the regulation, but the regulation was changed on December 31, 1932, and the silence rule was abolished. It had been the rule of all Canadian penitentiaries for forty years and until recently was the rule in English penitentiaries—I think it is still the rule in Dartmoor—and it is also the rule in many penitentiaries in the United States. In the penitentiaries in Canada the silence rule was abolished on 31st December, 1931, and Mr. Nickle should have known that when he wrote the letter to Canon Scott:

Let me say here, while it occurs to me, that the inmates were only given twenty minutes exercise a day, walking in a circle round the bull ring.

I thought it was ten minutes only of exercise that they were allowed before General Ormond took over as superintendent of the penitentiaries. Now it is forty minutes, and in Great Britain an hour. The kind of exercise is a matter on which there is some discussion and difference of opinion among prisoners. The exercise which has been prescribed by General Ormond for all penitentiaries in Canada consists for the most part of those exercises which you see in collegiate institutes and colleges, the Royal Military College and various places of that kind—rhythmic movement all under an instructor in the open air, and then a certain amount of walking exercise. Previously it had been merely walking exercise, but in Kingston unfortunately this additional exercise has developed into a kind of sporting contest which is not permitted under the present regulations. Instead of the regular exercise prescribed, baseball and the like has developed to a fairly alarming extent. Baseball has now