

History of the Peterborough County Jail

Final Report

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Completed for: County of Peterborough (contact: Karen Jopling)

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Trent Community Research Centre Project Coordinator: Matthew Hayes

Department: History

Course Code: 4100 Y

Course Name: Topics in Canadian History

Term: FALL-WINTER 2016-2017

Date of Project Submission: APRIL 2017

Project ID: 4671

Trent Community Research Centre

www.trentcentre.ca

SEPTEMBER 2016 – APRIL 2017

THE HIDDEN SECRETS IN THE WALLS OF A
LOCAL INSTITUTION:
A DOCUMENTATION OF THE PETERBOROUGH COUNTY JAIL

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Introduction

Laura Schindel and Logan Taylor

This is the study of an institution which stood as a monument of authority for about one-hundred sixty years and then unceremoniously sat dormant for fourteen¹. It was structure that saw grave histories like the execution of six men, and the incarceration of people dealing with poverty, addiction and mental illness.² Therefore, the following is a brief introduction to what is a massive piece of local history.

The Peterborough County jail opened in 1842 and closed almost one hundred sixty years later in 2001. The institution was located behind the courthouse in the downtown core, constructed from stone quarried in Jackson Park. It was funded by local men in commerce including prominent local names like Thomas A. Stewart. The purpose was to create a smaller institution in contrast to the larger complex in Toronto, as there was no jail to serve the Douro region. Originally, the jail served the purpose of a place to hold those convicted of petty crimes, such as vagrancy and drunkenness, shoplifting, homelessness, and those who had defaulted on loans. It served this purpose for much of its lifetime and later became a place to hold more serious criminals on route to larger complexes. This truly was a local institution, funded, run³ and inhabited by local individuals, that was eventually closed when the province moved towards larger jails like that in Lindsay.⁴

The current site no longer is home to the institution itself but its history is still being commemorated. The project that spurred this paper was inspired by the creation of a public park

¹ Archeological Document, page 6

² Ed Arnold, *Young Enough to Die* (Canada: Ed Arnold, 2016), 62

³ Archeological Document, page 7

⁴ Jenn Goddu. "Jail closings put prisoners last, critics say." *The Canadian Press*, 15 July 1998: n/a. Accessed online.

where the building once stood. This park will act as a monument to the old county jail. Our purpose was to research the local jail through six themes: architecture, wardens and correctional officers, inmate experience, mental health, capital punishment, and the 2001 riot. The research we conducted will go towards the writing of six historical plaques that will be installed throughout the jail site, and the creation of an educational website for public use. All of these papers stand alone as significant components of the history of the jail, and are vital to understanding what might have gone on within the walls of this institution.

This process began in August of 2016 with a meeting with representatives from the County of Peterborough, in which we discussed their visions for the project as a whole. There was a strong focus on the local aspect of the history and how this could enhance the knowledge of residents in this region and its importance in their everyday lives. The main idea was to increase awareness of the Peterborough jail within the community. Moving forward, we agreed upon a heavy focus on the secondary research and corrections in Canada and the influence it may have had on this jail. In its most basic terms, secondary research is studying the research that other academics have already completed on similar subject areas. In this case, we leaned heavily on sources written about early Canadian jails, the general experience of those in correctional services in Canada, and the methods surveillance and punishment in Canadian history. Beyond these sources, we used some primary sources, like newspapers, archeological documents and written testimonies. As there is a lack of readily available primary sources about Peterborough specifically, we used our secondary research to contextualize the jail in the wider context of Canadian corrections and judicial practices. This paper is arranged in a chronological fashion, divided by our six themes. Each section is authored individually with stand alone sources and citations.

As two undergraduates in the study of history and education, we often find that history is overlooked and underappreciated, especially local history. What drove this project was our determination to inspire an interest in local history. Local history is just as important as the larger events that are studied, even commemorated, in classrooms. These stories can give insight into who we are as individuals, why we live this way, and why we continue certain practices. This project is important to the local history of this region because it offers some insight into the way we once treated those marginalised in society. In terms of the grander scheme of Canadian historical study, research like this is extremely beneficial. Study of this local jail serves as a case study within historiography of correctional services study. In some ways viewing this research in this way is even more important than the local narratives. For scholarly purposes, this study can be used to ask questions about historical causation, experience the vast array of practises within the Canadian correctional and legislative system. What follows is our contribution to what will be a growing study of the Peterborough County jail.

A Design Short of Originality: Architecture of the Peterborough County Jail*Logan Taylor*

In the nineteenth century, jails were created for one purpose, which was to ensure that those who committed a criminal offense were no longer a nuisance to society. In consideration of modern times, however, it can be argued that many of these crimes would now be considered petty in nature, such as stealing food from a convenience store. Constructed in 1842 and closed almost 160 years later (in 2001), the Peterborough County Jail saw a variety of criminals throughout its history. What makes the jail most interesting, however, is the physical architecture of the Peterborough County Jail. Simplistic in design, it marketed to the greater public and had an aesthetically pleasing quality about it.

The original construction of the jail was meant for the management board in Kingston, Ontario, as Peterborough County was being divided and there was no facility for inmates in the Duro area, and there were too many going to places like Lindsay and Toronto.⁵ The Peterborough County was unique in that it was not your typical nineteenth century jail. At the time, it was common for inmates to find themselves imprisoned in old houses, farms, or within businesses and industries. In comparison, the Peterborough County Jail was a new build and in fact, an extension of the already existing courthouse.⁶ The jail was/is located in the northern end of downtown (originally ward three) and could not be seen from the street.⁷ I would argue that the positioning of the jail behind the courthouse was to not only co-locate these justice-based governing facilities in one area, but to also have criminals hidden from view by the institution that determined their fate, a continuum in one corridor. By ensuring the actual jail could not be

⁵ Archaeological Document, p.6.

⁶ Archaeological Document, p. 7.

⁷ Archeological Document, p. 7.

seen from the street, this meant that the public would not have to be faced with these ‘societal menaces’, as in the expression, “out of sight, out of mind”.

The jail was positioned behind the courthouse so the Eastern side would overlook the Otonabee River, and the Western side would face the courthouse.⁸ The two sides juxtaposed the realities of the period: on the one hand, the beauty if the individual left the courthouse without conviction; on the other, the fate that awaited them if found guilty. It is critical to understand that the placement of the jail was strategic and played upon the psyche of an individual in an effort to ensure order and discipline. By placing the jail in behind the courthouse it gave a sense of almost ease to the public as it was the facility in which justice could be implemented, however, by placing it in behind the mass structure it gave reason to almost hide the realities of injustices in the county area.

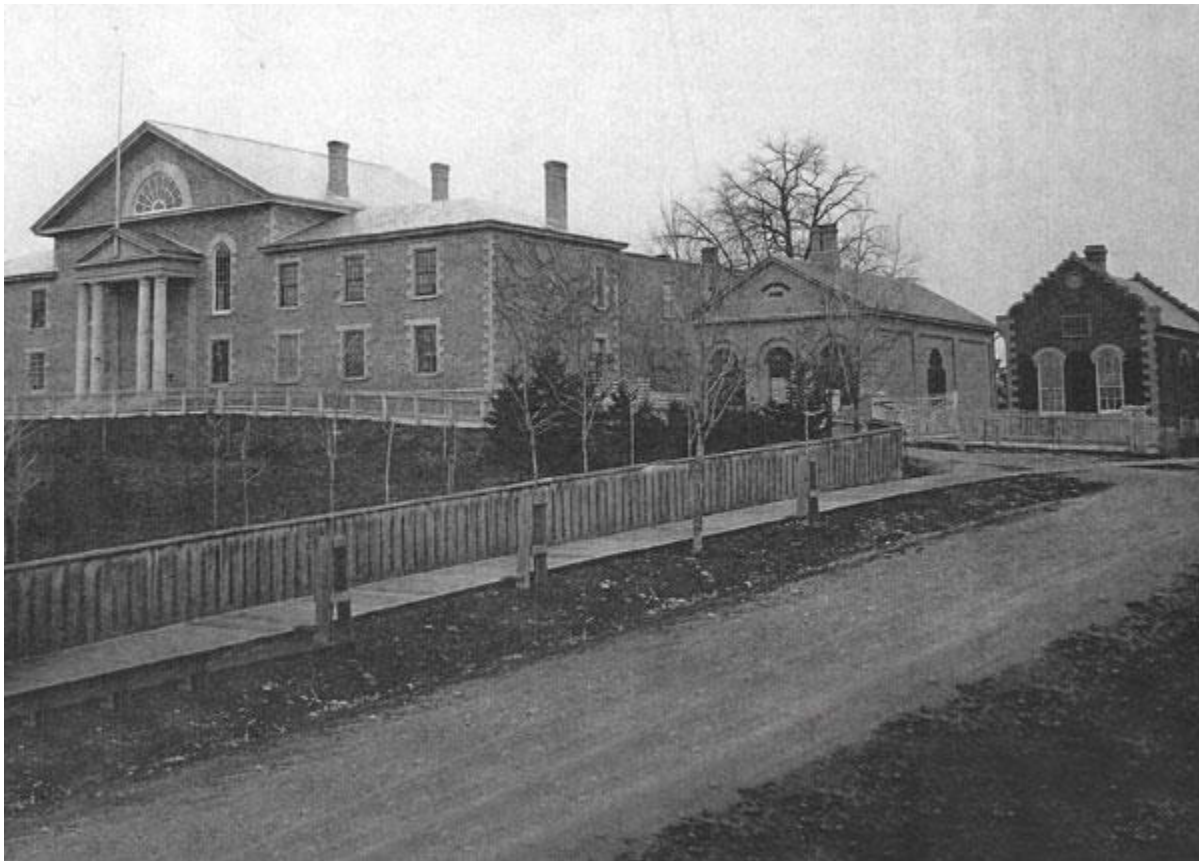
The Peterborough Jail was designed in a Regency style of architecture, meaning it was of classical British orient and used exterior materials to maintain this aesthetic.⁹ This was important to the history of Peterborough as many of the buildings of the time came out of this style, since Canada did not become an official country until 1867, and the jail construction began 1842 there is a sense of dependency on the British style. By maintaining the Regency style of architecture there was a reinforcement of loyalty to the British and this only furthered through the development of the jail. Facilitated and led by Thomas A. Stewart, the building committee committed itself to ensuring the construction of a large and elaborate building. In fact, the courthouse and jail were the two largest buildings to be built in the surrounding area.¹⁰ It is also important to note that the Peterborough jail was developed much differently than the plans for

⁸ Archeological Document, p. 8.

⁹ Unknown Author, “If these walls could talk at the old Peterborough County Jail.” *Trent Valley Archives*, February 20 2016, 1.

¹⁰ Unknown Author, “If these walls could talk,” 1.

the Kingston Penitentiary, grandness in the structure was important, however, it becomes more clear that budget and loyalty serve a greater purpose in Peterborough. Constructed with a budget of seven thousand pounds, funds were generated from local taxpayers, rich or well off families, and the bank of Cobourg.¹¹ Following the original design of the courthouse by Joseph Scobell, it was critical that the project remain on budget and to ensure that these two structures accented one another.



¹²As shown in this image, the jail was positioned behind the courthouse. Although it may have physically been a suitable place for the jail to be located (as space existed), it also served to reinforce the social constructs of crime, justice and punishment at that time.

What becomes clear through the images and sparse documentation was the need to stay within budget, but create a structure that fit in with existing structures in Peterborough. Masons

¹¹ Unknown Author, "If these walls could talk," 1.

¹² Image from the Trent Valley Archives.

were hired for the construction of the jail, as well as a construction company to ensure that the structure fit into the surrounding environment and to stabilize the concrete wall which made up the exercise yard.¹³ There was only a small area of grass within the walls of the jail and it was quickly covered in concrete.¹⁴ This serves to reinforce the idea that jails were intended to warehouse criminals, depriving them of the ‘creature comforts’ most people take for granted. At the same time, it also served a utilitarian purpose – a concrete slab was cheap to construct and offered stability, and the committee focused heavily on keeping building costs as low as possible. The exterior of the prison itself was constructed of stone quarried from Jackson Park¹⁵, a cheap option that also delivered to the location; a “win-win scenario for Stewart”. Aesthetically, the stone also complimented the larger surrounding buildings, making it ‘harmonious’ with others of importance in Peterborough County.

Moreover, the layout within the jail is important to note as it was inspired by the Auburn State Prison in New York.¹⁶ Although some of the jail was actually physically within the courthouse, there was a proper design and map/layout that led to the construction of the jail itself. Consistent with the Auburn State Prison design, the approach was that prisoners should spend nights in a cell but during the day, they could mingle. Facilities were designed to be sanitary and secure and inmates would be segregated depending on the seriousness of their crime committed.¹⁷ Unlike the formidable Kingston Penitentiary, the Peterborough County Jail was more of a ‘holding spot’, for those with a short-term stay. This could be one of the key reasons why it was important for the building to fit into the surroundings. As time progressed,

¹³ Archeological Document, p.21.

¹⁴ Archeological Document, p.21.

¹⁵ County of Peterborough, *Canadian News*, Municipalities, Council, Departments & Services, and News, county.peterborough.on.ca

¹⁶ Unknown Author, “If these walls could talk,” 1.

¹⁷ Unknown Author, “If these walls could talk,” 1.

renovations to the building were required and completed, and with the eventual closure of the prison in 2001, a lot of rooms were reused for modern day purposes. For example, renovations during 1959 and 1960 resulted in a modern South wing which is now occupied by county offices.¹⁸ Ironically, it is also important to note that in its original construction, existing court rooms were also used toward facilities for the jail.¹⁹

In summary, the Peterborough County Jail was and remains a substantial component of architecture in Peterborough. Although it may not have been “original” in design or concept, there were many factors which impacted on this reality, including functionality, fit with other buildings in the area, and cost. With these taken into consideration, the Peterborough Jail exceeded expectations. It accented the advances in architecture of the period, but did not outshine others; it is often compared to jails in Toronto and Lindsey as far more superior for convenience, appearance and sustainability.²⁰ With a history of more than one hundred and fifty years, the jail is often considered to be one of the finest courthouses in all of Ontario.

¹⁸ County of Peterborough, *Canadian News*, Municipalities, Council, Departments & Services, and News, county.peterborough.on.ca

¹⁹ County of Peterborough, *Canadian News*, Municipalities, Council, Departments & Services, and News, county.peterborough.on.ca

²⁰ Trent Valley Archives, “Rediscovering Ye Olde Peterborough Gaol,” *Trent Valley Archives*, Trent Valley Archives Canada, trentvalleyarchives.com/jail-talk-media-release/

A Move Towards the 'Prisons of Tomorrow': Wardens and Correctional Officers*Laura Schindel*

When considering the wardens and correctional officers of the Peterborough County Jail one encounters the same problem as when studying the inmate experience, there is simply far too much to cover. With almost 160 years in operation it is virtually impossible to distill all the wardens and correctional officers, or even some, into any work that the general reader could engage with. The many years of operation saw major changes in technology both inside and outside the correctional system, and drastically changing societal views towards offenders. The other major issue is the lack of scholarship on the Peterborough jail itself, there is a gaping hole in the information available or published. From its beginnings as a busy jail in a rapidly growing pre-confederation county to an established but fading jail in the late twentieth century, the jail saw many different policies and even more types of officers and wardens. However, one can consider the broader scope of correctional workers and facilities in Canadian and American societies over time in an attempt to understand the environment correctional workers at Peterborough might have been working in.

In the early twentieth century, Jesse O. Stutsman, then superintendent of the United States Detention Headquarters, and the director of the United States Training School for Prison Officers, wrote a report based on research his institute had conducted on the training of prison guards and their purpose. Though American, this study makes important discoveries about the intentions, motivations and successes of guards and the penal system. He expressively states in his introduction:

“[There was a time] when an inexperienced man of little ability and even questionable character could perform the duties of guarding prisoners as demanded by a vindictive public. A brute sitting on a high wall with a uniform and a gun could impress convicts

with the senseless repressions which were regarded as necessary to deter crime... They were selected because of their size, strength, energy, or political backing. They were [insufficiently trained and given too much responsibility] ... To expect intelligent service from officers of that kind is like depending on a plumber to stop leakage of the heart, or a blacksmith to set a broken bone.”²¹

Stutsman’s conclusions are evocative, derogatory, and over-dramatic but still illustrate a popular and not entirely inaccurate view of the early correctional systems in Canada and the United States. There was not much care or thought put into the people who were in charge of guarding prisoners. He also acknowledges the developments in psychology and psychiatry that built upon and advanced understanding of human behaviour and how criminals, the mentally ill, and any other person who may be incarcerated should be treated.²² The solution this report suggests is one of education, that officers should be trained in reform and not punishment, they should be “capable leaders.”²³ It goes on to discuss the salary issue and encourage a higher wage for correctional officers and offers discussion on better screening of new hires.²⁴ Yet, Stutsman took it further and tested his new training method in education and found positive results. His research is a call to action for improvement of officers in the system. Most visibly, this piece recalls an awareness of the difference between punishment and rehabilitation²⁵ or reform. Stutsman talks about recidivism and the inherent problems with a punishment-first approach.²⁶ In an extremely optimistic report that was released near the beginning of what would be almost a century of prison reform, Stutsman exposes both the past and the potential future of jails and their employees. He critiques the simple regard for offenders and punishment of the early 1900s and details why guards need to be more extensively trained, thus effectively highlighting the shift

²¹ Jesse O. Stutsman “The Prison Staff” (*The Annals of the American Academy of Political and Social Science*. 157. 1931): 62

²² Ibid.

²³ Ibid 64

²⁴ Ibid 65

²⁵ Ibid 71

²⁶ Ibid 63

towards putting more stock in the guards in the hierarchy of correctional services. This is a turning point for corrections in granting more rights to inmates but also creating the space for more responsible guards. Correctional institutions across Canada and the United States began to take notice of this idea that guards were a critical aspect of criminal reform.

Almost twenty-five years later, restructuring of the correctional officer's role continued to be a prominent topic in correctional reform. In 1954 *A Manual of Correctional Standards* was published by the American Prison Association based on research by about seventy specialists in Canada and the United States.²⁷ Another American publication, this manual is still relevant to Canadian study for two reasons; first, Canadian subjects and researchers were involved in the writing of this manual, and second, just like Stutsman's findings, these practices and recommendations are not unique to the United States, but indicative of wider institutional improvement. The article suggests that the restructuring and study of the system at the time was widespread and drastic because of new thought that there must be a way to efficiently administer rehabilitative correctional service. The new manual highlighted the finding that most prisoners do not need to be held in heavily guarded enclosures, that restraints and armed guards were unnecessary in most situations.²⁸ It instead suggested putting these selected offenders to work on farms or camps with unarmed and trained supervisors, work was the best and most rehabilitative option. Again, there is a move away from somewhat untrained and aggressive officers, to more skilled and reformatory leaders. With the change of philosophies from punishment to reform came a change in what was required of a correctional officer or warden.

²⁷ Northwestern University School of Law. "Standards for Prisons" (*The Journal of Criminal Law, Criminology, and Police Science*. 45, no. 1 1954): 64.

²⁸ *Ibid.*

Towards the end of the Peterborough jail's lifetime correctional officers once more found themselves in flux. The end of the twentieth century saw an even larger number of studies starting to take place around attitudes, responsibilities, and assessment of prison guards. By this point, guards were well established as a meaningful and integral part of the correctional system. No one doubted the importance or the difficulty of being a correctional officer and many different researchers picked up on the struggles of correctional work. A 1987 study focused on 'classification' within the correctional system.²⁹ Most reformers named a clear and well established classification policy one of, if not the number one, factor behind a successful prison. When classification of inmates got confused, unclear, or became too restrictive, that was when the institutions were unsuccessful or unsafe. Classification was essential for both employee and inmate safety and was recognized as an integral part of an institution's dynamic.³⁰ In terms of correctional officers, classification was integral to success in their jobs. Inadequate and poorly implemented classification policy undermined the guards' authority. Classification was the basis of a guard's job in keep themselves and the people they were guarding safe, it established the legitimacy of a guard's role.³¹ In 1988 the Canadian government's Standing Committee on Justice and Solicitor General released a report of their findings and recommendation from its *Review of Sentencing, Conditional Release and Related Aspects of Corrections*. What is most interesting about this report for study of wardens and correctional officers is the discussion of the purpose and successes of the system as it stood. The report highlights a different study done in the early 1980s gauging public opinion of sentencing and the correctional system. This study found that "Canadian views concerning sentencing are not as harsh as they might seem to be," and that most Canadians believed that the majority of sentences did not fit the crime (most found

²⁹ Tim Brennan. "Classification for Control in Jails and Prisons" (*Crime and Justice*. 9, 1987): 323-366.

³⁰ Ibid 323-4

³¹ Ibid 328

sentencing too harsh).³² Due to these conclusions, the committee recommended a better public outreach and education program.³³ Public support is integral to the success of the correctional system as this determines funding and influences recidivism. This committee also made recommendations on standardizing a sentencing purpose.³⁴ At first this may not seem relevant to the study of wardens and correctional officers but as one of the lowest levels of the correctional system every move above them influences the way in which they do their job. If sentencing is more accurate and efficient the correctional officer's already very difficult job becomes marginally easier. In short, any progressive reform in the correctional system is a good thing for the correctional officers.

Progressing into the 1990s, two Canadian psychologists investigated the question of "Do inmates, correctional officers, and their supervisors, differ in their perceptions about what makes an effective correctional officer?" in a survey conducted at four Ontario provincial institutions.³⁵ Their questionnaire was given to both guards and inmates and they came to mostly unsurprising results. This coincided with a shift in scholarship towards actually talking to the officers and getting their opinions about their jobs and successes. This study found that in the three areas of correctional officer effectiveness (responsibility / leadership skills, behaviour skill deficits, and inmate relationship skills) perceptions of these skills were virtually the same between different levels of correctional officials. Probably the most interesting finding was "that younger supervisors were more likely than older supervisors to value inmate relationship skills. One interpretation is that this finding may reflect a shift in emphasis from the custodial function to the

³² Canada. Parliament. Senate. Standing Committee on Justice and Solicitor General. *Review of Sentencing, Conditional Release and Related Aspects of Corrections*. (33rd Parliament. 1988. Committee Report 6. Accessed in PDF): 10

³³ Ibid 12

³⁴ Ibid 43

³⁵ Correctional Service Canada. *Forum on Correction Research: Vol 1, No. 2*. <http://www.csc-scc.gc.ca/research/forum/e012/e012f-eng.shtml>

rehabilitative function of incarceration.”³⁶ There was an evolution in younger guards when it came to their philosophy of the job. The correctional officers were beginning to implement and internalise the shift away from punitive incarceration.

Then, in 1998, a former correctional employee and a professor of criminal justice, found that officers in facilities in Northern Ontario had lower levels of stress than comparable groups in the United States.³⁷ They had many hypotheses as to why stress levels were so low; anything from the rural area, to sociobiology, to a healthy and active lifestyle. But none of this could be proven as a cause without further research.³⁸ Officially their finding was that officers in rural Ontario had substantially lower than expected levels of stress. The same argument could potentially be made for Peterborough, but that is just speculation.

Furthering this study of officer’s opinions and attitudes to their work, Mary Ann Farkas from Marquette University in Milwaukee, Wisconsin, conducted a study of American correctional officers and their work attitudes in 1998.³⁹ Her findings were mainly quite similar to the study eight years earlier by the Canadian researchers but with a broader scope. The biggest difference she found was that older employees “mellow” with age and became more flexible towards human service and rehabilitation.⁴⁰ Other than that, she found conclusions on comfortability of minority (women and people of colour) workers, and interdependence and teambuilding. Job satisfaction levels were somewhat troubling in that there was no clear-cut indicator of satisfaction among workers. Most importantly she states that overall, the majority of

³⁶ Correctional Services Canada.

³⁷ Pollack, Charlotte. “Low Levels of Stress Among Canadian Correctional Officers in The Northern Region of Ontario” (*Journal of Criminal Justice* 26, no. 2, 1988): 117-128.

³⁸ Ibid 125-5

³⁹ Farkas, Mary Ann. “Correctional Officers: What Factors Influence Work Attitudes?” (*Corrections Management Quarterly* 5, no. 2, 2001): 20-26.

⁴⁰ Ibid 25

studies she considered have no strong or distinct conclusions of their own.⁴¹ It is difficult to generalise correctional officers, which makes this study ever more difficult.

In the mid 1990s the Correctional Services Canada newspaper for Southern Ontario, *Inside Out*, ran a piece on the new medical and physical abilities standards for officers and how to navigate them. It was also stressed that there will support available for passing and maintaining physical ability for the test, and that information will be distributed to clearly outline the stipulations of these new standards. Some people, the article claimed, were concerned about these new regulations but they were put in place to be compliant with the Canadian Human Rights Commission legislation within which it is specified that the employer must be clear and straightforward about the physical requirements of the job.⁴² These new regulations for officers show the increasing standardization and caliber of guards in facilities over time. It has gone from, as Stutsman put it “A brute sitting on a high wall with a uniform and a gun ... selected because of their size, strength, energy, or political backing”⁴³ to a highly capable, trained, and educated leader in rehabilitation.

It is hard to say where Peterborough falls in all this scholarship from both Canada and the United States. Peterborough-specific information on the wardens and correctional officers in this county is almost impossible to find without extensive archival work. There must be lists of employees and records of wardens’ reports. Plus, employees were probably mentioned in the historical issues of the Peterborough Examiner. This will take comprehensive archival and primary work. However, this context of North American research and correctional documentation is integral to understanding the roles of officers in a jail like Peterborough. The

⁴¹ Ibid

⁴² Inside Out Staff. “Staff College will help you to meet new physical standards” *Inside Out*, February 1996: 5

⁴³ Stutsman, “The Prison Staff,” 62

findings of this research, changing philosophies and legislation towards rehabilitation and attitudes towards training and working, can be applied in understanding the workers in Peterborough. What is missing is the unique Peterborough County dynamic. In a song called *Johnston's Hotel*, found by Ed Arnold, there are mentions of prominent employees at the jail. There are officer's names ("Now there's old Johnny Dainy not a bad scout you know / There's old Billy Wiggs he ain't bad also / There's Buffer and Moher, and Piercy as well"), and mention of the Dalton Johnston, the jail's governor from 1920 until 1950, and Magistrate O.A. Langley (magistrate of the County for thirty years until the mid 1940s).⁴⁴ The song is a cultural example of the impact of the jail. These people and the jail were important parts of society. Although the scholarship might not directly coincide with Peterborough or the characters one can imagine, it is essential to first realise this broader context of the progression of corrections during the time of the Peterborough County Jail.

⁴⁴ Arnold, Ed. "Old jail still holds its secrets: Take a tour of the historic facility, slated for demolition." *The Peterborough Examiner*. 13 June 2015: n/a. Accessed online.

The Inmate Experience at the Peterborough County Jail and Similar Institutions

Laura Schindel

The Peterborough jail, as an institution, began in 1842 with the formation of the district of Colborne and building of a courthouse and jail in Peterborough that brought a localized government to the area. Then, the jail with which we are familiar, was built in 1856.⁴⁵ With its closure in 2001, the jail was in operation for about 150 years. From open to close, the world changed quite significantly and with it so did the jail and its residents. Therefore, it is completely impossible to discuss ‘the inmate experience’ in the jail without somehow breaking it down. Instead, in an attempt to contextualize ‘the inmate experience’, we must consider not only different groups of inmates, but different time periods and different locations (aside from Peterborough). Making this endeavor increasingly difficult is the lack of scholarship and evidence for this specific jail. Thus, to even try and formulate a complete image of inmate experiences at the Peterborough jail we must consider wider scholarship of jails in Ontario along with the few local sources we do have. This paper will focus mainly on the more historical aspect of the jail, with inmates and experiences up to the mid twentieth century. With its broad secondary scope and early focus, this paper will serve as a starting point for further investigation into experiences at the Peterborough jail more specifically.

To consider experiences at the jail it is important first to establish its true function. According to legislation, this institution was meant to house prisoners serving sentences of approximately sixty days to two years (less a day).⁴⁶ However, in practice, early Ontario jails

⁴⁵ Elwood Jones. “If these walls could talk at the old Peterborough County Jail.” *The Peterborough Examiner*. 20 February 2016: n/a. Accessed online.

⁴⁶ André Marin. “*The Code*”: *Investigation into the Ministry of Community Safety and Correctional Services’ Response to Allegations of Excessive Use of Force against Inmates*. (Toronto, CA: Ombudsman Ontario, 2013):

were more social institutions than penal ones. Peter Oliver states in *Terror to Evil-doers* that jails were not solely concerned with convicts but instead housed “harmless citizens confined because they were old, sick, poor, or in debt. Imprisonment emerged in the late 1820’s and the 1830’s as the colony’s principal secondary punishment, but the goals [sic] also became increasingly important as congregate facilities serving a wide array of social needs.”⁴⁷ Of course, this is an example from before the Peterborough jail opened but it is supplementary to understanding the climate of jail building at the time. Jails were social institutions where the less fortunate in society were rehabilitated rather than punished. This would not change too drastically in Peterborough from establishment to demolition. When the Peterborough jail was built in 1856 it was done in the spirit of the Auburn Prison System.⁴⁸ That is not to say that reformers and representatives like Thomas A. Stewart and his colleagues on the building committee were building a prison exactly like that in Auburn New York but one following the same principles and intentions.⁴⁹ In the Auburn system prisoners participated in congregate work during the day and were in solitary confinement at night. There was an enforced silence at all times.⁵⁰ The advent of the Auburn system came with the move away from public physical punishment, and a move towards mental rehabilitation and punishment behind closed doors. This was the environment of the jail at its creation.

During the early years of operation, we know very little about what the actual inmate experience was like. Elwood Jones, a local historian, claims that the jail was “mainly for short stays” but these short stays had a tendency to repeat frequently. The regular inmates apparently

⁴⁷ Peter Oliver. *Terror to Evil-doers’: Prisons and Punishment in Nineteenth-century Ontario*. (Toronto: University of Toronto Press, 1998): 43

⁴⁸ Jones. “If these walls could talk”

⁴⁹ Ibid

⁵⁰ Harry Elmer Barnes. “The Historical Origin of the Prison System in America.” *Journal of the American Institute of Criminal Law and Criminology* (12 no. 1 1921): 53

developed a sort of camaraderie and the jail was well known as a social place. In the early stages of the Peterborough jail's life, it was very similar, as Oliver claims, to the social and welfare institutions we know today. Jones claims that the jail took the place of a hospital, workhouse, and / or a House of Providence, almost like a hospice for some people.⁵¹ This description evokes thoughts not of an unforgiving and harsh institution, but one of healing and support. Though this description only comes from one source and that source is flowery and unclear, so it is difficult to get a clear picture of what an inmate would have experienced in the jail's early years.

Joan Sangster has done specific work on the Peterborough correctional system in the early to mid twentieth century in regards to women. Her focus was on the lives of rural female offenders in opposition to the popular discourse on delinquent women in urban centres.⁵² This makes her paper invaluable to a study of Peterborough county and the jail. In this case however, what is useful to glean from Sangster's work is not the experience of the jail itself, but the ways in which these groups came to be at the jail. By pouring through the Ontario Sessional Papers, she catalogued the women who came before the Peterborough magistrate in the early to mid-twentieth century. This study resulted in many conclusions including arrest patterns and sentiment towards women as criminals. She states that "women who found themselves before the magistrate were predominantly poor and working-class; in the interwar period a majority, representing numbers far greater than their presence in the local population, were domestics, whose work was characterized by low pay, low status, isolation, and transience," but still that men outnumbered women in prisons nine to one.⁵³ She explains this phenomenon by the societal and legislative opportunities for female crime. Women were considered differently in the eyes of

⁵¹ Jones "If these walls could talk"

⁵² Sangster, Joan. "'Pardon tales' from magistrate's court: Women, crime, and the court in Peterborough County, 1920-50." *Canadian Historical Review* (74, no. 2 1993): 163

⁵³ Ibid 165

the law. The law and women interacted differently based on what was going on in the world, but seemed usually to punish young women with more strict sentences. For example, from 1920 – 1949 seventy-five percent of young people arrested on moral charges went to jail. The intent was to rehabilitate young while they still could.⁵⁴ Overall the focus on women and crime was on immorality and character weakness⁵⁵ in the eyes of external views of women, the opinions of lawmakers and the magistrate. This pattern was long-lasting and overarching in regards to women and crime. Women's roles and experiences were shaped entirely by the men in charge.

Further into the Peterborough jail's lifespan, towards the early to mid twentieth century, we gain slightly more information on who was in the jail and for what reasons. Ed Arnold mentions that the jail held five men who were involved in a Tilco Plastics strike. One of these men wrote an article about his experience after the fact. The website where it is published now reads describes the article by introducing George Rutherford, an Executive Officer of the Peterborough and District Labour Council in 1966. He was jailed for contempt of a court order for demonstrating during the Tilco Plastics strike in 1966. Rutherford's article was reproduced from the 1973 edition of the Labour Review. Rutherford himself was transferred shortly after he got to Peterborough, to the Millbrook correctional facility but his story still rings true of experiences at the time. He begins his article "What's it like to spend two months in prison? This is a question I was asked in regards to my two month shot for contempt of court in the Tilco affair. As I had never been in jail before it was quite an experience but I would not want to take it up as a hobby." He is very polite about his time, not wanting jailtime to be a hobby, yet not being contemptuous about his sentence. He spent the first five days in the Peterborough jail, but the

⁵⁴ Ibid 128

⁵⁵ Ibid 178

“old [jail] building was never meant for [that] size of a crowd. They did not have enough blankets to go around and they had to send out for more beans and bread the day we landed.”

What is most important to take away from these statements about his five days in Peterborough is the scope of the this jail. The main different between the Millbrook and Peterborough facilities was scope. Peterborough was much smaller and therefore could not hold the entire group of picketers. Further, Rutherford deeply respected, if not admired the Peterborough jail. Although the jail was incapable of housing, even feeding, all the men He acknowledged the beauty and the history of the institution. The jail was important in its time, it stood as a monument to the history of the county and the betterment of its peoples, and Rutherford realised this even when he only spent five days there.

He then goes on to discuss the day-to-day workings of life at the Millbrook facility. He describes details like how surprisingly delicious the food was and the physical layout of the jail. He described his daily routine and even optimistically talked about how the work they were doing at the jail could lead to many jobs. He speaks of the understanding and respect he felt from the guards and other officials in the jail. The overall tone of his article is one of a man who did not entirely hate his experience. There is not a hint of resentment towards his time spent in jail in his tone. He reads like he has a lot of respect and fondness of his time at the Millbrook jail. Again, this article does primarily discuss his experience at the Millbrook jail, but as these facilities are only approximately thirty minutes from each other, it can be assumed that the experiences did not differ too greatly between the institutions, therefore the experiences at the

Millbrook jail can be considered in conjunction with analysis of experiences at the Peterborough jail.⁵⁶

Considering the stories from local historians and discussions of few real stories from the jail it is easy to see that a simple story of ‘inmate experience’ is impossible to write. Experiences vary so greatly between the time periods, genders, ages, and so many more categories. The jail was open for 150 years and capturing the experiences it saw through the ages is a task too large for a paper of this scope. However, considering them in this way, separated and individualised, makes studying the experiences at the Peterborough County Jail slightly easier.

⁵⁶ Rutherford, George. “What’s it like to spend two months in prison?” *Labour Review*. (1966) accessed online.

A Prison Not an Asylum: Peterborough County Jail and its Treatment of Mental Illness*Logan Taylor*

“On any day, almost 200,000 people behind bars are known to suffer from schizophrenia, manic depression or major depression, the three most severe mental illnesses.”⁵⁷ The perception of prisons as being places of rehabilitation is dramatically flawed. Although they were originally developed to safeguard society from offenders, the reality is that those in these institutions develop more concerns or health issues than they had prior to commitment. The Peterborough County Jail was not much better. Although there is a lack of information (as most documentation pertains to inmates joining the facility for either petty crimes or homelessness), some parallels can be drawn from other institutions. What is common, however, is that the use of prisons in the nineteenth century for the purposes of treating mental illness was not effective because there were far too many issues to provide proper treatment and resources.

Historically, there has been a stigma associated to mental illness, as well as discrimination; hence, the development of the asylum to become adequate places for those suffering to be hopefully cured.⁵⁸ However, before the end of the eighteenth century, there was no such thing as psychiatry.⁵⁹ Psychiatry was not a practised discipline, even though psychiatric illness was as old as the human condition and often been associated with a chemistry imbalance of the brain itself.⁶⁰ In the middle of the nineteenth century, people were afraid of those who obviously suffered from mental illness, and were horrified of those different from them who did

⁵⁷ Fox Butterfield, “Asylums Behind Bars: A special report; Prisons Replace Hospitals for the Nation’s Mentally Ill,” *The New York Times*, March 5 1998: 1.

⁵⁸ Gary Chaimowitz, “The Criminalization of People with Mental Illness,” *The Canadian Journal of Psychiatry* 57, no. 2 (2011): 1.

⁵⁹ Edward Shorter, “The Birth of Psychiatry,” in *A History of Psychiatry: From the Era of the Asylum to the Age of Prozac* (New York: John Wiley & Sons Inc., 1998), 1.

⁶⁰ Edward Shorter, “The Birth of Psychiatry,” 1.

not conform to the norms of the period. In fact, they were often referred to as “village idiots”, kicked out of homes and left to swell the towns as beggars.⁶¹ Before the arrival of the asylum, and if not on the street, it was not uncommon for the family to be responsible for these family members. For example, a wife dealt with her husband by chaining him up to a wall for five years, eventually leading to him lose feeling in his legs.⁶² Those who remained at home often found themselves in unheated rooms or stables that were described as “narrow, dark, damp.”⁶³ This is not to suggest those incarcerated in the Peterborough Jail found themselves in the same circumstances, but there was a similar stigma surrounding these individuals as they left. Many were viewed as unclean or outsiders because they did not have proper treatment or homes to live in. In many cases, these were immigrants who came to Canada without the means to support themselves; as a result, they found themselves on the streets – and/or in jail.

The Peterborough jail system followed the Auburn style, which was known for having custodial functions and did not deliver therapy to patients. Inmates were allowed to socialize during the day, but in the evenings, they were separated and expected to perform chore-like tasks, such as cleaning or cooking. In fact, in a discussion with Ed Arnold, past editor of the Trent Examiner, he stated that one individual he interviewed was an inmate, but was often found preparing meals in the kitchen and eventually became the chef.

Over time, jails became overcrowded and institutional, instead of places of recovery, and eventually became places to warehouse people with mental illness.⁶⁴ The Peterborough County jail housed countless women who were deemed ‘unfit’ mentally, or homeless people so that the streets of Peterborough could look better maintained. It is also important to note that in the case

⁶¹ Edward Shorter, “The Birth of Psychiatry,” 2.

⁶² Edward Shorter, “The Birth of Psychiatry,” 3.

⁶³ Edward Shorter, “The Birth of Psychiatry,” 3.

⁶⁴ Gary Chaimowitz, “The Criminalization of People with Mental Illness,” 1.

of almost all of the executions that took place at the Peterborough County Jail, the accused pled insanity. Although some would have done this in an attempt to avoid execution, a great number would have certainly not received the help they needed to get well or survive life's challenges. Inmates were tasked with maintenance work or other chores/responsibilities instead of having proper therapy sessions and over-population was common and purposely overlooked.

According to an article in the New York Times, "Jails became the only institutions left open to the mentally ill twenty-four hours a day."⁶⁵ In this same article, Doctor Eugene Kunzman the former medical director of the mental health program at the Los Angeles jail stated, "The inmates we see in jail today are the same people I used to see in psychiatric hospitals."⁶⁶ Jails and prisons were not prepared to deal with the mentally ill. A number of officials commented on the issue stating, "We are doing the best we can, but it is definitely frustrating for the officers. Jails were not designed to be mental hospitals, and what's happening is a real passing of the buck to another part of the system."⁶⁷ Further, "The deputies tend to be fresh graduates of sheriff's academy, and baby-sitting isn't what they joined up for, so they easily get angry at the mentally ill."⁶⁸ As these two examples show, personnel were not prepared or trained to deal with the issues of mental health in the prison system. As stated by Meyer, the mental health director, correctional officers were there to guard convicts with hard backgrounds like murder and other serious crimes; mental illness was something foreign to them and they weren't equipped to or interested in dealing with inmates with these types of issues. Prisons were not intended for those

⁶⁵ Fox Butterfield, "Asylums Behind Bars: A special report; Prisons Replace Hospitals for the Nation's Mentally Ill," 1.

⁶⁶ Fox Butterfield, "Asylums Behind Bars: A special report; Prisons Replace Hospitals for the Nation's Mentally Ill," 1.

⁶⁷ Fox Butterfield, "Asylums Behind Bars: A special report; Prisons Replace Hospitals for the Nation's Mentally Ill," 2. A comment from Gayle Ray the county sheriff for Nashville at the time.

⁶⁸ Fox Butterfield, "Asylums Behind Bars: A special report; Prisons Replace Hospitals for the Nation's Mentally Ill," 2. Director's name is David Meyer.

with such illnesses, but the increase was inevitable, because hospitals were overwhelmed, and about a decade or two after the closures of psychiatric hospitals and deinstitutionalization rose, an increased number of people with mental illness began to be noticed within the criminal system.⁶⁹ The prison and jail were seen as a system of an extension of a hospital environment, and although moral treatment was the leading cure, it was restricted due to overcrowding conditions.⁷⁰

People with mental illness were becoming criminalized.⁷¹ Jails became the area for the retarded and mentally ill, without any care beyond their bound requirements...⁷² way-stations for the marginalized – places to confine individuals who could not make bail, or were unable or unwilling to plea-bargain.⁷³ This despite the provision in the Criminal Code that allows for those who, when mentally ill, commit an offence such that they are found not criminally responsible by virtue of that mental disorder if that disorder caused them not to appreciate the nature and quality of their act or omission, or to know that it was wrong from a legal or moral perspective.⁷⁴ Mental health issues were ignored and prison populations grew. In fact, most state prisons doubled in size and then doubled again during this period, with no commensurate increase in the resources devoted to mental health services.⁷⁵

As previously stated, many marginalized populations (like the poor and those jailed) have faced stigma for centuries. Many entering the prison system felt a need to conform; however,

⁶⁹ Gary Chaimowitz, "The Criminalization of People with Mental Illness," 2.

⁷⁰ Wendy Mitchinson, "Reasons for Committal to a Mid-Nineteenth-Century Ontario Asylum: The Case of Toronto," in *Essays in the History of Canadian Medicine*, edited by Wendy Mitchinson and Janice Dickin McGinnis (Toronto: McClelland and Stewart, 1988): 90.

⁷¹ Gary Chaimowitz, "The Criminalization of People with Mental Illness," 2.

⁷² Unknown Author, "Jails and Prisons: The New Asylums?" 655.

⁷³ Unknown Author, "Jails and Prisons: The New Asylums?" 655.

⁷⁴ Gary Chaimowitz, "The Criminalization of People with Mental Illness," 4.

⁷⁵ Craig Haney, "Mental Health Issue in Long-Term Solitary and "Supermax" Confinement," *Crime & Delinquency* 49, no.1 (January 2003): 128.

many could not – not only because of their mental illness (or denial of it), or if they did conform, they could potentially remain in the system longer. Provincially, Ontario had their own system of dealing with the mentally ill during this century which consisted of gaols, claiming that the use of this confinement saved the insane from death and misery.⁷⁶ Many were afraid... of an insane person on gaol administration, primarily concerned that they could also be suffering from mental illness or... they could also “catch” mental illness.⁷⁷ What becomes more alarming is the issues faced by those in these institutions. In addition to a lack of knowledge, officials were simply at a loss of what to do with the mentally ill. Part of the problem was the confusing lack of clarity in both law and practice with respect to those deemed ‘criminally insane’. For example, Patrick Donally was confined to a Niagara jail on a charge of murder in the early 1830s. While awaiting trial, it was determined that he was ‘decidedly insane.’ It was not until 1840 when he was deemed most suitable under confinement or until an insane asylum was erected for “his” protection and security.⁷⁸ This is consistent with the story of Henderson, the youngest individual to be executed at the Peterborough County Jail. It was obvious that when he entered the system, he very clearly suffered from some form of mental illness. His story is that a very isolated child who sought pleasure in torturing animals. Even though his behaviour pointed to significant issues, and his lawyer did everything in his powers to deem him unfit for trial, he was still convicted.

What also becomes prevalent in these institutions is the scarce resources for juveniles. If you were young and mentally ill, you had to get arrested to receive treatment.⁷⁹ For example, a

⁷⁶ Peter Oliver, “The Gaol and the Community,” in *Terror to evil-doers’: prisons and punishments in nineteenth century Ontario* (Toronto: Osgoode Society for Canadian Legal History, 1998): 44.

⁷⁷ Peter Oliver, “The Gaol and the Community,” 45.

⁷⁸ Peter Oliver, “The Gaol and the Community,” 47.

⁷⁹ Fox Butterfield, “Asylums Behind Bars: A special report; Prisons Replace Hospitals for the Nation’s Mentally Ill,” 1.

16-year-old girl suffered from delusions and hallucinations and was diagnosed as “psychotic, not otherwise specified.” She refused to take antipsychotic medication, and because Corsicana (a prison in the United States) was not a hospital, she could. As a result, she did not make any progress - walked around naked and urinated on the floor – but by law, when her term expired, she was released.⁸⁰

Perceptions of prisons are much different than their intended purpose, but speak to a lack of information and resources made available to those with mental illness. Whether incarcerated in small towns and villages like Peterborough, where the focus was about keeping streets clean and welcoming, rather than caring for those who needed help, or executed as an example to others (even though they pled insanity), the Peterborough County Jail was no different. In addition, there was a lack of understanding in what was required when dealing with these populations in prison environments, and the perceptions of prisons are much different than their intended purpose. Their flaws, however, were consistent, including mass overcrowding, poor services, and stigma both within and out of the system, and society’s ambivalent and ambiguous distinction between the sick and the criminal did not help anyone⁸¹. Dr. Eugene Kunzman stated, “being in jail may make them more crazy.”⁸²

⁸⁰ Fox Butterfield, “Asylums Behind Bars: A special report; Prisons Replace Hospitals for the Nation’s Mentally Ill,” 1.

⁸¹ Unknown Author, “Jails and Prisons: The New Asylums?” 656.

⁸² Fox Butterfield, “Asylums Behind Bars: A special report; Prisons Replace Hospitals for the Nation’s Mentally Ill,” 3.

Small Town Secrets: Capital Punishment at the Peterborough County Jail

Logan Taylor

Capital and corporal punishment were practised throughout Canada from Confederation onward. As a result, the abolition of capital punishment was no small feat. In fact, Canada actually went through a form of “de-escalation”, beginning in 1962 when the last two executions took place in Canada. In 1967, a sentence of mandatory life imprisonment was applied in all murder cases, and in 1976, hanging was formally abolished, except for those convicted under the *National Defence Act*, followed by full abolition in 1998. However, as the paper will address, the Peterborough County Jail practiced Capital punishment until 1920.

In large part, capital punishment was implemented to punish those who had committed crimes consistent with the harm inflicted (‘an eye for an eye’). However, they also had another important purpose. Considered public spectacles, the intent was to induce fear into society, deterring others from committing wrongdoings of various forms, including crimes which would be considered petty in nature by today’s standards. For a significant period, those accused of crimes were not even tried; rather, it was the Crown or the mayor who would be responsible for determining if a person would be hanged or not⁸³.

The approach to capital punishment also varied greatly. Michael Foucault describes a late eighteenth century execution in the following, “The horses tugged hard, each pulling straight on a limb, each horse held by an executioner. After a quarter of an hour, the same ceremony was repeated and finally, after several attempts, the direction of the horses had to be changed, thus: those at the arms were made to pull towards the head, those at the thighs towards the arms, which

⁸³ Michael Foucault, “The Body of the Condemned,” in *Discipline and Punish: The Birth of the Prison* (New York: Vintage Books, 1977), 4.

broke the arms at the joints.”⁸⁴ In various forms, this barbaric treatment continued until the development of the penitentiary system. What is just as questionable is whether or not desired outcomes (deterrence) were achieved. As Foucault states, “Punishment, if I may so put it, should strike the soul rather than the body.”⁸⁵ Although many may believe Canada was a much more progressive nation, the death penalty was in fact, practised not only well before Confederation, but following. One of the earliest recorded executions in Canada was in 1749,⁸⁶ and as in other jurisdictions, executions here were also viewed as public spectacles. This approach is not any different in considering the five that took place at the Peterborough County Jail.

Over the course of its history, there were five hangings at the Peterborough County Jail. Although, they were all men, all were of different ages, ethnicity and social origins. All of the hangings occurred in the jail yard which still remains today, though, while functioning, the surrounding walls were sixteen feet high and almost two feet thick, made of thick stone from the local Jackson Park.⁸⁷ The walls were meant to look fortress like, to have the hangings remain a spectacle but also abide to Canadian laws of having it within prison walls. Even though only certain viewers were admitted in, the event could be heard. As in other examples, the approach to capital punishment was viewed as having more than one impact. Those who witnessed the hangings were mostly inmates, having the heavy impact of a former inmate take his last breath. Of all these hangings, there were many questions surrounding the sanity of those deceased. In large part, the circumstances surrounding each of the hangings is controversial. To keep in mind

⁸⁴ Michael Foucault, “The Body of the Condemned,” in *Discipline and Punish: The Birth of the Prison* (New York: Vintage Books, 1977), 4.

⁸⁵ Michael Foucault, “The Body of the Condemned,” in *Discipline and Punish: The Birth of the Prison* (New York: Vintage Books, 1977), 16.

⁸⁶ Canadian Encyclopedia, “Capital Punishment in Canada,” <http://www.thecanadianencyclopedia.ca/en/article/capital-punishment/>.

⁸⁷ Ed Arnold, *Young Enough to Die* (Canada: Ed Arnold, 2016), 115.

however, there is a lack of documentation; most information simply states the date, time and those involved in the execution.

The first execution was of, William Brenton (also known as James Foxx) hanged on December 26th, 1873.⁸⁸ Brenton was said to be roughly fifty years old as archeologists were unable to determine if he were born in 1820 or 1822. He was a lone individual, without a family, or children and was found guilty for the murder of a woman and a young boy, confirmed by fingerprints and witness accounts. Although there was no indication regarding the alias, it is likely that this false or assumed identity could have been associated to other crimes committed in his lifetime. During his trial, Brenton claimed insanity, indicating he was not aware of his actions or the murder he had committed. However, after several evaluations from several different physicians, he was deemed sane and was convicted of the two murders.

The second and arguably most controversial hanging took place on June 23, 1910 at seven in the morning.⁸⁹ This was the execution of Robert Henderson, seventeen years-old. An immigrant to Canada from England, Henderson never really lived a loving or what some deem a “normal childhood”. As described in Arnold’s book, Henderson was a bit of an outlier who often found himself in trouble with the law, mostly due to petty crimes of stealing money. The stereotypical con man, Henderson was able to solicit donations for myriad causes. For example, after immigrating to Toronto, Henderson took on the identity of a church representative, asking for donations but not sharing them with the church. His tricks, however, caught on quick - and that is what led to his arrival in Peterborough where he again took up his con act ways which took a tragic turn. Henderson had been convincing people into helping him search for his non-existent brother, which led him to the house of the McPhersons. His motive was robbery, but the

⁸⁸ Archeological document, the following was all acquired through this document.

⁸⁹ Ed Arnold, *Young Enough to Die* (Canada: Ed Arnold, 2016), 115.

presence of the two daughters in the home startled him, leading to him getting an axe (they lived on a farm) and resulted in the murder of Margaret McPherson. Henderson was arrested, brought to Havelock and then to the county jail where he was tried and found guilty almost immediately. Described as a “man without anxiety,”⁹⁰ his trial was quite short, only two hours and forty minutes in length, likely because he admitted to the crime. For months following, Henderson’s lawyer tried to fight the decision, escalating the case to going as high as the Prime Minister based on a contention that Henderson “seemed without moral sense.”⁹¹ At 7:13 a.m. on June 23rd, Henderson’s rope was cut, and by 9 am, the casket was removed and the body was buried in a local cemetery.

Limited in detail, the third and fourth hangings were of two men, Michael Barhi and Thomas Konek. ‘Partners in crime’, the two were convicted of the murder of Philip Yanoff in the course of a robbery in Havelock, and were hanged on January 14, 1920.⁹² Of note, there was a third individual involved in the crime – but as an accomplice, he was sent to the Kingston Penitentiary to receive rehabilitation. Barhi was twenty-three years old and Australian by birth; Konek was twenty-six years old of Russian descent. Last to be hanged was Edward Franklin (43 years-old) on November 29th, 1933, for the murder of Eugene Lee. What is interesting to note is that all those convicted were male and immigrants to Canada. This is an interesting reflection of the period, especially of the composition of society at that time, as well as the personal circumstances of those convicted of these crimes.

There are many differing perspectives on capital punishment and its effects on society. Carolyn Strange addresses some of this when she writes about the punishment of the body in

⁹⁰ Ed Arnold, *Young Enough to Die* (Canada: Ed Arnold, 2016), 62.

⁹¹ Ed Arnold, *Young Enough to Die* (Canada: Ed Arnold, 2016), 70.

⁹² Archeological document, pg. 10.

mid-twentieth century Canada: "... some authorities determined that whipping and execution criminals were uncivilized, while others, invoking the same ideals, perceived that physical punishment, administered properly, *fostered* civility."⁹³ In addition, in Canada alone, there was a constant struggle between the government at the stance on corporal and capital punishment. In 1937 and again later in 1956, there were two major government inquiries that evaluated legislative impact, and candid thoughts and feeling about punishments.⁹⁴ This appears throughout texts of the period as the debate about capital punishment and other forms of punishment gathered momentum. Strange writes, "When it came to judging the appropriateness of punishing certain kinds of criminals, however, deeply embedded cultural norms produced greater certainty about the civility of penal styles."⁹⁵ It becomes clear with some of these examples that the determination of appropriate punishment was not a simple task. Decisions taken involved significant discussion and debate over the legitimacy and the necessity of punishment – this before any talk of the need to rehabilitate offenders so that they could be returned to society as contributing and productive members. In time, more "humane" types of punishment followed, where offenders took on jobs like janitorial work or even physical labour. A perfect example of this change can be seen with the Kingston Penitentiary. When the penitentiary was erected, the grounds and structure were not complete. As a result, inmates were required to work in order to complete the construction of the complex. This however, was not the approach used at the Peterborough County Jail. They were less interested in the physical labour

⁹³ Carolyn Strange, "The Undercurrents of Penal Culture: Punishment of the Body in Mid-Twentieth-Century Canada," *Law and History Review* 19 (2001): 348.

⁹⁴ Carolyn Strange, "The Undercurrents of Penal Culture: Punishment of the Body in Mid-Twentieth-Century Canada," *Law and History Review* 19 (2001): 345.

⁹⁵ Carolyn Strange, "The Undercurrents of Penal Culture: Punishment of the Body in Mid-Twentieth-Century Canada," *Law and History Review* 19 (2001): 349.

perspective of giving offenders meaningful work in an effort to rehabilitate them; rather, the perspective was based on a more traditional “eye for an eye”.

In summary, it is clear that the approach to capital punishment in Canada was not unique from other countries at that time, although in comparison to others, Canada had far fewer executions. In large part, however, the approach was founded solidly on a need to administer punishment to those who offended, as well as offer an example to others, with the goal of impacting on others who might consider such crimes. With the evidence available, this was the practice employed at the Peterborough County Jail for the five documented cases.

The 2001 Riot and the Closing of the Peterborough County Jail

Laura Schindel

After one-hundred fifty-nine years in operation, the Peterborough County Jail closed in December of 2001.⁹⁶ At the time, the Peterborough jail was only being used for short sentences, court remands, and as a holding area before court sentencing or transferring.⁹⁷ The decision to close the jail was two-fold: first, the province was planning to build two more centralized “super jails” to replace 20 smaller municipal jails⁹⁸ and Peterborough was included in this number, then in June of the same year, 12 inmates rioted causing thousands of dollars in damages which, due to the provincial building plans, were never repaired, thus the jail older than Canada itself closed on December 11 2001.⁹⁹ To fully understand the riot and the closing of the jail, it is first beneficial to consider the climate of municipal jails at the time by examining both the province’s move to “super jails” and the riot of May 1998 at the Millbrook jail. Both of these factors contribute to the riot and then closing of the Peterborough County Jail.

The move to large super jails was mainly an economic one. When a Conservative government came into power in 1995 there was a clear focus on a radical reformation of the correctional system to one that was much more tough on criminals and drastically more economically streamlined, with even more discussion of transferring some of the running to the private sector. Additionally, most, if not all, the small municipal and provincial jails were old

⁹⁶ The Canadian Press Newswire. “Peterborough Jail closes after 159 years.” *The Canadian Press*, 12 December 2001: n/a. Accessed online.

⁹⁷ Ed Arnold. “Old jail still holds its secrets: Take a tour of the historic facility, slated for demolition.” *The Peterborough Examiner*. 13 June 2015: n/a. Accessed online.

⁹⁸ Jenn Goddu. “Jail closings put prisoners last, critics say.” *The Canadian Press*, 15 July 1998: n/a. Accessed online.

⁹⁹ The Canadian Press. “Peterborough Jail closes after 159 years.”

and in disrepair, poorly designed, and far too expensive to maintain.¹⁰⁰ Truthfully, they were dangerous to both inmates and staff. In short, these jails were due for maintenance or closure no matter the action of the government. Nonetheless, Correctional Services spokesman Ross Virgo admitted that these changes were not in the interest of the prisoners but solely to save money.¹⁰¹ Therefore, in 1996 the government announced the large-scale and multi-faceted Infrastructure Renewal Project which included retrofitting and repairing some existing jails, and closing many municipal jails in order to open two “super jails.” These new jails would house approximately 1200 inmates, have more high-tech surveillance and architecture, and employ fewer correctional officers, along with the benefit of a more streamlined and cost-efficient food service system.¹⁰² This move to more centralized jails was estimated to save taxpayers between 75 and 80 million dollars a year in the long run.¹⁰³ Through a long proposal and selection process the towns of Lindsay and Penetanguishene were chosen as the sites of the new super jails, and three jails in the Toronto area were selected for renovation.¹⁰⁴ However, despite the expected profit for the province this move was widely criticized and reproved of by inmate rights activists, and scholars or professionals within the correctional system. Critics claimed that prisoners at these new super jails would not have full access to the justice system and would be even further removed from their families. According to a report on the success of these new facilities released in 2006, this new tougher approach was expected to deter crime, but some critics argued that this would in fact hinder the justice system as one of the strongest contributors to decreased recidivism is

¹⁰⁰ Standing Committee on Prison Conditions in Ontario. *First Report to the Board: The Superjails in Ontario*. (Toronto: John Howard Society of Ontario, 2006) Pg. 3

¹⁰¹ Jenn Goddu. “Jail closings put prisoners last, critics say.”

¹⁰² Standing Committee on Prison Conditions in Ontario. *The Superjails in Ontario*. Pg. 3

¹⁰³ Jenn Goddu. “Jail closings put prisoners last, critics say.”

¹⁰⁴ The Canadian Press Newswire. “New super jails going to Lindsay, Penetang.” *The Canadian Press*, 8 October 1997: n/a. Accessed online.

Moira Welsh. “Mega-prisons get province's nod 5 big jails to replace 14 others as 1,400 jobs cut: [Final Edition].” *Toronto Star*, 13 September 1996: A10. Accessed Online

strong family ties.¹⁰⁵ For an inmate at the Peterborough jail moving to Lindsay is not a major geographical shift, however moving to Penetanguishene from Haileybury would undoubtedly disconnect an inmate from their family. In 2000, provincial Minister of Corrections Rob Sampson stated “we will never build glorified country clubs to house Ontario's inmates. We have, instead, instituted a tough no frills correctional institution that sends the message that crime does not pay.”¹⁰⁶ Despite these statements, it was clear that this move was not in the interest of reform but in the interest of frugality.

Just Southwest of the Peterborough jail and also slated for closure, was the much newer Millbrook Jail. Opened in 1957, this institution’s purpose was to house the more “hardened and incorrigible” prisoners who were pushing back against the correctional system. The Millbrook Jail was intended to be a “maximum security” jail in response to the violent and serious riots at the Guelph Reformatory in 1952. After only six months in operation the *Globe and Mail* called it a success and predicted that due to its victory at the provincial level would be eventually passed over to the federal government and turned into a penitentiary.¹⁰⁷ It was clear that this was a fruitful and profitable jail, yet with the move to a more centralized provincial correctional system, it closed in May 2003¹⁰⁸, just five years after a riot that made news even in Toronto. On the evening of May 6th 1998, two prisoners at the Millbrook jail broke out into a brawl in the jail yard, this brawl quickly escalated into an all-out riot causing damage to recreational equipment, an out building and broken glass in the main building, soon prisoners occupied the yard and refused to cooperate. Although no one was hurt, negotiators were in talks with the inmates late

¹⁰⁵ Jenn Goddu. “Jail closings put prisoners last, critics say.”

¹⁰⁶ Dawn Moore & Kelly Hannah-Moffat. “Correctional Renewal Without the Frills: The Politics of “Get Tough” Punishment in Ontario.” *Disorderly People: Law and the Politics of Exclusion in Ontario*. ed. Hermer, Joe & Mosher, Janet. (Halifax: Fernwood Publishing, 2002.) pg. 103

¹⁰⁷ The *Globe and Mail*. “Success at Millbrook Jail.” *The Globe and Mail*, 5 February 1958: pg 6. Accessed online.

¹⁰⁸ Examiner Staff. “Former Millbrook Correctional Centre Demolished.” *The Peterborough Examiner*. 18 July 2015: n/a. Accessed online.

into the night. Ross Virgo stated that the situation had been tense at the jail for the past week since guards found contraband narcotics and inmates had lost many privileges. At the time, the Millbrook facility housed approximately 300 prisoners and was only seven months from a riot that sent three people to hospital.¹⁰⁹ The 1998 riot resulted in charges being laid against those involved.¹¹⁰ Unlike the 2001 riot at the Peterborough jail however, the Millbrook jail remained open for four more years after the newsworthy riot.

The above stories are influential to the consideration of the riot in Peterborough as they both set the stage for the correctional climate at the time and provide speculative reason for the events of 2001. There is only one real source on the Peterborough jail riot, and that was written fourteen years after the fact by former *Peterborough Examiner* editor Ed Arnold. He paints a colorful and detailed story, but he is the only one to do so. The County of Peterborough itself has hidden much of the information about the extent of the damage and the actual proceedings of the night. Today, they have no information on the riot itself. The 2015 *Examiner* article states that the riot started when twelve of the fifty inmates in the jail on June 26th 2001 were sitting down for supper in a common room and they learned that there had been cutbacks at the jail and educational programs, and supplies like new toothbrushes and soap were being postponed in the budget. The lack of budget, and funding cuts can probably be attributed to the new provincial plan towards a centralized jail system; the smaller jails were losing funding for the newer jails' construction. This caused these general population offenders, men accused of property crimes, assaults, and one for attempted murder, to start throwing food. With there only being three guards on duty and only being armed with clubs they had to back off and this quickly escalated

¹⁰⁹ Abbate, Gay. "Prisoners occupy yard at Ontario jail." *The Globe and Mail*, 7 May 1998: A16. Accessed online.
Pron, Nick. "Melee sparks tense standoff at Millbrook: [1 Edition]." *Toronto Star*, 7 May 1998: 1. Accessed Online.

¹¹⁰ The Globe and Mail. "Jail riot brings charges." *The Globe and Mail*, 13 May 1998: A8. Accessed Online.

into a violent and destructive riot. According to Arnold, “the inmates used their bare hands to rip apart the area, tearing metal frames away from their beds, using them as hammers and chisels, punching through walls, destroying washroom facilities, furniture, the television and tearing off wall radiators. Small fires were ignited.” They caused such immense damage that after the riot ended the guards and prisoners were relocated to Millbrook. Although police, fire, and negotiating services were called in, no one was hurt and the public would be told this was only a minor disturbance. One jail official called it the worst destruction he had ever seen, and it was the first and worst disturbance at the jail in its 150-year history. A representative from the guards’ union claimed that the secrecy was due to some of the guards being traumatized yet this level of secrecy¹¹¹, to the point of complete lack of information is almost absurd. With the notoriety of the 1998 Millbrook riot, maybe the province was choosing to keep these older soon-to-be-closed jails out of the press. Regardless of the reasons for this secrecy it is present. Ed Arnold’s article is the only published or accessible material, so the story although incomplete and under sourced, is as he states it.

Not much is clear about the 2001 Peterborough jail riot. Twelve inmates rioted and caused such structural damage that the jail was no longer functional, and that this riot led to the official closure later that year is essentially all we know. Few assumptions can be made through looking at provincial plans for closures and correctional restructuring, and the riot at nearby Millbrook jail three years earlier. However, the events at Peterborough in 2001 will remain relatively secret, as the county intended.

¹¹¹ Arnold, Ed. “Old jail still holds its secrets: Take a tour of the historic facility, slated for demolition.” *The Peterborough Examiner*. 13 June 2015: n/a. Accessed online.

Conclusion

Laura Schindel and Logan Taylor

Since the Peterborough County Jail was open for almost one-hundred sixty years it is extremely challenging to write a general history of the facility and its inhabitants, let alone attempt to connect all the themes addressed other than the fact that they all exist within the same institution. The architecture of the complex was simple and followed a model inspired by the British Monarch. This strategic architecture played into the importance of local history as it shows the ties between Canada and Britain that maintained until The Second World War. For architecture, it becomes clear that these walls were more than just stone, but rather they contributed to a nationalistic sentiment was prevalent in the surrounding region. Wardens and correctional officers had clear mandates in their positions, although they drastically changed throughout the history of the jail. They were once hired for brute force and strict adherence to rules and punishment, but by the time of the jail's closing, this position evolved into one with more training, and more attention to education and rehabilitation. For the inmates, these institutions were ones of punishment and physical labour. They imposed a status of criminality upon the inmate that became virtually inescapable. Their experience was obviously not pleasant as it was not supposed to be. Those suffering from mental illness did not receive methods of medical rehabilitation. It was clear that the complex was meant to be a place of punishment rather than one of restoration. The jail housed many who fell under this category; however, proper treatment was not delivered, and realistically it was not the jail's responsibility to do so. In addition, six individuals were hanged at the local complex. What is most compelling about these stories is the fact that all were men, immigrants to Canada, and tried on the grounds of insanity. The treatment of criminals at this historic institution was not positive, nor was it

necessarily supposed to be, but this project showcases that it definitely does not align with our contemporary views of rehabilitation and corrections. Finally, the 2001 riot stands as an elusive event in local history, that few know the specific details about. Causing extensive damage and contributing to the closure of the jail, this was one of the most disruptive events in the jail's history. We hope that through our investigation of the above themes, some recognition will go towards the untold histories of the local institution.

As previously mentioned, there is a lot of opportunity for further research in this history. From our secondary research and brief primary research, we recommend extensive examination of the Peterborough Examiner. Through discussion with a former editor, we believe there will be a wealth of knowledge for the majority of the jail's lifetime. Beyond the Peterborough Examiner, attention should be paid to the sources at the Ontario Archives, like the jail registers. These will give insight into who was actually in the jail and why, who was working there, and the day-to-day operation of the facility. Future researchers could also consider sources like the Statutes of Ontario regarding legislation and operation of local jails in the province. Further, this project would also benefit from more communication and collaboration with the Trent Valley Archives, as there is a huge amount of information pertaining to the history of Peterborough but also believed documentation of the county jail structure. In addition, interviews were intended for our project however, due to time constraints they could not take place. Interviews from past wardens, or correctional officers would provide great insight to the actual events within the walls, although oral histories from families, members of the community and others would also benefit this piece of work greatly. In short, any story of the jail would contribute positively to this compilation of information. Oral histories help to further local history and further the importance it plays in the everyday lives of individuals. Our greatest recommendation is to continue this

research and strive to find as many primary documents as possible pertaining to the Peterborough area.

Although there is a wealth of information provided within this document there are some limitations that we recognize and would like to address. The fact that the majority of the research conducted is contextual, and does not contain exactly Peterborough's history, is our greatest shortcoming. Provided with more time we recognize we could have completed more in depth searches and archival research that is specific to Peterborough. We believe that this work may not be of interest to the general public as it does not pertain to just the Peterborough area, and is a rather niche field, however, this should not discredit the work above. The fact is this is a huge project that stands incomplete that deserves greater attention and time. Overall, this was a beneficial experience as it gave us practical skills in the field of research and documentation. Both of us enjoyed this project as it allowed us to study a place which we have called home for the past four years. Our drive to inspire a future a generation to study local history was fulfilled in this project and made us recognize how important time management, and the power of knowledge is. Frankly, it became clear to us that this type of research is difficult and those who conduct it deserve a lot of credit. As well, we now recognize that it is difficult to meet every aim that originally comes with an idea, and that creating a foundation is just as important.

Another insight we have gained through this experience is the fact that some stories are more important to tell than others; we realise that this is a complicated assertion and there are exceptions to the rule. Take for example, the execution of Robert Henderson, one of the two youngest to be executed in all of Canada. His story is more striking to the modern audience, and thus, for the purposes this project, becomes more important to communicating the story of the jail. Of course we are not trying to eliminate the voices of the four other individuals who were

executed or those who were in the jail, however Henderson's case stands out. The reality is, the stories that increase awareness should be deemed more important because they can be examples of the direct influences of the institution on the community. This leads into consideration of the relevance of the historical plaques coming out of this project; are all the plaques of equal significance? If we had proposed the research ourselves we would have guided it differently. We think that the six themes were redundant and that three greater topics would have eliminated crossover and repetition. As such, we would have proposed categories, and corresponding plaques, of Inmate Experience and Capital Punishment; Surveillance (Architecture), Wardens and Correctional Officers; and the 2001 Riot and the contemporary institution. These themes are massive, but they make more sense in studying an institution of this scale. On one hand this is a small local institution, but on the other hand it was open for over one-hundred sixty years – limited in one, and immense in the other. These larger subjects allow the researcher to include more information within each, like attention to minorities, gender, and anything else they may come across. Having six themes was limiting because we could only focus on what was most indicative of the title, instead of recognizing all of the stories.

The study of this local institution is critical to understanding the dynamic history of the Peterborough area. Studying local history is vital as it helps us gain insight to living conditions, treatments of criminals and most importantly the resources or lack there of at the time. Looking at this institution as a case study, we advance understanding of historical causation and experiences in the grand scheme of historical Canadian corrections. We gain value in where we stand today through a snapshot of the nation's history.

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