

**RACE, DOMINION, AND THE BRITISH COLUMBIA  
PENITENTIARY 1879 – 1916**

by

Elydah Joyce

B.A., Hampshire College, 2016

THESIS SUBMITTED IN PARTIAL FULFILLMENT OF  
THE REQUIREMENTS FOR THE DEGREE OF

MASTER OF ARTS

in

THE FACULTY OF GRADUATE AND POSTDOCTORAL STUDIES  
(Sociology)

THE UNIVERSITY OF BRITISH COLUMBIA  
(Vancouver)

August 2020

The following individuals certify that they have read, and recommend to the Faculty of Graduate and Postdoctoral Studies for acceptance, the thesis entitled:

Race, Dominion, and the British Columbia Penitentiary 1879 - 1916

submitted by Elydah Joyce in partial fulfillment of the requirements for

the degree of Master of Arts

in Sociology

**Examining Committee:**

Renisa Mawani, Sociology  
Co-supervisor

Thomas Kemple, Sociology  
Co-supervisor

## Abstract

Decades of research have been dedicated to unraveling the role of race in incarceration, but there remains a limited understanding of Canada's penal history and the social issues present in the nation's modern prisons. The penitentiaries that are operative today were developed from systems and models created centuries ago. As structures from the colonial and nation-building eras of Canada, scholars have clarified how the penitentiaries are continued sites of violence and inequality nationwide. However, minimal focus exists on the provincial context of British Columbia. When the province officially entered the confederation of Canada in 1871, one major component was the promise by the new Dominion to build a penitentiary immediately in New Westminster. Although six other penitentiaries already existed across Canada, the British Columbia Penitentiary provides a unique colonial legacy that requires further examination. My thesis is an analysis of the penitentiary reports that were written by British Columbian officials during the nation-building period of 1879 to 1916. I explore the following questions: How did the penitentiary's warden, chaplain, and surgeon reports work in conjunction to create ideas of race? What were the implications of these interior generation's reach outside the penitentiary walls, and what do the discontinuities and contradictions in these reports reveal about the role of race in the new nation? I seek to begin answering these questions on how racial truths were generated, and to what effect these truths were used during the founding of the Dominion of Canada.

## Lay Summary

Our ideas today about race are connected to the past. By looking at the records from the British Columbia Penitentiary, this thesis shows the details of how these ideas about race and difference are based in Canada's founding years. The archival documents used as the base of this thesis are the reports from penitentiary officials who were writing during the nation-building era of Canada. This was the period of time when the ideas of what this country are, and who inhabits it, were being formed by primarily white settlers. By reading and analyzing the way race is discussed in the reports, we can better understand how our modern inequalities are tied to the relationship between race and the criminal justice system from over a hundred years ago.

## Preface

This thesis is original, unpublished, independent work by the author, Elydah Joyce.

# Table of Contents

Abstract.....	iii
Lay Summary.....	iv
Preface .....	v
List of Figures .....	vii
Acknowledgments.....	viii
Introduction: A New Nation, A New Penitentiary.....	1
The British Columbia Penitentiary .....	4
Race in British Columbia .....	12
Theoretically Framing the BC Penitentiary Archives.....	23
I. Race and the Wardens .....	28
Race, Labour and Discipline .....	29
The Wardens' Tables.....	37
Scientific Racism and the Race Tables .....	40
Racial Terminology in the Tables .....	44
The Wardens, Immigration and Race.....	46
II. Race and the Chaplains .....	55
The Church in Colonial Canada .....	56
Humanitarian Reform and The Church .....	57
The Chaplain's Reports .....	59
Race & Church Education.....	61
The Moral Citizen & Race.....	65
The Church & Racial Criminality.....	69
III. Race and the Surgeons.....	72
Flawed Bodies .....	74
Flawed Minds .....	80
Flaws in the Surgeon's Tables .....	84
Conclusion: Beyond the Four Walls .....	93
Appendix .....	100
Appendix A: Qayqayt Traditional Lands.....	100
Appendix B: Land Area of the British Columbia Penitentiary .....	101
Appendix C: Table of Deaths at the Penitentiary 1879 – 1916.....	102
Bibliography .....	103

# List of Figures

- Figure 1. 1877 BC Penitentiary Main Building Construction ..... 5
- Figure 2. BC Penitentiary Main Building Blueprints..... 8
- Figure 3. 1905 Staff Picture with Warden Whyte ..... 32
- Figure 4. 1879 BC Penitentiary Race Tables..... 37
- Figure 5. 1880 BC Penitentiary Race Tables..... 37
- Figure 6. 1880 BC Penitentiary Escape Returns Table ..... 38
- Figure 7. 1884 BC Penitentiary Ethnology of Convicts Table ..... 41
- Figure 8. 1888 BC Penitentiary Guard Table ..... 43
- Figure 9. 1890 BC Penitentiary Race Table ..... 45
- Figure 10. 1896 Inspector’s National Race Table..... 47
- Figure 11. 1904 BC Penitentiary Nationality Table ..... 49
- Figure 12. 1914 British Columbia Race Table..... 51
- Figure 13. 1906 Canadian Racial Proportional Representation ..... 51
- Figure 14. 1892 Table State of Education ..... 62
- Figure 15. 1880 Racial Distinctions recorded by Chaplain Horris ..... 66
- Figure 16. 1880 Surgeon’s Table of Deaths ..... 75
- Figure 17. 1882 Surgeon’s Table of Deaths ..... 77
- Figure 18. 1885 Surgeon's Table of Deaths..... 78
- Figure 19. Newspaper clipping from The Daily British Columbian ..... 81
- Figure 20. 1888 Surgeon's Table of Deaths..... 85
- Figure 21. 1903 Surgeon's Table of Deaths ..... 85
- Figure 22. 1908 Surgeon's Table of Deaths..... 87
- Figure 23. 1913 Surgeon's Table of Deaths..... 88
- Figure 24. 1903 Insane Returns Table..... 90
- Figure 25. 1886 Carriage Tour by Fitzimmons for Prime Minister John A. McDonald ..... 93

## Acknowledgments

I wish to acknowledge the incredible support and work put in by both of my advisors at the University of British Columbia (UBC). Both Professor Renisa Mawani and Professor Thomas Kemple provided me with everything I needed in order to complete this thesis to the best of my ability and maintained their assistance through the disturbance of a pandemic.

Thank you Renisa Mawani for your mentorship, wisdom and guidance over the past three years. Without your support I would not have made it to this point.

My greatest appreciation to Thomas Kemple for the extensive encouragement and care you dedicated to my research and to my writing process over the last year.

My work at UBC built on my undergraduate research and the support from my advisors at Hampshire College. For this, I would like to thank Professor Chike McLoyd. I wish I could share this thesis with you. Your words have stayed with me and helped put my thoughts to virtual paper.

In this vein I would like to thank Professor Khary Polk and Professor Roosbelinda Cárdenas. I know my work as a graduate student has been influenced greatly by my undergraduate co-committee members, you both guided my thinking to be more analytical and refined.

Outside of my academic sphere, my friends and family have also made this thesis possible. A thousand thanks to all the small moments my partner Beryl Bell dedicated to supporting me through this process. From listening to me rant about my research, to helping me edit my final submission, you have been essential to this effort.

Thanks to Veronique Gabbott, for not only helping me sort and organize the thousands of pages of archival research for little reward, but also remaining excited to discuss my latest findings through this two-year hurricane.

Thank you to my sister, Jhessy Bronsema, who warmly received my many phone calls and random facts regarding the penitentiaries of Canada. Your joy and love have helped me through these two years.

Lastly, thank you to my mother Susan Joyce and my father David Volkert for helping me stay on top of my work and supporting me through my academic adventures. Mom, your ardent desire to read and revise my thesis has pushed me to create something that I hope makes you proud, and your excitement to learn along with me has helped keep me focused and motivated. Dad, you have maintained your kind words and practical encouragement over the course of my studies, thank you so much for always believing in my ability to successfully complete my work

## Introduction: A New Nation, A New Penitentiary

The British Columbia penitentiary was built in 1874, in the interior of the new province of British Columbia. The land selected for its construction was deemed “historically important” by the colonial settlers of New Westminster<sup>1</sup>. This remarked importance was tied to the exact site of construction, which had once been the British Royal Engineers<sup>2</sup> camp and the center for the new province’s legislative council. However, the site’s significance extended far past that of British Columbia’s early colonial history. The land that the BC Penitentiary would come to stand on for over a hundred years was stolen from the Qayqayt First Nation during the 1858 British settlement created by the Royal Engineers<sup>3</sup>. The historical Qayqayt village is recognized today in the “Musqueam Declaration of Unceded Traditional Territory” and existed on the lands that were taken and used for the BC Penitentiary and the surrounding city of New Westminster<sup>4</sup>. In 1859, twenty years before the construction of the penitentiary was complete, the New Westminster City Council forcibly removed the Qayqayt from their already enclosed village in the city core and placed the community on three small reserves in the surrounding area<sup>5</sup>. After this forced removal the Qayqayt First Nation was devastated by a smallpox epidemic in 1904. By 1916, the provincial McKenna-McBride Commission closed all reserve land in New Westminster. This continual dispossession and violent settler-colonial control of the Qayqayt First Nation was concurrent with the construction and development of the BC penitentiary. By 1916 the

---

<sup>1</sup> Scott, Jack David. "Four Walls in the West: The Story of the British Columbia Penitentiary." *Retired Federal Prison Officers Association of British Columbia* (1985): 2.

<sup>2</sup> The engineering and technical support branch of the British Military

<sup>3</sup> Howay, Frederic William. "The work of the Royal engineers in British Columbia, 1858-1863." (1910).

<sup>4</sup> Band, Musqueam Indian. "Musqueam declaration." *January 19* (1976): 1976.

<sup>5</sup> "Reclaiming Roots: Unearthing the lost history of Qayqayt First Nation," Urban System, Indigenous Communities, Our Stories, Accessed August 13, 2020, <https://urbansystems.ca/reclaiming-roots-unearting-te-lost-history-of-qayqayt-first-nation/>

penitentiary in New Westminster had completed the majority of its building expansions and created walls around its allotted 140 acres, whilst the Qayqayt First Nation had been sequestered and then completely removed from all proximity to their land<sup>6</sup>. Thousands of Qayqayt First Nation had died over the decades that the penitentiary expanded, and those who remained were forced by the McKenna-McBride Commission to join other Nations in the region. It was not until 1994, close to eighty years later, that Chief Rhonda Larrabee was able to begin the process of reclaiming and reconnecting the Qayqayt Band.

Though the British Columbia Penitentiary closed over forty years ago, and the Qayqayt Band is in a process of recognition and reconciliation with the City of New Westminster, the violent effect of settler colonialism remains. The BC penitentiary is part of a larger legacy across the country, regarding racial violence, Indigenous dispossession, and the creation of what is now the modern nation of Canada. Today, penitentiaries in British Columbia are characterized by their overrepresentation of Indigenous people and other marginalized communities relative to the population of white settlers in the province<sup>7</sup>. Decades of research have been dedicated to understanding why race plays a role in incarceration, but only recently have researchers begun to connect enduring colonial legacies to this particular social issue in Canada<sup>8</sup>. The penitentiaries that are operative today were developed from systems and models created centuries ago<sup>9</sup>. As

---

<sup>6</sup> Matheson, Malcolm Angus. "A survey of British Columbia penitentiary." PhD diss., University of British Columbia, 1958.; "Uncovering her roots". *Canwest News Service*. New Westminster Record. June 6, 2009. Archived from the original on November 14, 2010. Retrieved August 13, 2020.

<sup>7</sup> Lupick, Travis. "B.C. prisons are filled with hugely disproportionate numbers of indigenous inmates, Stats Canada finds," *The Georgia Straight*, June 25, 2018.

<sup>8</sup> Chartrand, Vicki. "Unsettled times: indigenous incarceration and the links between colonialism and the penitentiary in Canada." *Canadian Journal of Criminology and Criminal Justice* 61, no. 3 (2019): 67-89.

<sup>9</sup> McCoy, Ted. *Hard time: reforming the penitentiary in nineteenth-century Canada*. Athabasca University Press, 2012.

enduring structures from the colonial and nation-building eras of Canada, it follows that the penitentiaries are continued sites of violence and inequality<sup>10</sup>.

Researchers such as Vicki Chartrand have exposed the broad national reality of colonial racial violence and incarceration, but little work has been done to understand the unique provincial context of British Columbia. When British Columbia officially entered the confederation of Canada in 1871, the province demanded that the new Dominion build a penitentiary as a stipulation of the union<sup>11</sup>. Although six other penitentiaries already existed across Canada, the British Columbia Penitentiary provides a unique colonial legacy that requires further examination. During the nation-building era of 1877 to 1916, the British Columbia government continued to appropriate land from First Nation communities, disenfranchised Chinese and Japanese workers and generated racial truths that are foundational to the province today<sup>12</sup>.

The nation-building era in Canada was the period that all the provinces joined the Dominion's union and Canada began to articulate a national identity of what it meant to be Canadian<sup>13</sup>. As was being done by many new countries globally, Canada spent this era establishing its place and image in a world order defined by centuries of colonialism<sup>14</sup>. The new province of British Columbia, as a recently established British colony, maintained a unique

---

<sup>10</sup> Razack, Sherene. *Dying from improvement: Inquests and inquiries into Indigenous deaths in custody*. University of Toronto Press, 2015.; Chartrand, Vicki. "Unsettled times: indigenous incarceration and the links between colonialism and the penitentiary in Canada." *Canadian Journal of Criminology and Criminal Justice* 61, no. 3 (2019): 67-89.

<sup>11</sup> "British Columbia Terms of Union" (1871) Accessed August 13, 2020, <https://www.solon.org/Constitutions/Canada/English/bctu.html>

<sup>12</sup> Ward, W. Peter. "Class and Race in the Social Structure of British Columbia, 1870-1939." *BC Studies: The British Columbian Quarterly* 45 (1980): 17-36.; Tennant, Paul. *Aboriginal peoples and politics: The Indian land question in British Columbia, 1849-1989*. UBC Press, 2011.; Roy, Patricia E. "A white man's province: British Columbia politicians and Chinese and Japanese immigrants, 1858-1914". *UBC Press*, 1990.

<sup>13</sup> Belshaw, John Douglas. "Canadian history: post-confederation." (2018).

<sup>14</sup> Berger, M.T., 2006. From nation-building to state-building: The geopolitics of development, the nation-state system and the changing global order. *Third World Quarterly*, 27(1), pp.5-25.

social and political atmosphere during this period of formation. Within the walls of the British Columbia Penitentiary, unique spaces of race and empire building developed that have not been addressed in current incarceration research<sup>15</sup>.

My thesis provides an analysis of the penitentiary reports that were written by British Columbian officials during the nation-building era in Canada. I explore the following questions: How did the penitentiary's warden, chaplain, and surgeon<sup>16</sup> reports work in conjunction to create ideas of race? What were the implications of these ideas of race, how did they reach outside the penitentiary walls, and what do the discontinuities and contradictions in these reports reveal about the role of race in a new nation? I seek to explore these questions on how racial truths were generated, and to what effect these truths were used during the efforts to build the Dominion of Canada.

#### The British Columbia Penitentiary

Qayqayt land was where Richard Clement Moody, head of the Royal Engineers, first arrived in BC. He described New Westminster as “a second England on the shores of the Pacific”<sup>17</sup>. Despite the fact that the Qayqayt First Nation community had a long-established town at the selected location for this second England, Moody determined that he and the Royal Engineers would “build a city of beauty in the wilderness” and properly “personify the leading institutions of Britain”<sup>18</sup>. The extent of the approximate Qayqayt territory that Moody and other settlers

---

<sup>15</sup> See Vicki Chatrand 2019 for the national view and notes on the unique incarceration qualities in BC.

<sup>16</sup> When discussing these three titles I alternate between capitalized and non-capitalized use of the words, the first denotes that the title is being used for an individual in place of their name, and the latter is used to generally refer to all in that position at the penitentiary.

<sup>17</sup> Quoted in Scott, Laura Elaine. "The imposition of British culture as portrayed in the New Westminster capital plan of 1859 to 1862." PhD diss., Thesis. Simon Fraser University, 1983.

<sup>18</sup> Ibid.

would ultimately take for their “second England” is represented in the map under Appendix A of this thesis. *Figure 1* below is a photograph that shows one of the first massive institutions that fulfilled Moody’s vision. This large building was the first wing erected for the Penitentiary by the provincial Department of Public Works.

*Figure 1.1877 BC Penitentiary Main Building Construction*<sup>19</sup>



In an effort to create uniformity, the structure was built as an exact replica of the Manitoba Penitentiary. Part of Canadian officials’ attempts to create a modern nation was reliant on a specific idea that uniformity in control was necessary. This uniformity meant that the architecture of the first penitentiary of Canada, the Kingston Penitentiary, was supposedly to be replicated as identically as possible across the nation<sup>20</sup>. Though the Manitoba Penitentiary was a much smaller structure, it was meant to exist as the first of many wings to accommodate growing populations. This smaller iteration of the Kingston Penitentiary was determined as a perfect fit

<sup>19</sup> Collection, Photo. *New Westminster Archives*. 1877. New Westminster Museum, New Westminster.

<sup>20</sup> Johnson, Dana. “The More Things Change...’: Federal Prison Design, 1833-1950”. *Bulletin (Society for the Study of Architecture in Canada)*, 1994.

for the new province of British Columbia. The replica was so exact that the engineers and builders failed to adjust for a different geographic region. The BC penitentiary suffered from its completely inadequate foundation and planning for the riverbank it was built upon<sup>21</sup>.

Though the image in *Figure 1* was taken at the end of the construction in 1877, it would be another two years before the first penitentiary report was submitted in the province. The British Columbia Penitentiary opened in 1878. This penitentiary was the first of its kind in the newly established province, but followed procedures and patterns set by the Dominion regarding penitentiaries<sup>22</sup>. Close to forty years before, the first penitentiary in Canada had been constructed in Kingston, Ontario. The penitentiary was a recent invention that differed from previous jails with a primary focus on “perform[ing] a piece of social engineering in reforming the individual”<sup>23</sup>.

To reinforce the new nation, post-confederate Canada formed a Board of Commissioners as the administrative heads of the penitentiary system. This board drafted and confirmed the first Penitentiary Act in the Dominion in 1868, which detailed how the current and future penitentiaries would be directly modeled on England’s “silent associated system”<sup>24</sup>. The penitentiaries were considered necessary tools of reform, a reform only made possible by separating offenders from the rest of society and imposing “a routine of hard labour”<sup>25</sup>. After the decision to construct the BC Penitentiary, but before its actual completion, the Board of

---

<sup>21</sup> Scott, Jack David. "Four Walls in the West: The Story of the British Columbia Penitentiary." *Retired Federal Prison Officers Association of British Columbia* (1985)

<sup>22</sup> Johnson, Dana. "The More Things Change...": Federal Prison Design, 1833-1950. *Bulletin (Society for the Study of Architecture in Canada)*, 1994.

<sup>23</sup> Johnson, Dana. "The More Things Change...": Federal Prison Design, 1833-1950. *Bulletin (Society for the Study of Architecture in Canada)*, 1994: 34.

<sup>24</sup> Matheson, Malcolm Angus. "A survey of British Columbia penitentiary." PhD diss., University of British Columbia, 1958.

<sup>25</sup> Taylor, C. J. "The Kingston, Ontario penitentiary and moral architecture." *Histoire sociale/Social History* 12, no. 24 (1979).

Commissioners was abolished. Secretary Moylan of the Board was promoted as head and sole Inspector of the Penitentiaries. Moylan remained the Chief Inspector of the Penitentiaries until 1918.

The BC Penitentiary was designed by architects in Ottawa who worked under the direction of T.S. Scott, chief architect for the Department of Public Works in the new Dominion<sup>26</sup>. The Penitentiary was intended to house 79 prisoners and was modeled on the Auburn incarceration method of work and isolation, a method shared by almost all of the penitentiaries across Canada<sup>27</sup>. The Auburn approach emphasized complete isolation and surveillance, with individual cells for each incarcerated person. As noted by Michel Foucault, this new era of incarceration required hiding punishment behind penitentiary walls. Foucault's seminal book *Discipline and Punish* reveals how long-term isolation and forced labour became the new "the gentle way of punishment"<sup>28</sup>. With slight variations in the Auburn system, BC officials built the smaller replica of the Kingston Penitentiary for the Dominion's frontier<sup>29</sup>. The BC Penitentiary had 67 cells for men and 12 for women, each eight feet long by four feet wide. Identical to the Manitoba Penitentiary, the BC's Penitentiary consisted of a T-shaped front administration building with an Auburn-styled cellblock<sup>30</sup> behind, as displayed in *Figure 2*.

After its construction was complete, the BC Penitentiary was considered partially responsible for the "economic boom" in the surrounding city of New Westminster<sup>31</sup>. The total

---

<sup>26</sup> Matheson, Malcolm Angus. "A survey of British Columbia penitentiary." PhD diss., University of British Columbia, 1958.

<sup>27</sup> Taylor, C. J. "The Kingston, Ontario penitentiary and moral architecture." *Histoire sociale/Social History* 12, no. 24 (1979).

<sup>28</sup> Foucault, Michel. *Discipline and Punish*. A. Sheridan, trans. London: Vintage Books, 1977.

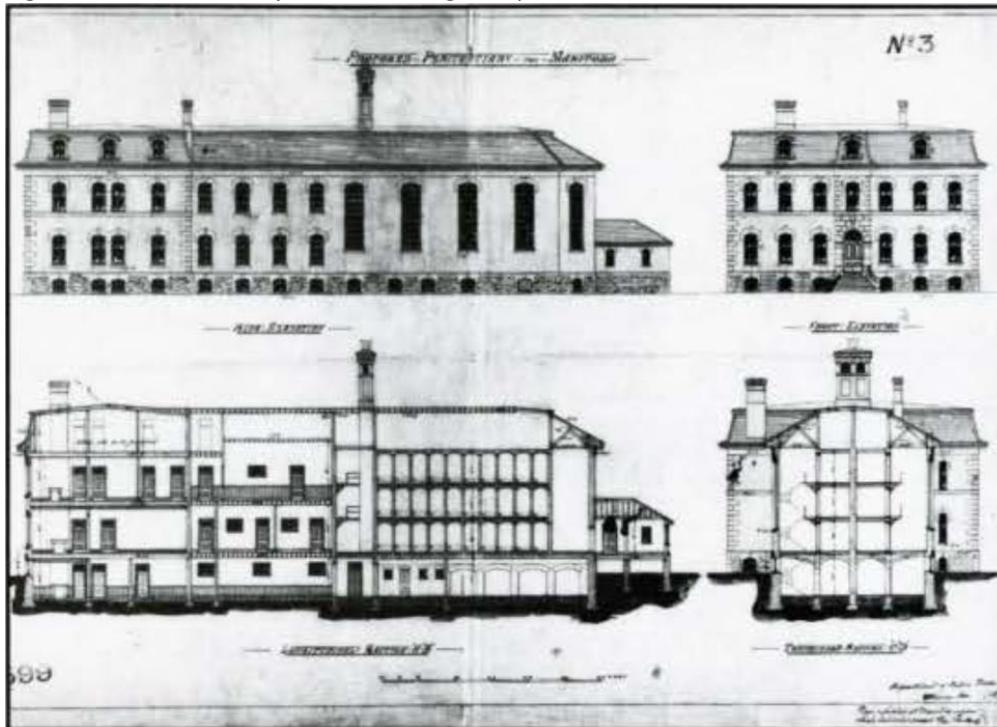
<sup>29</sup> Taylor, C. J. "The Kingston, Ontario penitentiary and moral architecture." *Histoire sociale/Social History* 12, no. 24 (1979).

<sup>30</sup> Johnson, Dana. "The More Things Change...": Federal Prison Design, 1833-1950. *Bulletin (Society for the Study of Architecture in Canada)*, 1994.

<sup>31</sup> Hainsworth, Gavin, and Katherine Freund-Hainsworth. *A New Westminster Album: Glimpses of the City as it was*. Dundurn, 2005.

area the penitentiary grounds would come to cover over the next decades is mapped out in Appendix B, along with the enduring structure of the main building. The main penitentiary building's dominating size, although completely inadequate architectural design, appropriately symbolizes the Dominion's fraught attempts to establish a national unified modernity.

Figure 2.BC Penitentiary Main Building Blueprints<sup>32</sup>



British Columbia was one of the last colonies to join the new nation of Canada in 1871. Given that this was one of the last regions to be settled by British colonists, the region has a social and political uniqueness and a colonial history that is distinct from elsewhere in the new Dominion. For tens of thousands of years, hundreds of different communities of First Nations people existed in what is now British Columbia<sup>33</sup>. This region of the Pacific Northwest had been relatively isolated from colonial expansion. Until the creation of a British colony in 1849 this

<sup>32</sup> Taylor, C. J. "The Kingston, Ontario penitentiary and moral architecture." *Histoire sociale/Social History* 12, no. 24 (1979): 4.

<sup>33</sup>Silvey, Diane. *From Time Immemorial: The First People of the Pacific Northwest Coast*. (2002)

area had “always been Native land”<sup>34</sup>. The British were made aware of the fur trade potential in BC by European capitalists seeking governmental support to expand their business prospects<sup>35</sup>. Fearing American incursion on a potentially lucrative economic space, the British sent a private company to establish the first settler camp on Vancouver Island. Thus, the Hudson Bay Company (HBC) was supported by the British colonial empire to establish the first European forts in what today is British Columbia. For many white settlers, BC was considered the “west beyond the west”<sup>36</sup>, an uncivilized and untamed place where a white minority resided within small colonial settlements among a large Indigenous population. Joining the newly established Canadian nation promised not only increased resources but also an increase in white immigration which was encouraged by the expansion of the Canadian Pacific Railroad and which would facilitate civilizing institutions such as the BC penitentiary.

In order to maintain socio-cultural hierarchies in colonial states, specific legitimizations of white colonial identity were created<sup>37</sup>. British colonial efforts sought to establish control and ownership over distant lands and existing people. This project required physical force as well as settlers’ claims to “social and spatial supremacy”<sup>38</sup>. The penitentiary played an important role in these physical and cultural legitimizations. Penal scholars have traced how the expansion of prisons in the British colonies during the latter half of the nineteenth century was key tool of

---

<sup>34</sup> Harris, R. Cole. *Making native space: Colonialism, resistance, and reserves in British Columbia*. UBC Press, 2011: 17.

<sup>35</sup> Scott, Jack David. "Four Walls in the West: The Story of the British Columbia Penitentiary." *Retired Federal Prison Officers Association of British Columbia* (1985).

<sup>36</sup> Barman, Jean. *The west beyond the west: A history of British Columbia*. University of Toronto Press, 2007.

<sup>37</sup> Dua, Enakshi, Narda Razack, and Jody Nyasha Warner. "Race, racism, and empire: Reflections on Canada." *Social Justice* 32, no. 4 (102 (2005): 1-10.; Perry, Adele. *On the edge of empire: gender, race, and the making of British Columbia, 1849-1871*. University of Toronto Press, 2001.

<sup>38</sup> De Leeuw, Sarah. "‘If anything is to be done with the Indian, we must catch him very young’: colonial constructions of Aboriginal children and the geographies of Indian residential schooling in British Columbia, Canada." *Children's Geographies* 7, no. 2 (2009): 123-140.

empire building<sup>39</sup>. The penitentiaries built during this period were part of a larger civilizing project that was foundational to a colonial nation-building logic<sup>40</sup>. The Church<sup>41</sup> and many government officials called for humanitarian reforms of corporal punishment that pushed regions across the world towards building penitentiaries<sup>42</sup>. These institutions were seen as moral, economic and social imperatives where public spectacles of physical punishment were replaced with contained and hidden detainment. In particular, British authorities were committed to building institutions that exemplified colonial control and civility where otherwise ‘backwards’ practices existed<sup>43</sup>. This is most starkly exemplified by the pressure placed by British authorities on colonial cities in places like British Columbia and the West Indies. Historians have found records of British officials’ expressed horror at the chain gangs and public labour projects that the “criminal class” in the colonies were forced into<sup>44</sup>. This outrage was one of the main justifications given for the need to build penitentiaries, where enclosed spaces of the modern penitentiary concealed punishment from the public<sup>45</sup>. According to Scicluna and Knepper, prisons “were an important symbol of British royal identity” and were required for the uniformed social discipline desired in a modern capitalist world<sup>46</sup>. Penitentiaries were partly aimed at

---

<sup>39</sup>Scicluna, Sandra, and Paul Knepper. "Prisoners of the sun: The British empire and imprisonment in Malta in the early nineteenth century." *The British Journal of Criminology* 48, no. 4 (2008): 502-521.

<sup>40</sup> Chartrand, Vicki. "Unsettled times: indigenous incarceration and the links between colonialism and the penitentiary in Canada." *Canadian Journal of Criminology and Criminal Justice* 61, no. 3 (2019): 67-89.

<sup>41</sup> When using the capitalized version of “Church” in this thesis, I am referring to the dominant Christian denominations in Canada during the nation-building era, this largely meant Protestant and Catholic, but also Anglican, and Evangelist churches.

<sup>42</sup> Dikötter, Frank, and Ian Brown, eds. *Cultures of confinement: a history of the prison in Africa, Asia, and Latin America*. Cornell University Press, 2018; Foucault, Michel. *Discipline and punish*. A. Sheridan, trans. London: Vintage, 1977.

<sup>43</sup> Scott, Jack David. "Four Walls in the West: The Story of the British Columbia Penitentiary." *Retired Federal Prison Officers Association of British Columbia* (1985).

<sup>44</sup> Scicluna, Sandra, and Paul Knepper. "Prisoners of the sun: The British empire and imprisonment in Malta in the early nineteenth century." *The British Journal of Criminology* 48, no. 4 (2008): 502-521.

<sup>45</sup> Foucault, Michel. *Discipline and punish*. A. Sheridan, trans. London: Vintage, 1977.

<sup>46</sup> Scicluna, Sandra, and Paul Knepper. "Prisoners of the sun: The British empire and imprisonment in Malta in the early nineteenth century." *The British Journal of Criminology* 48, no. 4 (2008): 502-521: 506

creating uniformity across all the colonies, but they were also laboratories in these new British nations<sup>47</sup>. As many scholars have noted, penitentiaries were used to test and manufacture tailored forms of surveillance, control, and discipline within each unique location they were built<sup>48</sup>. These buildings of confinement were ultimately modern imperial creations in disciplinary technology, where criminally inclined were treated to a reformatory punishment, emphasizing humane techniques for the sake of improving the existing labour force<sup>49</sup>.

As Canada established its new Dominion, the colonial dynamics remained echoed in the social hierarchies established by the British Empire<sup>50</sup>. Notably, as slavery was abolished, penitentiaries expanded<sup>51</sup>. Though the penitentiary as an institution underwent constant humanitarian reforms and regional changes through the last three centuries, they persistently maintained inequalities. Whilst complex moral and economic reasoning led to the formal abolition of slavery, Dikötter and Brown explore how colonial prisons continued as “instrumental in manufacturing cheap labor for settlers and consolidating racial inequalities”<sup>52</sup>. Present disproportional representation of the poor and marginalized in any given region of the world is based in a long history of penitentiaries as a tool of domination<sup>53</sup>. The global expansion of penitentiaries during the nineteenth century was similar to the point that most penitentiaries

---

<sup>47</sup> Chartrand, Vicki. "Unsettled times: indigenous incarceration and the links between colonialism and the penitentiary in Canada." *Canadian Journal of Criminology and Criminal Justice* 61, no. 3 (2019): 67-89.

<sup>48</sup> Scicluna, Sandra, and Paul Knepper. "Prisoners of the sun: The British empire and imprisonment in Malta in the early nineteenth century." *The British Journal of Criminology* 48, no. 4 (2008): 502-521.

<sup>49</sup> Johnson, Dana. "The More Things Change...": Federal Prison Design, 1833-1950. *Bulletin (Society for the Study of Architecture in Canada)*, 1994.

<sup>50</sup> Brock, Deborah, Amanda Glasbeek, and Carmela Murdocca. *Criminalization, Representation, Regulation: Thinking Differently about Crime*. University of Toronto Press, 2014.

<sup>51</sup> Sudbury, Julia, ed. *Global lockdown: Race, gender, and the prison-industrial complex*. Routledge, 2014.

<sup>52</sup> Dikötter, Frank, and Ian Brown, eds. *Cultures of confinement: a history of the prison in Africa, Asia, and Latin America*. Cornell University Press, 2018: 68.

<sup>53</sup> Sudbury, Julia, ed. *Global lockdown: Race, gender, and the prison-industrial complex*. Routledge, 2014.; Dikötter, Frank, and Ian Brown, eds. *Cultures of confinement: a history of the prison in Africa, Asia, and Latin America*. Cornell University Press, 2018: 68.

share architectural structures and principles of surveillance and isolation<sup>54</sup>. Scholars including Sudbury, Bosworth, and Flavin all point to the ways in which global incarceration disproportionately affects racialized populations, with especially high rates of imprisoned women of color around the world<sup>55</sup>.

The newly formed Dominion of Canada fell right into the global patterns of modern incarceration. Penitentiaries were built across the nation and were almost immediately filled with the poor and those deemed socially undesirable by Dominion officials<sup>56</sup>. Individuals dealing with joblessness, mental health issues, and racial difference soon found themselves packed away behind penitentiary walls<sup>57</sup>. The criminal justice system of the new Dominion continued its colonial social practices, using the state sanctioned violence of the penitentiary in an attempt to control regional political and social issues.

## Race in British Columbia

Race is a social reality of both violence and privilege that is experienced in the present but constructed through the past. What is understood today as race is a product of “philosophical, cultural, economic and political events” that have been layered over centuries<sup>58</sup>. Because race is constructed, by peeling back the layers of these decades and centuries it becomes possible to understand how race shifts and changes depending on an era and location<sup>59</sup>. Exploring this

---

<sup>54</sup> Sudbury, Julia, ed. *Global lockdown: Race, gender, and the prison-industrial complex*. Routledge, 2014.

<sup>55</sup> Allen, Robert. *Global prison trends 2015*. Penal Reform International, 2015.

<sup>56</sup> McCoy, Ted. *Hard time: reforming the penitentiary in nineteenth-century Canada*. Athabasca University Press, 2012.

<sup>57</sup> Ibid.

<sup>58</sup> Brock, Deborah, Amanda Glasbeek, and Carmela Murdocca. *Criminalization, Representation, Regulation: Thinking Differently about Crime*. University of Toronto Press, 2014: 106.

<sup>59</sup> Dua, Enakshi, Narda Razack, and Jody Nyasha Warner. "Race, racism, and empire: Reflections on Canada." *Social Justice* 32, no. 4 (102 (2005): 1-10.; Perry, Adele. *On the edge of empire: gender, race, and the making of British Columbia, 1849-1871*. University of Toronto Press, 2001.

history of race reveals how unstable and delicate race is as a social reality. From the language used to the meaning behind that language, race is continuously redefined for the benefit of some and the subjugation of others<sup>60</sup>. The process by which race is created begins to reveal itself in the archival material and historical accounts of a settler-colonial nation such as Canada. As scholars such as Howard Winant have written extensively on, race “signifies and symbolizes sociopolitical conflicts and interests in reference to different types of human bodies”<sup>61</sup>. In studying the social creation of race, the term racialization was coined to capture the process through which dominant communities distinguish human bodies and define traits along those distinctions<sup>62</sup>. In British Columbia, race has played an important role in colonial domination and in the construction of the Canadian state.

As a nation, Canada has been informed by master narratives of what and who constitutes a proper Canadian subject. Scholars such as Sunera Thobani and Tamara Starblanket have argued that these narratives of Canadian nationality have centered on the creation and maintenance of a white European identity. Thobani’s research exemplifies that British and French settlers were determined to be the “‘preferred races’ within the bureaucratic apparatus of the settler state”<sup>63</sup>. Jeffrey Monaghan has written on how the racialization of Canadian subjects developed through colonialism and solidified during the nation-building era. To her, the Dominion of Canada was founded in part on a settler colonial binary where “European/liberal”

---

<sup>60</sup> Mawani, Renisa. *Colonial proximities: Crossracial encounters and juridical truths in British Columbia, 1871-1921*. UBC Press, 2010.

<sup>61</sup> Winant, Howard. "Race and race theory." *Annual review of sociology* 26, no. 1 (2000): 169-185.

<sup>62</sup> Brock, Deborah, Amanda Glasbeek, and Carmela Murdocca. *Criminalization, Representation, Regulation: Thinking Differently about Crime*. University of Toronto Press, 2014: 109.

<sup>63</sup> Thobani, Sunera. *Exalted subjects: Studies in the making of race and nation in Canada*. University of Toronto Press, 2007: 13.

was “good” and “Indigenous/traditional” was “bad”<sup>64</sup>. However, other scholarship has recognized that these binaries were further complicated by regional realities. In British Columbia, racial binaries resemble more of a hierarchy as many different racialized populations emerged in the province. During the nation-building era British Columbia was one of the few places in Canada where white settlement was in constant proximity to non-white people<sup>65</sup>. Before and during the nation-building era of Canada, white settlers in the province came into frequent contact with Chinese immigrants and a large Indigenous population<sup>66</sup>.

White settlers had negotiated almost no treaties in the province. James Douglas supposedly negotiated 14 treaties between 1850 and 1854 and all on Vancouver Island, but many Indigenous communities who were part of these negotiations do not recognize these treaties as legitimate<sup>67</sup>. Aside from these 14 treaties, the rest of what is now BC was made available for settlement to colonial settlers<sup>68</sup>. Leading up to and during the nation-building era, the colonial sentiment aimed at First Nation communities was divided between paternalistic humanitarianism and outright desires for elimination<sup>69</sup>. As scholar Tamara Starblanket’s research reveals, both attitudes entailed extreme violence that required the complete eradication of Indigenous language, traditions, and culture<sup>70</sup>. During the colonial era, British authorities were certain the

---

<sup>64</sup> Monaghan, Jeffrey. "Settler governmentality and racializing surveillance in Canada's north-west." *Canadian Journal of Sociology* 38, no. 4 (2013): 487-508.

<sup>65</sup> Mawani, Renisa. *Colonial proximities: Crossracial encounters and juridical truths in British Columbia, 1871-1921*. UBC Press, 2010; Carleton, Sean. "Settler Anxiety and State Support for Missionary Schooling in Colonial British Columbia, 1849–1871." *Historical Studies in Education/Revue d'histoire de l'éducation* (2017).

<sup>66</sup> Harris, R. Cole. *Making native space: Colonialism, resistance, and reserves in British Columbia*. ubc Press, 2011; Ward, W. Peter. "Class and Race in the Social Structure of British Columbia, 1870-1939." *BC Studies: The British Columbian Quarterly* 45 (1980): 17-36.

<sup>67</sup> Harris, R. Cole. *Making native space: Colonialism, resistance, and reserves in British Columbia*. ubc Press, 2011.

<sup>68</sup> Ibid.

<sup>69</sup> De Leeuw, Sarah. "If anything is to be done with the Indian, we must catch him very young': colonial constructions of Aboriginal children and the geographies of Indian residential schooling in British Columbia, Canada." *Children's Geographies* 7, no. 2 (2009): 123-140.

<sup>70</sup> Starblanket, Tamara. *Suffer the little children: Genocide, Indigenous Nations and the Canadian state*. SCB Distributors, 2018.

“Natives could resist but could not prevent what their colonizers wished”<sup>71</sup>. The publicly stated wish of these British colonial authorities was largely to transform the “native” population from “a savage to a civilized state”<sup>72</sup>. However, this contradicted local settlers’ use of overt physical violence as a necessary, if undesirable, tool in situations of resistance to colonial expansion. British colonial authorities instructed the regional authorities from the Hudson Bay Company to create colonial spaces that would encourage white immigration, whilst maintaining cordial relations with Indigenous communities in and around their settlements. What followed was decades of tension between a colonial authority that wanted humanitarian assimilation and colonial expansion versus a local settlement population that largely resorted to using military ships against entire villages to resolve the “native question”<sup>73</sup>. By the time BC joined the Confederation of Canada, local authorities reflected the general settler opinion that too much land and autonomy was given to First Nation communities<sup>74</sup>.

What followed the creation of the Dominion of Canada was a continuous process of state-initiated violence towards First Nation communities. John A. McDonald, Canada’s first Prime Minister, ensured that the *Indian Act* passed in 1876. This act regulated most aspects of Indigenous people’s lives from governing structures to eradicating cultures and traditions through processes of assimilation<sup>75</sup>. Over the next decades of the nation-building era the Indian Act was used to outlaw the majority of Indigenous social, economic and political expression. Towards the final years of the creation of Canada, the McKenna-McBride Commission was formed in BC to “resolve the native land question”. This commission sought to address the

---

<sup>71</sup> Harris, R. Cole. *Making native space: Colonialism, resistance, and reserves in British Columbia*. ubc Press, 2011: 6.

<sup>72</sup>Ibid., 7.

<sup>73</sup>Ibid., 14.

<sup>74</sup> Ibid.

<sup>75</sup> Cornell, Stephen. *Indigenous peoples, poverty and self-determination in Australia, New Zealand, Canada and the United States*. Tuscon: Native Nations Institute for Leadership, Management, and Policy, 2006.

question of land by reducing Indigenous reserves by tens of thousands of acres and forcibly removing communities, such as the Qayqayt First Nation in New Westminster. Coupled with these legal forms of territorial violence was the continued racialization of Indigenous peoples.

White settlers employed paternalistic ideas of assimilation towards Indigenous people during the nation-building era. The “Indian” was thought to be “uncivilized” but with the potential to be uplifted if properly taught by white settlers<sup>76</sup>. Indigenous communities were broadly characterized as either “sick or savage” by dominion authorities<sup>77</sup>. This logic drove the government endorsement of missionaries as well as the opening and expansion of residential schools<sup>78</sup>. This form of paternalistic racialization helped to justify the legal violence of the Indian Act and land theft by commissioners. However, legitimizations of racial hierarchies were challenged by the growing prevalence of mixed-race people in the province, sparking new racial categories. Aside from the category “Indian,” colonial authorities in British Columbia created the term “Half-breed” as a separate racial category<sup>79</sup>. Anyone who was thought to be mixed-race challenged the strict racial categories that formed the foundation of the white settler dominion<sup>80</sup>. To address this emerging complexity, a new race was essentially crafted. During the nineteenth and into the twentieth century, to be a “Half-breed” was to be less than a white or “Indian” person in the eyes of the provincial authorities<sup>81</sup>. These racialized notions directed at Indigenous and

---

<sup>76</sup> De Leeuw, Sarah. “If anything is to be done with the Indian, we must catch him very young’: colonial constructions of Aboriginal children and the geographies of Indian residential schooling in British Columbia, Canada.” *Children's Geographies* 7, no. 2 (2009): 123-140.; Starblanket, Tamara. *Suffer the little children: Genocide, Indigenous Nations and the Canadian state*. SCB Distributors, 2018.

<sup>77</sup> Starblanket, Tamara. *Suffer the little children: Genocide, Indigenous Nations and the Canadian state*. SCB Distributors, 2018.

<sup>78</sup> Carleton, Sean. “Settler Anxiety and State Support for Missionary Schooling in Colonial British Columbia, 1849–1871.” *Historical Studies in Education/Revue d'histoire de l'éducation* (2017).

<sup>79</sup> Mawani, Renisa. *Colonial proximities: Crossracial encounters and juridical truths in British Columbia, 1871-1921*. UBC Press, 2010.

<sup>80</sup> Ibid.

<sup>81</sup> Ibid.

mixed-race peoples differed greatly from how white settlers in BC related to other non-white populations, including the Chinese.

The first Chinese migrants arrived at the same time as the first influx of white and other non-Indigenous colonists to the western shores of North America in 1788. Captain John Meares arrived in Nuu-chah-nulth territory to build the first non-Indigenous permanent settlement and hired Chinese workers as part of his fur trading efforts<sup>82</sup>. Chinese people were present in BC along with the first wave of British and European colonists, taking part in the fur trade operations popular to the area<sup>83</sup>. However, the racial narratives of the Canada's nation building era only began to solidify with the first significant movement of Chinese workers into British Columbia in 1858, when the province's first gold rush began<sup>84</sup>. The BC mainland, and the newly established town of New Westminster in particular, experienced an influx of Chinese labour during the 1860's due to colonial efforts to build infrastructure during the gold rush<sup>85</sup>. Larger communities of migrant workers, including Chinese sojourners, were present in both the west coast of the USA and Canada due to the financial opportunities presented by gold mining. However, this influx of population declined with the end of the goldrush and by 1970 only roughly 1500 Chinese people were recorded in the province<sup>86</sup>. Chinese migrant workers were considered "valuable" and "useful" during this era by white colonists. They worked for less and were considered essential labourers for positions that white colonists did not want, and their perceived impermanent presence added to their acceptability. However, these existing racial

---

<sup>82</sup> Lai, David Chuenyan. "A brief chronology of Chinese Canadian history: From segregation to integration." (2016).

<sup>83</sup> Barman, Jean. *The west beyond the west: A history of British Columbia*. University of Toronto Press, 2007.

<sup>84</sup> Wang, J., 2010. *"His Dominion" and the "Yellow Peril": Protestant Missions to Chinese Immigrants in Canada, 1859-1967* (Vol. 31). Wilfrid Laurier Univ. Press.

<sup>85</sup> Ward, Peter. *White Canada forever: Popular attitudes and public policy toward Orientals in British Columbia*. McGill-Queen's Press-MQUP, 2002.

<sup>86</sup> Roy, Patricia E. "A white man's province: British Columbia politicians and Chinese and Japanese immigrants, 1858-1914". *UBC Press*, 1990.

narratives created the foundation for the rise of anti-Asian policies and sentiments in the province. As BC became more focused on its nation-building mission, arguments about Chinese assimilability came to the forefront<sup>87</sup>.

By the late 1860's economic and race-based resentment had fully flourished in BC's approach to Chinese labourers. The gold rush was over and a depleting economy led many to scapegoat racialized workers. The new province had experienced a rapid growth in its foreign population, the majority of BC's colonial population being settlers from other parts of Canada, the USA and Europe<sup>88</sup>. However, Chinese labourers were singled out by politicians and news sources as incapable of being "good citizens"<sup>89</sup>. White colonists generated racial distinctions in which Chinese men were characterized as meek and servile, allowing poor treatment by white employers<sup>90</sup>. An article in 1866 by the *Cariboo Sentinel* expressed the commonly held belief that Chinese labourers were filling positions that could otherwise be occupied by "good colonists"<sup>91</sup>. The prevailing white colonial narrative constructed a Chinese community in BC that was simply there as sojourners, workers unwilling to contribute to the local economy or to form local "allegiances"<sup>92</sup>. This narrative blatantly ignored the many established generations of local Chinese families in the area, as well as the significant economic role played by the Chinese community in Canada's nation-building era<sup>93</sup>. The racial narratives, of how Chinese people were

---

<sup>87</sup>Ward, Peter. *White Canada forever: Popular attitudes and public policy toward Orientals in British Columbia*. McGill-Queen's Press-MQUP, 2002.

<sup>88</sup> Roy, Patricia E. "A white man's province: British Columbia politicians and Chinese and Japanese immigrants, 1858-1914". *UBC Press*, 1990.

<sup>89</sup> *Ibid.*, 9

<sup>90</sup> *Ibid.*, 9

<sup>91</sup> *Ibid.*, 9

<sup>92</sup> *Ibid.*, 9

<sup>93</sup> Lai, David Chuenyan. "A brief chronology of Chinese Canadian history: From segregation to integration." (2016); Wolf, Jim. *Royal City: A Photographic History of New Westminster, 1858-1960*. Heritage House Publishing Co, 2005.

poor colonists, was justified through labor, religion, and education, which were used to cast Chinese people as “more apt to create immorality than otherwise”<sup>94</sup>.

Historian Peter Ward’s research shows that in the first half of the nineteenth century, a smaller Japanese population in the province meant that white settler-colonialists minimally distinguished between Chinese and Japanese workers<sup>95</sup>. However, the rapid industrialization of Japan in the 1870’s shifted the emphasis of these narratives to highlight Japanese progressiveness and civility<sup>96</sup>. In BC significant backlash arose against legislative efforts that conflated Japanese and Chinese people. Canadian officials determined that Japan’s potential as a trade partner as well as the perceived heightened intelligence of Japanese people meant it would be inaccurate “to class the people of Japan with the degraded uncivilized hordes of China”<sup>97</sup>. White British Columbian’s crafted a narrative during these early years of nation-building that the Japanese were an entirely different “class of people to the Chinese” in large part to their ability to assimilate with a local white population<sup>98</sup>. Scholars such Roy and Munro have found that the public records of the time highlight that Japanese people were considered by local officials to be good drinkers, quick to learn English and to adopt the habits of white colonists. Yet the same newspapers and governmental officials characterized all these supposed traits in contrast to Chinese people, who supposedly failed to meet these white colonial standards of civility. However, these distinctions changed over the course of the nation-building era<sup>99</sup>. What began as

---

<sup>94</sup> Roy, Patricia E. “A white man's province: British Columbia politicians and Chinese and Japanese immigrants, 1858-1914”. *UBC Press*, 1990: 9.

<sup>95</sup> Ward, Peter. *White Canada forever: Popular attitudes and public policy toward Orientals in British Columbia*. McGill-Queen's Press-MQUP, 2002.

<sup>96</sup> Ward, Peter. *White Canada forever: Popular attitudes and public policy toward Orientals in British Columbia*. McGill-Queen's Press-MQUP, 2002.

<sup>97</sup> Roy, Patricia E. “A white man's province: British Columbia politicians and Chinese and Japanese immigrants, 1858-1914”. *UBC Press*, 1990: 22.

<sup>98</sup> *Ibid.*, 20.

<sup>99</sup> Lai, David Chuenyan. "A brief chronology of Chinese Canadian history: From segregation to integration." (2016).

a project of racial distinction during the nation-building era, quickly shifted to a project of racial amalgamation<sup>100</sup>. A combination of a larger influx of Japanese immigration to BC in 1900 along with Japan's successful war efforts against Russia in 1904 sparked local backlash against the newly termed "Mongolian" race<sup>101</sup>. As Japanese labourers and businesses prospered in BC the white colonial fear only became more apparent. Starting in the late 1890's and taking off during the first decade of the twentieth century, BC officials fixated on the immorality of the Mongolian race<sup>102</sup>.

After the military success of Japan, the Japanese were suddenly characterized by white European colonists in BC as the greater threat to the nation. Where the "Chinaman" was deemed morally unassimilable, the "wily Jap" was determined to be an even more serious evil<sup>103</sup>. Japanese people's previous willingness to adopt western fashions and European habits was turned on its head by British Columbians during this time. White settlers viewed the Japanese to be a threatening economic competitor in the late 1890's, as evidenced in public opinion<sup>104</sup>. The perceived assimilation of the Japanese now shifted to a narrative of the "resourceful beggar" who somehow surpassed the supposed "ignorance and incapacity" of Chinese people<sup>105</sup>. This shifting racial narrative immediately contradicted the equally apparent widespread fears of Chinese

---

<sup>100</sup> Roy, Patricia E. "A white man's province: British Columbia politicians and Chinese and Japanese immigrants, 1858-1914". UBC Press, 1990.

<sup>101</sup> Munro, John A. "British Columbia and the "Chinese evil": Canada's first anti-Asiatic immigration law." *Journal of Canadian Studies* 6, no. 4 (1971): 42-51.

<sup>102</sup> Roy, Patricia E. "A white man's province: British Columbia politicians and Chinese and Japanese immigrants, 1858-1914". UBC Press, 1990.

<sup>103</sup> Roy, Patricia E. "A white man's province: British Columbia politicians and Chinese and Japanese immigrants, 1858-1914". UBC Press, 1990.

<sup>104</sup> Ward, Peter. *White Canada forever: Popular attitudes and public policy toward Orientals in British Columbia*. McGill-Queen's Press-MQUP, 2002.

<sup>105</sup> Roy, Patricia E. "A white man's province: British Columbia politicians and Chinese and Japanese immigrants, 1858-1914". UBC Press, 1990: 23

economic competitiveness<sup>106</sup>. This is just one of many examples of the inherent malleability of racial hierarchies in the province. In addition to being deemed equal threats to white settlers in BC, newspapers and official reports emphasized the newly termed “Mongolian” race as the danger to the “best interests, social, moral and industrial, of the superior race”<sup>107</sup>. Though white settler anxieties appeared centered on the so defined “Mongolian” races, other non-white populations in the province existed and faced their own barriers, just to a different extent during the nation-building era<sup>108</sup>.

Racial hierarchies in British Columbia were also formed around Black people in BC, largely influenced by both the USA and the legacy of British colonialism. The first major wave of Black immigration into British Columbia was during the period of colonial settlement in the 1850’s. James Douglas, the leading local official at that time, played an important role in encouraging Black American immigration, especially from California<sup>109</sup>. One of the first Black Americans to arrive was Wellington Moses, who worked with James Douglas to encourage over three hundred Black business owners from San Francisco to join him in British Columbia. Moses wrote a letter stating that “All the coloured man wants here is ability and money...it is a god-sent land for the coloured people”<sup>110</sup>. However, with James Douglas’ eventual retirement and the obvious economic success of Black American immigrants, white settlers’ attitudes towards Black people in BC “eroded rapidly”<sup>111</sup>. Similar to how other non-white populations were treated, as

---

<sup>106</sup> Ward, Peter. *White Canada forever: Popular attitudes and public policy toward Orientals in British Columbia*. McGill-Queen's Press-MQUP, 2002.

<sup>107</sup> Roy, Patricia E. “A white man’s province: British Columbia politicians and Chinese and Japanese immigrants, 1858-1914”. *UBC Press*, 1990.: 23.

<sup>108</sup> Ellis, Beth-Naomi. “Representation of race and gender: the social construction of” white” and” black” women in early British Columbian historical discourses: 1858-1900.” PhD diss., University of British Columbia, 1996.

<sup>109</sup> Ellis, Beth-Naomi. “Representation of race and gender: the social construction of” white” and” black” women in early British Columbian historical discourses: 1858-1900.” PhD diss., University of British Columbia, 1996.

<sup>110</sup> Kilian, Crawford “Black Pioneers of B.C.” Vancouver: Douglas and McIntyre” Go Do Great Things, 1972: 38.

<sup>111</sup> Ellis, Beth-Naomi. “Representation of race and gender: the social construction of” white” and” black” women in early British Columbian historical discourses: 1858-1900.” PhD diss., University of British Columbia, 1996: 76.

eventual economic threats to the white population, BC's white settler attitudes towards Black people were not static. Racial violence towards Black people in BC increased to the point that drove many to leave the province. As the population diminished, the presence of Black people in the province became less of a concern and "racial attitudes towards them stabilized"<sup>112</sup>. By the time the nation-building era in BC began, leaders in white settler society were almost entirely fixated on ensuring a hierarchical dominance over Chinese and Indigenous peoples in the province due to their greater numbers<sup>113</sup>. This central trend of visibility eventually led to racist immigration policies specifically targeted Chinese, Japanese, and later migrants from India.

During the nation-building era in British Columbia, government authorities generated a racial and uniquely provincial iteration of what constituted a good and bad citizen-subject. These formulations of subject hierarchies drew upon distinctions of morality, economic production, and health, that were shaped by racial tensions in BC. White settler identity was created through these distinctions as much as any other racial group. The racial hierarchy of BC during the nation-building era was not a natural one, but a set of ordered identities that had been defined in relationship to each other and shifting around the local politics and social reality of the province. The British Columbian Penitentiary archives contain evidence of the role that these racial divisions played in the creation and maintenance of the penitentiary as a colonial institution and in the racialized subjects who were incarcerated.

---

<sup>112</sup> Ellis, Beth-Naomi. "Representation of race and gender: the social construction of "white" and "black" women in early British Columbian historical discourses: 1858-1900." PhD diss., University of British Columbia, 1996: 76.

<sup>113</sup> Lai, David Chuenyan. "A brief chronology of Chinese Canadian history: From segregation to integration." (2016).

## Theoretically Framing the BC Penitentiary Archives

This thesis is an analysis of thirty-eight reports written by penitentiary officials of Canada to the Governor General of the Dominion. The reports used in this thesis are drawn from a collection titled “Report of the Minister of Justice as to Penitentiaries in Canada,” from 1879 to 1916. Each of these reports contains the provincial statistics and discussions of prison officials from the British Columbia Penitentiary. Through the assistance of Professor Vicki Chartrand’s shared research collection and an online portal, I was able to access thousands of scanned pages of these yearly penitentiary reports. When I first read “Unsettled Times” by Chartrand, I was already intent on studying the history of the BC Penitentiary. However, it was her brief note regarding the province’s uniquely high rates of Indigenous incarceration during the nation-building era that brought me to her particular archival focus. I proceeded to spend months meticulously reading, re-reading, and documenting any mention of race in the thirty-eight reports.

Though fundamentally the same report every year in appearance, each of the individually scanned booklet of penitentiary records contains significant differences. For example, if one were to select the 1913 report, it opens at first in the same way as the other thirty-eight, with the glaring yellow, white and red front page from Public Safety Canada. On this front page are the large block letters declaring this document “ARCHIVED” and with the multiple disclaimers in English and French that such archived documents do not represent the views or opinions of the Government of Canada<sup>114</sup>. However, past this first page are the immediate spaces of uniqueness to each document. The pages of the published report, in the format of a book, have been

---

<sup>114</sup> Justice, Minister of. “Report of the Minister of Justice as to Penitentiaries in Canada for the Year Ended 30th June, 1913”. 1914. Ottawa: S.E. Dawson: 1.

individually flattened, scanned, and cropped so that each page of the final digitized document is a single page from the book. Scribbled on the faintly yellowed paper pages are dates, and numbers in pencil and pen are immediately visible from the first scanned page in the 1913 report, with “C-4” handwritten in pencil at the top left of the first page. On the second page in light blue ink and positioned at a harsh angle is the elegantly cursive greeting likely meant to meet the Governor General’s eyes. The blue cursive stamp reads “Compliments of the Inspectors”<sup>115</sup>. What follows are the originally printed words, beginning with the Minister of Justice’s opening remarks and quickly leading into the table of contents. The rest of the report is characterized almost entirely by tables, with the most significant writing coming from the Penitentiary Inspectors and the Dominion Parole Officer, all of whom use the space to reflect on crime and criminality. Though these yearly reports vary, they consistently present terminology, categories and discussions of race, making it possible to explore the relationship between penitentiary officials and the interwoven fabric of settler-colonial racialization.

The thirty-eight electronic files I analyze in this thesis are the end result of an archival process of destruction and selective preservation<sup>116</sup>. In the case of these reports, the government of Canada chose to selectively preserve these penitentiary records for over a century. The significance of these reports is most clearly demonstrated by the continued care and available access to the records. Instead of leaving the books in the basement of some governmental library, they were scanned with care and placed on digital servers maintained by Canadian institutions. The scans frequently show the stamped seal by the Dominion Bureau of Statistics, indicating that these records have been saved to maintain the statistical knowledge of Canada’s penitentiaries.

---

<sup>115</sup> Justice, Minister of. “Report of the Minister of Justice as to Penitentiaries in Canada for the Year Ended 30th June, 1913”. 1914. Ottawa: S.E. Dawson: 2.

<sup>116</sup> Mawani, Renisa. “Law’s archive.” *Annual Review of Law and Social Science* 8 (2012): 337-365.

However, archival documents such as these also document Canada's activities as a settler colonial nation<sup>117</sup>. They are a product of their time and of local political and social realities. In this regard, I treat these archival documents not as a truthful record of Canada or British Columbia's Penitentiaries, but rather as stories created by dominant voices in our nation's racial history. The settler-colonial archives might be read in terms of their specific benefits to the modern state, but as historical stories they also reveal how our contemporary national truths are constructed. By looking through the nation's archives the "anxieties about subject formation and the psychic space of empire" are evident<sup>118</sup>. In this thesis, I seek to uncover the production of racial truths in BC through these penitentiary archives.

The theoretical approach I take to exploring the archives is loosely drawn from Michel Foucault and his ideas on how truth and knowledge are generated from modern punishment. In his seminal work *Discipline and Punish*, Foucault details the intimate relationship between power and knowledge. The power to punish depends on the creation and categorization of humans as objects of knowledge<sup>119</sup>. In Foucault's writings, the modern nation's power comes in part from generating these knowledges of human bodies, knowledge that allows for the subjugation of people through the penitentiary. Though Foucault's focus on punishment was never explicitly about race, my analysis is informed by Canadian scholars who have already extended Foucault's theories to understand race and the nation<sup>120</sup>.

---

<sup>117</sup> Roque, Ricardo, and Kim Wagner, eds. *Engaging colonial knowledge: reading European archives in world history*. Springer, 2011.

<sup>118</sup> Stoler, Ann Laura. *Along the archival grain: Epistemic anxieties and colonial common sense*. Princeton University Press, 2010: 25.

<sup>119</sup> Foucault, Michel. *Discipline and punish*. A. Sheridan, trans. London: Vintage, 1977: 28.

<sup>120</sup> Jiwani, Yasmin. "The criminalization of "race", the racialization of crime." *Crimes of colour: Racialization and the criminal justice system in Canada* (2002): 67-86.; Mawani, Renisa. *Colonial proximities: Crossracial encounters and juridical truths in British Columbia, 1871-1921*. UBC Press, 2010.

In particular, my work builds on Vicki Chartrand and Sherene Razack's research into settler-colonial racial violence and the criminal justice system. Chartrand's article "Unsettled Times" draws on the archival reports that I use in this thesis but focuses on the broad national history of Indigenous incarceration and penitentiaries. Chartrand shows how Canada as a settler-colonial imperial power uses incarceration to continue the "containment, segregation, assimilation, and elimination of entire populations"<sup>121</sup>. However, Chartrand also remarks that race is not notable in these penitentiary archives. I build on Chartrand's work but emphasize that race is central to the BC Penitentiary and the province in these reports. This analysis is taken in a new direction by Razack's book *Dying From Improvement*. This book builds on Foucault's theories of subjected bodies to understand how Canada uses racial difference to justify deaths during incarceration<sup>122</sup>. Beyond these national accounts, I draw from authors such as Renisa Mawani and Adele Perry to understand the social and political realities of race during the period of nation-building<sup>123</sup>. These authors engage with Foucault by extending his analysis to how racial truths were generated in the province.

In order to discuss these archived details on race and difference, I switch between the use of present-day terminology and the language used by the reports. When discussing specific Indigenous communities, I use the title provided on the community's website or how the community is self-referenced in available sources. Whenever possible, I try to identify the specific racialized communities being discussed in the reports. More broadly, and in order to

---

<sup>121</sup> Chartrand, Vicki. "Unsettled times: indigenous incarceration and the links between colonialism and the penitentiary in Canada." *Canadian Journal of Criminology and Criminal Justice* 61, no. 3 (2019): 67-89: 69.

<sup>122</sup> Razack, Sherene. *Dying from improvement: Inquests and inquiries into Indigenous deaths in custody*. University of Toronto Press, 2015.

<sup>123</sup> Mawani, Renisa. *Colonial proximities: Crossracial encounters and juridical truths in British Columbia, 1871-1921*. UBC Press, 2010.; Perry, Adele. *On the edge of empire: gender, race, and the making of British Columbia, 1849-1871*. University of Toronto Press, 2001: 48.

clearly convey specific racialized groups in present terms, I stick to use Indigenous, Chinese, and Black. When discussing racialized communities, I follow the established principle of always capitalizing the terms<sup>124</sup>. The only racial term that is exceptional to this practice is the label for white communities. This lack of capitalization also follows present practices, and instead, when I discuss white settler-colonialists, I capitalize specific communities, such as European or British<sup>125</sup>.

What follows is a three-part discussion of race in the reports. Each part is focused on one of the three official roles at the penitentiary. I begin with the wardens, who managed labour and were primarily responsible for the economizing power of the institution. Part two focuses on the chaplains, one protestant and one catholic, who determined the moral and academic education of the incarcerated. In the final section, I discuss the surgeons, who were responsible for recording sickness and death. All three of these penitentiary roles are inhabited by men whose official reports interweave ideas of criminality, health, morality, intelligence and various other traits to generate and theorize on racial difference in the province.

---

<sup>124</sup> "Indigenous Peoples terminology guidelines for usage" Indigenous Corporate Training Inc., July 20, 2016. <https://www.ictinc.ca/blog/indigenous-peoples-terminology-guidelines-for-usage>; Bauder, David. "AP says it will capitalize Black but not white" AP News, July 20, 2020. <https://apnews.com/7e36c00c5af0436abc09e051261fff1f>

<sup>125</sup> Bauder, David. "AP says it will capitalize Black but not white" AP News, July 20, 2020. <https://apnews.com/7e36c00c5af0436abc09e051261fff1f>

## I. Race and the Wardens

At the turn of the twentieth century, Penitentiary Inspector Douglas Stewart solidified the role of the warden in Canada's new dominion. In his 1904 submission to the *Report of the Minister of Justice as to Penitentiaries of Canada*, Stewart outlined the duty of the penitentiary warden and emphasized that, "a warden performs no more important function than when he sees the funds of the institution are used as to effect the highest possible results"<sup>126</sup>. For the past twenty years of the nation building era the wardens' role had developed to hold them principally responsible for the "economizing power"<sup>127</sup> of the penitentiary. This meant wardens were expected to reform the incarcerated through the goals of financial efficiency and profit. Until the end of the nation-building era and the start of the first World War, economizing power remained the priority for wardens across the country<sup>128</sup>. In the British Columbia Penitentiary, the wardens produced decades of reports to the Dominion inspectors that detail the yearly development of their economizing progress as the nation coalesced. The scope of the BC Penitentiary wardens' reports on funds, labour and discipline exposes how constructions of race played a significant role in the economizing priorities of the penitentiary.

During the thirty-year period that I am exploring, there was no consistent use of racial terms, but racial distinctions were always present in the reports that I examined. The constant reformatting of categories and the shifting language in the wardens' tables and reports point to racial realities that were unique to the British Columbia Penitentiary but informed by provincial social contexts. For almost the entirety of the nation building era, BC remained a non-white

---

<sup>126</sup> Justice, Minister of. "Report of the Minister of Justice as to Penitentiaries in Canada for the Year Ended 30th June, 1904". 1905. Ottawa: S.E. Dawson: 23.

<sup>127</sup> Ibid.

<sup>128</sup> See "Report of the Inspectors of the Penitentiaries In Canada" between 1879 and 1916, all years contain references by the wardens to the economies of the prisons.

majority province, with a large Indigenous and Chinese communities. This was starkly reflected within the penitentiary walls and in the writings of prison officials. Three wardens served in BC during this time, each taking unique approaches to race, discipline and labour that showcased the inner workings of this system. This section begins with an examination of how the wardens' reports produced racial truths through these discussions of labour and discipline. This is followed by an analysis of the wardens' tables. Unlike other penitentiary officials, the wardens were required to record racial statistics and race is almost entirely confined to the tables in their reports to the Dominion inspector. Because the wardens rarely explicitly note race in their summaries, the use of racial terms in their reports becomes all the more important to understand in the provincial context.

#### Race, Labour and Discipline

In the first year that the British Columbia penitentiary was operative, Warden McBride<sup>129</sup> immediately connected his charge of labor management to race. Arthur H. McBride, the first warden at the British Columbia Penitentiary, was appointed after serving close to a decade as the police captain in Victoria. When McBride began his position at the BC Penitentiary in 1878 he was simultaneously named the sheriff of New Westminster. In his 1879 report, McBride highlights that, due to poor health, “three Indians...have been able to do very little work beyond

---

<sup>129</sup> McBride was born and grew up in County Down Ireland. Upon turning 19 he joined the Royal South Down Militia and carried his five years of training with him when he moved to British Columbia during the gold rush in 1863. After failing for several years at gold mining, McBride accepted the position as sergeant of the police force in Victoria and went on to found militia regiments in the capital and New Westminster. He served as warden from 1879 until he was forced into early retirement in 1894 for “incompetent” management; source Scholefield, Ethelbert Olaf Stuart, and Frederic William Howay. *British Columbia from the Earliest Times to the Present*. Vol. 4. SJ Clarke Publishing Company, 1914.

attending lamps and cleaning cells”<sup>130</sup> since their arrival at the penitentiary. Though McBride emphasizes that these men are extremely sick, he clarifies that the only available solution is to ensure they complete less productive forms of manual labour. McBride prefaces this statement on the three Indian men by noting that generally “the conduct of the men has been remarkably good, they all work well and willingly”<sup>131</sup>. The BC penitentiary’s report signals one key observation to the Dominion inspector; labor is being managed well except in the case of the “Indians”. Warden McBride’s specific comments make it clear that race is a necessary element of what makes these three men exceptional to the “remarkably good” conduct of the rest of the Warden’s charges. This remark sets the groundwork for absolving McBride for any fault and inserts for Dominion Inspector Moylan<sup>132</sup> an explanation of this particular challenge to his otherwise disciplined population. James G. Moylan was the first national representative for the penitentiaries and his close relationships with wardens like McBride were foundational to the penological theory he developed during his years in office. James G. Moylan created the position of Dominion Penitentiary Inspector after years in politics and founded the exchanging and keeping of records of this modern penitentiary. The role of Dominion Penitentiary Inspector is partially political and partially just the expanded professional duties of a warden. The inspector, like the wardens, was responsible for detailed documentation; tracking financial and statistical

---

<sup>130</sup> Justice, Minister of. “Report of the Minister of Justice as to Penitentiaries in Canada for the Year Ended 30th June, 1879”. 1880. Ottawa: S.E. Dawson: 180.

<sup>131</sup> Ibid.

<sup>132</sup> James G. Moylan assumed his role as head penitentiary inspector in 1872 thanks to his close relationship with John A. MacDonal, Canada’s first prime minister. Moylan managed to secure his position way past the terms that Macdonald held office and for two decades was considered “the most powerful voice in Canada in penitentiary reform and administration”. Moylan was considered part of the progressive penitentiary reform movement in Canada that focused on the science of criminality. He was deeply concerned with reforming and advancing Canada’s penitentiary to international standards, goals which were implicit in and inherently tied to the local provincial reports he received from wardens like McBride; source Peter Oliver, “MOYLAN, JAMES GEORGE,” in *Dictionary of Canadian Biography*, vol. 13, University of Toronto.

data across the nation. From the outset, Warden McBride's focus on the "Indians" within his penitentiary makes it clear to the Inspector that tracking race was necessary for his role in enforcing labour and discipline in the BC Penitentiary.

The wardens' reports, especially their general perceptions on race and labour, extended beyond the province. Inspector Moylan was not present when the British Columbia Penitentiary first opened but his national report underscores the local tensions between the penitentiary officials and the nearby salmon-canning company that had been allowed to continue their operation on penitentiary lands. For Moylan, the "trifling amount annually received as rent does not go far to compensate for the great disadvantage which the Penitentiary administration suffers from having such objectionable neighbors in the number of Chinese and Indians, employed at the cannery"<sup>133</sup>. Coming from an Ottawa government official, who was unfamiliar with British Columbia and rarely visited the BC Penitentiary, this objection reflects a combination of his month long stay assisting authorities with the opening of the BC penitentiary and what he had "since learned from the proper officers", such his "hand-picked"<sup>134</sup> Deputy Warden Mr. Fitzsimmons. Five years later, Warden McBride notes briefly to the Inspector that the cannery had burned down<sup>135</sup>.

What this line from Inspector Moylan betrays is how the penitentiary's logics of rehabilitation were inherently although not always explicitly racial. As mentioned in the introduction, the modern prison in Canada was based on the Auburn system where "factory-like

---

<sup>133</sup> Justice, Minister of. "Report of the Minister of Justice as to Penitentiaries in Canada for the Year Ended 30th June, 1879". 1880. Ottawa: S.E. Dawson: 17.

<sup>134</sup> Scott, Jack David. "Four Walls in the West: The Story of the British Columbia Penitentiary." *Retired Federal Prison Officers Association of British Columbia* (1985): 6.

<sup>135</sup> Justice, Minister of. "Report of the Minister of Justice as to Penitentiaries in Canada for the Year Ended 30th June, 1884". 1885. Ottawa: S.E. Dawson.

settings”<sup>136</sup> were meant to rehabilitate incarcerated people through labor. The guiding principle for the factory approach was that it was a lack of skills or desire to work that led to crime. However, penitentiary officials’ explicit remarks on “Chinese and Indians” clarify how non-white populations in BC were considered inherently criminal and thus “objectionable” as people even if they were employed and working. The ideas about who constituted a “good worker” and thus a good citizen for the new Dominion were generated, in part, through the operations of the BC penitentiary.

Figure 3.1905 Staff Picture with Warden Whyte<sup>137</sup>



The wardens were explicit about whom they considered good and bad workers under their charge of the staff at the penitentiary. In his 1911 report, Warden Brown echoes similar sentiments as other wardens before him when he laments that low pay has led to understaffing and he cannot

---

<sup>136</sup> Melossi, Dario, and Massimo Pavarini. *The prison and the factory: Origins of the penitentiary system*. Springer, 2018.

<sup>137</sup>Collection, Photo. “Penitentiary Warden and Guards”, *New Westminster Archives*. 1910. New Westminster Museum, New Westminster.

locate staff that are “physically qualified and otherwise suitable”<sup>138</sup> to maintain discipline. The wardens only recruited white staff members, as evidenced in *Figure 3*. Six years before Warden Brown’s complaint the penitentiary staff took a picture on the back steps of the main building. This image shows all the staff at the penitentiary with each of their names. The two men out of uniform are unlabeled but likely visitors to the penitentiary. Though the image in *Figure 3* has no recorded reasoning behind it, the men all stand semi-formally, clearly there to represent a uniformed spectacle of the penitentiary staff for the visitors. Even though some of the men are leaning against the railings or are standing in a different direction to their companions, all of their faces are serious, communicating authority and order.

The “creeds” or religious affiliation of the guards were also recorded. Nationality was intermittently included in the Warden’s records to the Dominion. Both demographic markers functioned to juxtapose the identities of the staff with those of those incarcerated. As Warden Brown’s lament communicates, the staff embodied the best physical and “otherwise suitable” qualities that British Columbia had to offer. It is no coincidence that a province with a majority non-white population exclusively hired white guards. Whilst non-white populations in and around the penitentiary were determined to be “objectionable” even as employed workers, white men were deemed the only suitable option for penitentiary employment. This assumption generated a racial hierarchy of labour that expanded beyond just staff selection and connected to the rehabilitation project of the modern penitentiary.

Labour and race remained intertwined throughout the Warden and the Dominion Inspector reports. Five years after opening, McBride argues that the BC penitentiary should be allowed to contract their prison labour to outside people as it would “in no way interfere with

---

<sup>138</sup>Justice, Minister of. “Report of the Minister of Justice as to Penitentiaries in Canada for the Year Ended 30th June, 1911”. 1912. Ottawa: S.E. Dawson: 23.

free labour”<sup>139</sup> in the province. This claim is immediately followed with the following suggestion:

Some of our Chinese convicts have worked in shoe factories in California, could be more profitably employed in this way than at anything else that I could put them to do here. Inside work agrees better with Chinese than with Indians or white<sup>140</sup>.

This statement reveals two distinct notions of labour and race. The first is that profit and discipline were the foremost concerns for the Warden regarding decisions on labour in the penitentiary. This prioritization is in stark contrast to the humanitarian reforms being championed by Dominion Inspector Moylan and other prison officials within this same period. Moylan’s yearly reports often include the penological theorizing prevalent across the Americas and many parts of Western Europe on what causes crime and how to properly rehabilitate the criminal<sup>141</sup>. His focus on penological reform led him to conclude that it was the penitentiary’s job to “supplant idleness” in “criminals”<sup>142</sup> as that was the central cause of their deviancy.

As Foucault argues in *Discipline and Punish*, this humanitarian effort of “curing” or “reclaiming” deviant bodies was an initiative advanced in prisons with the aim of adding to the industrial labor force. Penitentiaries in Canada were based on this state logic of production<sup>143</sup> and reform efforts emphasized a need for labour in prisons. For Inspector Moylan, once convicts had

---

<sup>139</sup> Justice, Minister of. “Report of the Minister of Justice as to Penitentiaries in Canada for the Year Ended 30th June, 1884”. 1885. Ottawa: S.E. Dawson: 84.

<sup>140</sup> Ibid., 84.

<sup>141</sup> See the Report of the Minister of Justice as to Penitentiaries in Canada from 1884, 1889, 1996.

<sup>142</sup> Justice, Minister of. “Report of the Minister of Justice as to Penitentiaries in Canada for the Year Ended 30th June, 1881”. 1882. Ottawa: S.E. Dawson: xvi.

<sup>143</sup> Melossi, Dario, and Massimo Pavarini. *The prison and the factory: Origins of the penitentiary system*. Springer, 2018.

been “taught to respect labour,”<sup>144</sup> having previously been lacking in this respect, they would re-enter society as valuable members. However, Warden McBride clarifies the reality of how these principles of labour in the penitentiary were shaped by race. In the passage above, the Warden claims that for “Chinese convicts” labour is performed not on behalf of their rehabilitation, but on behalf of the penitentiary’s earnings. McBride’s request for labour changes stood solely on a principle of racial difference and excluded Chinese men from the humanitarian reform model. Warden McBride conveyed his belief that the “Chinese convicts” were already skilled labourers, thus their criminality cannot be derived from the same “idleness” that afflicts other populations, rendering them outside the typical penitentiary narrative of “reclamation” supported by Moylan. After clarifying the potential profitability of the “Chinese convicts” Warden McBride naturalized racial differences between Chinese men and “Indians or whites”<sup>145</sup>.

In *Colonial Proximities*, Renisa Mawani points to the ways in which legal authorities in British Columbia created racial truths that were unique to the province. These truths became naturalized as biological, cultural, and racial differences that ultimately determined racial hierarchies in favour of white settlers in British Columbia<sup>146</sup>. By claiming that “inside work agrees better with Chinese than with Indians or whites” McBride contributes to this process of racial coding. Warden McBride used his official report to assign Chinese men a preference for working indoors, in contrast to all other groups. His 1885 report stood in contrast to the reality of Chinese migrant workers in BC. For decades Chinese workers had participated in the construction of the province, creating significant outdoor infrastructure, including railway lines,

---

<sup>144</sup> Justice, Minister of. “Report of the Minister of Justice as to Penitentiaries in Canada for the Year Ended 30th June, 1885”. 1886. Ottawa: S.E. Dawson: xv.

<sup>145</sup> Justice, Minister of. “Report of the Minister of Justice as to Penitentiaries in Canada for the Year Ended 30th June, 1884”. 1885. Ottawa: S.E. Dawson: 84.

<sup>146</sup> Mawani, Renisa. *Colonial proximities: Crossracial encounters and juridical truths in British Columbia, 1871-1921*. UBC Press, 2010.

and mines<sup>147</sup>. Between 1881 and 1884 close to twenty thousand Chinese labourers were employed as the main workforce on the Canada Pacific Railway in BC, largely because they provided cheaper labour. During the same time period British Columbia's mining companies hired Chinese miners as they would work for less pay than white miners<sup>148</sup>. Consideration of these men's ability or inability to effectively perform outside work went unmentioned as long as profits existed in outside work. Warden McBride recognized an economizing potential in skilled workers turning a profit for the penitentiary. He attempted to convince the Dominion of this option by stating a new racial truth that these men, due to their race, would do best when confined to indoor labour, a position that supported his own economic goals. His statements on race and labour informed not only provincial racial categories, but also those in the Dominion. BC was the only province with a consistent incarcerated Chinese population and the racial truths generated from within the penitentiary were fundamental to Moylan's perceptions of race and crime in the nation, informing his reports to the Minister of Justice and beyond.

The wardens' discussions on race, labour and discipline show how they actively participated in producing racial truths within the penitentiary. The purpose of rehabilitation in the penitentiary as well as economic profitability determined how the warden discussed race. It also illustrates the flexibility of how race was navigated in British Columbia. Racial truths were generated to achieve personal and institutional priorities, and this shifting area of knowledge was furthered by the use of the wardens' tables. The penitentiary statistics and categorizations regarding race further clarify how racialization developed during the nation-building era in British Columbia.

---

<sup>147</sup> Lai, David Chuenyan. "A brief chronology of Chinese Canadian history: From segregation to integration." (2016).

<sup>148</sup> Roy, Patricia E. "A white man's province: British Columbia politicians and Chinese and Japanese immigrants, 1858-1914". *UBC Press*, 1990.

## The Wardens' Tables

The wardens, along with other officials in the BC Penitentiary, wrote on race in two specific ways. Firstly, within the written discussion of the year's major events, and secondly within the detailed tables in each report.

Figure 4. 1879 BC Penitentiary Race Tables<sup>149</sup>

Description.	Male.	Female.	Total.
<i>Race.</i>			
White.....	30		
Half-breed.....	2		
Indian.....	8		
Chinese.....	5		
Negro.....	1		
			36

Figure 5. 1880 BC Penitentiary Race Tables<sup>150</sup>

Description.	No.	Total.
<i>Race.</i>		
White.....	4	
Colored.....	1	
China.....	5	
		10

Figure 4 shows how racial categorizations were used in the BC penitentiary during its opening years. Instead of general population statistics, Warden McBride meticulously records the details of new admittances alone. One year later, Figure 5 indicates the second iteration of racial classifications. “Colored” would shift from an American term to the British spelling of “Coloured” in later years. But what is notable is that within the first year alone, the category used

<sup>149</sup> Justice, Minister of. “Report of the Minister of Justice as to Penitentiaries in Canada for the Year Ended 30th June, 1879”. 1880. Ottawa: S.E. Dawson: 49.

<sup>150</sup> Justice, Minister of. “Report of the Minister of Justice as to Penitentiaries in Canada for the Year Ended 30th June, 1880”. 1881. Ottawa: S.E. Dawson: 68.

to describe Black people changed from “Negro” to “Colored.” Within this year, the racial terminology McBride used for Chinese people also shifted. *Figure 5* used the term “China” – a place - in place of “Chinese,” a nationality. The wardens never remarked on these changes, instead they seem to reflect local racial politics that Dominion officials are left to interpret. Local records in BC for this time often referred to individual Chinese men disparagingly as “Chinaman”<sup>151</sup>, a term that also resurfaces in the tables created by McBride. For him, there is apparently little distinction to be made between “China”, “Chinese” and “Chinaman”, since any of these could stand for the same person. McBride’s switches in terminology showcase how easily his reports merged racial epithets like “Chinaman” with broader terms such as “Chinese”, effectively blurring the lines between race distinction and nationality, and between individuals and their identified collectives.

Figure 6. 1880 BC Penitentiary Escape Returns Table<sup>152</sup>

RETURN showing the Number of Escapes and Recaptures during the Year ending 30th June, 1880.						
Date.	Escapes.	Recaptured.	Name.	Crime.	Place.	Remarks.
July 9..	1	.....	James Good .....	Assault.....	New Westminster....	
March 13..	1	1 -	John Steele.....	Rape.....	Victoria .....	
April 10..	1	.....	Store Jim.....	Assault.....	New Westminster....	Indian.
June 9..	1	1	Geo. Alep.....	Larceny.....	Victoria .....	
do 9..	1	1	Isaac Verlin.....	Shooting with intent.....	do .....	Mulatto.

Within the same report discussed above, an escaped man named Isaac Verlin was found and returned to the penitentiary. The Warden does not mention race in his overview discussion

<sup>151</sup> Stanley, Timothy J. "Chinamen, Wherever We Go': Chinese Nationalism and Guangdong Merchants in British Columbia, 1871–1911." *Canadian Historical Review* 77, no. 4 (1996): 475-503.

<sup>152</sup> Justice, Minister of. "Report of the Minister of Justice as to Penitentiaries in Canada for the Year Ended 30th June, 1880". 1881. Ottawa: S.E. Dawson: 17.

and simply states that “five attempts at escape” were made during the year<sup>153</sup>. However, in the table included later in the report, shown in *Figure 6*, Warden McBride makes explicit note of race. Of the five men who escaped, race is only recorded for those deemed to be non-white. Isaac Verlin is identified as “Mulatto”, a curious term, as McBride does not use the term “Mulatto” in any other part of that particular report. Instead, he uses the terms “Colored” and “Negro.” All three of these terms were used to describe Black people in the province during this era, but each one had a specific significance. In the USA these terms were often employed by white people to track racial mixing, similar to the term “half-breed” in Canada. When referencing Black people in the BC penitentiary, the wardens most often used the term “Coloured”, reflecting white British terminology. However, Isaac Verlin’s court documents note that he was “light-skinned.”<sup>154</sup> Warden McBride’s decision to label him a “Mulatto” in the table above shows how racial politics traveled between the US and British Columbia.

Although the wardens and other prison officials were almost entirely preoccupied with “Chinese and Indian” men during the 30-year period under study, the racialization of Black people still persisted. As evident in the first tables, featured in *Figures 4 and 5*, Black people in BC are recorded in the penitentiary from its inception, but they are largely absent in the discussion of prison discipline, labour and the penitentiary as a whole. This does not mean Black people were excluded from racial hierarchies in the province. For white officials in BC, Black people were visible and their racial difference was recorded in the tables, even if it was not written into the reports. Only once is a “colored” man ever mentioned in the summary paragraphs, and only in 1885, when Warden McBride lists the races of all the men who

---

<sup>153</sup> Justice, Minister of. “Report of the Minister of Justice as to Penitentiaries in Canada for the Year Ended 30th June, 1879”. 1880. Ottawa: S.E. Dawson: 4.

<sup>154</sup> “Daily Colonist (1879-12-17)”, Internet Archive, 1879. Accessed August 13, 2020. [https://archive.org/stream/dailycolonist18791217uvic/18791217\\_djvu.txt](https://archive.org/stream/dailycolonist18791217uvic/18791217_djvu.txt)

supposedly went insane. “Coloured” will be discussed further in the section on prison surgeons. For now, it is important to note that the wardens, surgeons, chaplains and schoolteachers center their discussions of racial truths and racial categories on Indigenous and Chinese people in the penitentiary. Yet the tables within the reports tell a different story.

Though the tables still focus on “Chinese and Indian” men, the inclusion of those racial terms are used to differentiate the white incarcerated population from the non-white population. As *Figure 6* illustrates, Warden McBride took the additional step of identifying Isaac Verlin as a “Mulatto” even though this term is not used anywhere else in the reports. Escape attempts were a disruption to both labour and discipline within the penitentiary and McBride emphasized this problem in his report. In his view, the “temptation to escape” is one that “keeps convicts in a continual state of excitement” and withdraws them from properly performing their duties<sup>155</sup>. In highlighting the racial categories of only the non-white men who attempted escape, McBride creates a clear connection between the lack of discipline and all non-white “escapees”. Though Black people in BC are not the focus of the racial truths being generated in the province, white officials still placed them in an inferior position to the white population in BC and they were still racialized in the penitentiary.

#### Scientific Racism and the Race Tables

By 1888 Inspector Moylan established a uniformity in the penitentiary reports that would carry on for the next few decades. As nation-building progressed in Canada the turn towards uniform categorization, statistics and documentation became evident in the penitentiary reports.

---

<sup>155</sup> Justice, Minister of. “Report of the Minister of Justice as to Penitentiaries in Canada for the Year Ended 30th June, 1880”. 1881. Ottawa: S.E. Dawson: 20.

Scholars such as Mawani have explored how the use of numbers within the BC Criminal justice system “actively facilitated the production of people and populations”<sup>156</sup>. Authorities simplified populations into abstract categories and statistics that produced racial truths. With Moylan’s efforts to create uniformity in reporting came the sudden introduction of a new term for the race tables in BC, as noted in *Figure 7*. Although the use of the term “Ethnology” would last only for a few years, it represents a significant shift in the BC penitentiary reports with respect to wider ideas of race.

*Figure 7. 1884 BC Penitentiary Ethnology of Convicts Table*<sup>157</sup>

ETHNOLOGY of CONVICTS in the British Columbia Penitentiary, for Year ended 30th June, 1888.			
Race.	Male.	Female.	Total.
Whites.....	47	.....	47
Colored.....	2	.....	2
Half-breeds.....	5	.....	5
Indians.....	21	.....	21
Chinese.....	38	.....	38
	118	.....	118

Ethnology arose in the late nineteenth century as an American field of study that was specifically concerned with the “conditions and modes of existence of non-western peoples”<sup>158</sup>. This field derived from the nineteenth century fixation on Darwinian evolution and the biological progress of humans as a species. This new terminology in the reports connects racial categorizations within the BC penitentiary to the new science of biological racial hierarchies across western imperial powers. The scientific community in Ethnological studies treated the

<sup>156</sup> Mawani, Renisa. *Colonial proximities: Crossracial encounters and juridical truths in British Columbia, 1871-1921*. UBC Press, 2010: 132.

<sup>157</sup> Justice, Minister of. “Report of the Minister of Justice as to Penitentiaries in Canada for the Year Ended 30th June, 1884”. 1885. Ottawa: S.E. Dawson: 94.

<sup>158</sup> Haller Jr, J.S., 1971. Race and the concept of progress in nineteenth century American ethnology. *American Anthropologist*, 73(3), pp.710-724: 710.

“American Indian” as “the zero of human society” on the basis that as a people they had not yet developed an agricultural society. For Ethnologists, progress from this “zero” would entail “the capacity of races to transcend blind natural forces through purposeful action”<sup>159</sup>. By shifting to this language across the penitentiary system, Dominion officials like McBride and Moylan show their hand. By including Ethnology in their reports, these officials show their awareness and proximity to newly developing tools of scientific racism.

The penitentiary was already imagined as a space of active transformation for the benefit of the nation. By changing the tables from tables of “race” to tables of “ethnology” the wardens and the Dominion Inspector expose the secondary racial logic of this transformation. The explicit racial hierarchy of ethnological studies determined labour to be one of the few avenues of “evolution” for non-white and specifically Indigenous populations<sup>160</sup>. As an extension of the BC penitentiary’s function, the tables indicated how penitentiary statistics were connected to the broader use of racial hierarchies in order to justify a white dominion in Canada.

The 1888 report also happened to be the first year that McBride was required to record the racial makeup of his entire penitentiary population. In her historical overview of incarceration and race in Canada, Vicki Chartrand found the nation-building era was paired with majority white prison populations<sup>161</sup>. However, Chartrand marks British Columbia as one of the few exceptions to this trend. Perhaps this is why Warden McBride and his successor Whyte were the only penitentiary officials concerned with recording the nationalities of their staff during this time period. The Warden took this additional step for this first time in 1888, including a table on

---

<sup>159</sup> Haller Jr, J.S., 1971. Race and the concept of progress in nineteenth century American ethnology. *American Anthropologist*, 73(3), pp.710-724: 712.

<sup>160</sup> Haller Jr, J.S., 1971. Race and the concept of progress in nineteenth century American ethnology. *American Anthropologist*, 73(3), pp.710-724: 712.

<sup>161</sup> Chartrand, Vicki. "Unsettled times: indigenous incarceration and the links between colonialism and the penitentiary in Canada." *Canadian Journal of Criminology and Criminal Justice* 61, no. 3 (2019): 67-89.

the nationality of his guards and all significant staff, as shown in *Figure 8*. From previous instances of conflating non-white races with nationality, McBride had already established himself as someone who merged racial categorizations and national identity.

Figure 8. 1888 BC Penitentiary Guard Table<sup>162</sup>

No. 28.						
List of the Staff at the British Columbia Penitentiary on 30th June, 1888, giving Salary, Rank, Nationality, Religion, Age and date of Appointment.						
Name.	Salary per Annum.	Rank.	Nationality.	Religion.	Age.	Date of Appointment.
Arthur H. McBride.....	1,900	Warden.....	Ireland.....	Presbyterian.....	53	May 16, 1878
Rev. R. Jamieson.....	500	Protestant Chaplain.....	do.....	do.....	59	Jan. 4, 1879
Rev. E. M. J. Morris, O.M.I.....	500	Roman Catholic Chaplain.....	do.....	Roman Catholic.....	59	Sept. 21, 1878
James Fitzsimmons.....	1,200	Deputy Warden.....	do.....	do.....	48	Aug. 12, 1878
W. A. DeWolf Smith.....	600	Acting Surgeon.....	Canada.....	Episcopalian.....	29	Nov. 1, 1887
William Holland Keary.....	1,000	Accountant, Storekeeper, and Schoolmaster.....	Ireland.....	Roman Catholic.....	31	Mar. 10, 1884
Thomas Archibald McInnes.....	700	Steward.....	Canada.....	Methodist.....	29	May 10, 1882
George MacKenzie.....	750	Trade Instructor.....	Scotland.....	Presbyterian.....	36	Nov. 1, 1883
John McRoberts.....	750	do.....	do.....	do.....	47	April 18, 1884
Alexander Coutts.....	750	do.....	Canada.....	do.....	38	Oct. 1, 1886
James Fitzgerald.....	600	Keeper.....	Ireland.....	Roman Catholic.....	47	April 15, 1879
Thomas William Quilty.....	600	Guard.....	Canada.....	do.....	38	Jan. 18, 1882
George Hutchinson.....	600	do.....	Ireland.....	Episcopalian.....	40	April 16, 1883
Hamilton McKee.....	600	do.....	do.....	Presbyterian.....	39	Nov. 7, 1884
Finlay Stewart.....	600	do.....	Canada.....	do.....	36	April 1, 1885
James McKee.....	600	do.....	Ireland.....	do.....	41	June 1, 1885
William Henry Patterson.....	600	do.....	Canada.....	Methodist.....	32	Dec. 1, 1885
Allan McLean.....	600	do.....	do.....	Presbyterian.....	32	Jan. 15, 1886
Patrick Bernard Curran.....	600	do.....	do.....	Roman Catholic.....	22	March 1, 1886
Wm. Joseph Carroll.....	600	do.....	United States.....	do.....	29	July 23, 1886
John Wiggins.....	600	do.....	Ireland.....	Episcopalian.....	49	August 1, 1886
James Doyle.....	600	do.....	Canada.....	Roman Catholic.....	28	Oct. 1, 1886
Patrick Smyth.....	600	Teamster.....	Ireland.....	do.....	45	Feb. 21, 1879
Robert J. Robertson.....	500	do.....	Canada.....	Presbyterian.....	26	Oct. 11, 1887
Daniel C. McGillivray.....	500	do.....	do.....	Roman Catholic.....	37	Dec. 26, 1887
Adam Jackson.....	500	Messenger and Guard.....	Australia.....	Episcopalian.....	40	May 18, 1888

The nationalities noted in this first staff table are: Ireland, Canada, Scotland, Australia and the United States. Within this report, any convict marked with one of these nationalities who was not white had an additional comment clarifying their race. The reports contain a consistent pattern of whiteness “defined through negation”<sup>163</sup>; wherever someone’s race was not clarified it was with the assumption that they were white. As such, the default by McBride in detailing his staff’s nationalities was to imply their white identity. Six years before creating this table, McBride had lamented in his report that the low pay for the Guards had left him with high turnover and short

<sup>162</sup> Justice, Minister of. “Report of the Minister of Justice as to Penitentiaries in Canada for the Year Ended 30th June, 1888”. 1889. Ottawa: S.E. Dawson: 143.

<sup>163</sup> Mawani, Renisa. *Colonial proximities: Crossracial encounters and juridical truths in British Columbia, 1871-1921*. UBC Press, 2010: 133.

staffed as “no white man” could be got<sup>164</sup>. With the table featured in Figure 8, McBride implicitly clarified for the Inspector’s eyes that a proper population of men had been acquired for the penitentiary positions, placing a white identity as a necessary component of a good penitentiary worker. This clarification of white supervision over the significant non-white population in the British Columbia Penitentiary is but one of many instances where the wardens seem to communicate provincial anxieties regarding race and the penitentiary in their national reports.

### Racial Terminology in the Tables

Even though the penitentiary reports were made increasingly uniform across the nation by direction of the Dominion inspectors, the individual racial categories were left to the discretion of the wardens in their provincial reports. For many years, McBride remained consistent with his terminology, and towards the end of his time as Warden he submitted the table in *Figure 9*. Here he distinguishes the first Japanese man in the penitentiary but continues to employ his other established racial categorizations. In this case, the terms “Coloured”, “Half-breeds”, “Japanese” and “Chinese” are mostly local, as they are either excluded populations in other provinces or the terminology is different. In many other provinces, the term “Half-breeds” is preceded by “Indian”, but for McBride no such distinction was deemed necessary. McBride’s unique choice of language reflects a distinctly British Columbian focus on distinguishing a “Half-breed” population from an “Indian” population.

---

<sup>164</sup>Justice, Minister of. “Report of the Minister of Justice as to Penitentiaries in Canada for the Year Ended 30th June, 1882”. 1883. Ottawa: S.E. Dawson: 34.

Historians such as Adele Perry have explored how this era in BC was marked by constant fear for the “powerful and precarious” existence of whiteness in the face of racial mixing<sup>165</sup>. BC officials, such as Indian Agents, were fixated on the high levels of racial mixing in the province<sup>166</sup>. Officials in the province determined the racial categorization of “Half-breeds” as its own race, inferior to both white and “Indian” people<sup>167</sup>. This separation was intended to ensure mixed-race people were studied and dealt with as separate kinds of human beings or even species. Indian Agents and other officials placed this new race at the very bottom of BC’s racial hierarchy<sup>168</sup>. McBride’s clear separation of “Half-breed” and “Indian” in his tables follows the suit with the provincial anxieties of the era.

Figure 9. 1890 BC Penitentiary Race Table<sup>169</sup>

No. 14.								
ETHNOLOGY of Convicts in the British Columbia Penitentiary, for Year ended 30th June, 1890.								
Race.	Male.	Female.	Total.	Race.	Male.	Female.	Total.	
Whites .....	49	.....	49	Japanese .....	1	.....	1	
Coloured .....	4	.....	4	Chinese .....	34	.....	34	
Half-breeds .....	5	1	6					
Indians .....	15	.....	15	Total .....	108	1	109	

In 1895 a change in official command occurred for both the BC Penitentiary and the national penitentiary system. Douglas Stewart assumes his new position as Dominion Inspector

<sup>165</sup>Perry, Adele. *On the edge of empire: gender, race, and the making of British Columbia, 1849-1871*. University of Toronto Press, 2001: 197.

<sup>166</sup> Mawani, Renisa. "‘Half-breeds,’ racial opacity, and geographies of crime: law’s search for the ‘original’ Indian." *Cultural eographies* 17, no. 4 (2010): 487-506.

<sup>167</sup> Mawani, Renisa. "‘Half-breeds,’ racial opacity, and geographies of crime: law’s search for the ‘original’ Indian." *Cultural Geographies* 17, no. 4 (2010): 487-506.

<sup>168</sup> Mawani, Renisa. *Colonial proximities: Crossracial encounters and juridical truths in British Columbia, 1871-1921*. UBC Press, 2010.

<sup>169</sup> Justice, Minister of. "Report of the Minister of Justice as to Penitentiaries in Canada for the Year Ended 30th June, 1890". 1891. Ottawa: S.E. Dawson: 132.

after Moylan's retirement and McBride retired in disgrace after his extensive managerial incompetence came to light<sup>170</sup>. After McBride's retirement, the years of 1895 and 1896 were periods of transition for the penitentiary, which was between wardens. First McBride's deputy warden Mr. Fitzsimmons attempted to assume the position but was replaced swiftly by William Moresby, a former gold prospector and a BC "jailer"<sup>171</sup>. Almost immediately Moresby passed away. He wrote only a single warden's report in 1896. During these two years, a complete shift in racial categorizations occurred at the penitentiary, in part due to the new Dominion inspector Douglas Stewart, who was overhauling the format of all the reports. With Stewart's appointment, a further shift towards standardized statistical and categorical reporting was undertaken. Stewart's years as Dominion Inspector lasted until past the nation-building era and were primarily characterized by increased emphasis on tables, categorizations and record keeping practices previously unused by Moylan. Unlike Moylan, there are close to no records regarding who Douglas Stewart was or his time before being appointed inspector of the penitentiaries, other than a note that he was briefly also a warden at the Kingston Penitentiary<sup>172</sup>. Even so, Stewart was still the dominant voice in Canada's prison policies and his reports to Canada's Minister of Justice continued to reflect how race, labour and discipline were intertwined in the penitentiaries.

## The Wardens, Immigration and Race

Douglas Stewart was the first inspector concerned with using statistics to create a

---

<sup>170</sup> Scott, Jack David. "Four Walls in the West: The Story of the British Columbia Penitentiary." *Retired Federal Prison Officers Association of British Columbia* (1985)

<sup>171</sup> Scott, Jack David. "Four Walls in the West: The Story of the British Columbia Penitentiary." *Retired Federal Prison Officers Association of British Columbia* (1985).

<sup>172</sup> Babcock, E.L., "The History of the Kingston Penitentiary" Kingston Penitentiary (1965): 6.

national understanding of race and crime occurring in each province, and this effort was significantly linked to immigration concerns. In 1896 he began the process of nationally tracking race within the penitentiaries, using the information provided by provincial wardens. *Figure 10* shows Stewart's first attempt at this particular statistical tracking.

*Figure 10. 1896 Inspector's National Race Table*<sup>173</sup>

RACIAL.—The racial division of the convict population is as follows :—						
	Kingston.	St. Vincent de Paul.	Dorchester.	Manitoba.	British Columbia.	Total.
White .....	466	393	140	81	57	1,167
Coloured .....	20	2	24	1	8	55
Indian .....	4	1	3	9	16	33
Half-breed .....				4		5
Mongolian .....				1	17	18
Total .....	520	396	167	96	98	1,277

The table in *Figure 10* is the first standard model of racial categorization created by penitentiary officials. Racial terms that were previously left to the interpretations of provincial wardens were now established as concrete categories by Stewart. In this first year of national comparisons, *Figure 10* shows that British Columbia continued to be the only province with a non-white incarcerated population essentially on par with the incarcerated white population. Though Stewart makes no note of this in the report, his later table on nationality emphasizes percentage details on the “nativity of the convicts”<sup>174</sup>. After listing the presence of British and Americans among the significant porportion of foreign born convicts, he clarifies that “China contributes more than any other country”<sup>175</sup>. Chinese immigration to Canada was almost excusively to

<sup>173</sup> Justice, Minister of. “Report of the Minister of Justice as to Penitentiaries in Canada for the Year Ended 30th June, 1896”. 1897. Ottawa: S.E. Dawson: 121.

<sup>174</sup> Justice, Minister of. “Report of the Minister of Justice as to Penitentiaries in Canada for the Year Ended 30th June, 1895”. 1896. Ottawa: S.E. Dawson: 4.

<sup>175</sup> *Ibid.*, 4.

BC<sup>176</sup>. This fixation on Chinese immigration indicates that Dominion Inspector Stewart was in touch with provincial immigration fears that equally concerned the wardens.

Stewart's appointment came along with a rise in immigration reform in Canada and along with his changes to statistical analysis, the Warden's discretion within the provincial tables provides insight into how race in BC was constantly under scrutiny and reassessment by penitentiary officials. After Moresby's death in 1896, John Connal Whyte assumed the position as Warden for the BC Penitentiary. Whyte's position as warden was established at the same time as Stewart and many of his tables followed Stewart's model; however his divergent statistical summaries are found in the "Nationality" section of the reports, a previously uniform section. Even though race is already recorded in another section of the report, Whyte included a clarification by nationality that no other warden had previously used in BC. In *Figure 11* Whyte's nationality table differs from other wardens across Canada and his predecessors by his separation of "Canada" and "United States" into racial subgroups.

---

<sup>176</sup> Lai, David Chuenyan. "A brief chronology of Chinese Canadian history: From segregation to integration." (2016).

Figure 11. 1904 BC Penitentiary Nationality Table<sup>177</sup>

BRITISH COLUMBIA.			
Where Born.	Number.	Where Born.	Number.
Austria .....	4	Scotland .....	3
Barbados .....	1	Sweden .....	1
Belgium .....	1	United States—	
Canada—		White .....	11
White .....	19	Indian .....	1
Indian .....	17	Total .....	94
Half Breed .....	7		
Cape Verde Islands .....	1		
China .....	5	<i>Recapitulation—</i>	
Chili .....	1	Canada—	
England .....	11	White .....	19
Finland .....	1	Indian .....	17
Germany .....	1	Half Breed .....	7
Greece .....	1	Other Countries .....	51
Ireland .....	1	Total .....	94
Italy .....	3		
Japan .....	3		
Portugal .....	1		

Warden Whyte maintained this pattern for the majority of his time at the BC Penitentiary, stopping it in 1904, three years before his death. *Figure 11* shows how he developed this categorization, as he separates Canada into “White” “Indian” and “Half-Breed”. This reflects several interesting truths that Whyte is attempting to create. He only differentiates race in Canada and the USA, leaving a reader to assume and generate truths on the racial makeup of every other country. In addition to showing how this furthers a conflation of race and nationality, where some countries are inherently white, and others are inherently not white, this separation potentially indicates an anxiety over racial mixing. Whyte is indicating how Canada and the USA are both countries whose populations cannot fall into simple binaries of white/non-white. Instead, they contain a variety of races that must be separated so that these respective countries are not at risk of being simplified into a non-white identity or space.

<sup>177</sup> Justice, Minister of. “Report of the Minister of Justice as to Penitentiaries in Canada for the Year Ended 30th June, 1904”. 1905. Ottawa: S.E. Dawson: 154.

Additionally, the table in *Figure 11* contains broader provincial concerns regarding foreign immigrants to the province. Whyte separates nationality further by identifying the total number of Canadians (again separated by race) in contrast to the total number of “Other Countries” that make up the incarcerated population. This emphasis reflects the growing fear of undesired immigration to Canada and BC during the first decade of the twentieth century. The BC penitentiary reports show details like *Figure 11* that reflect an increasingly concerned stance by officials on what constituted correct immigration. The early 1900’s immigration concerns were further exemplified in a new racial category that was added to the penitentiary reports.

These immigration tensions continued to rise in the early part of the 20<sup>th</sup> century. In 1914 Premier McBride turned away the *Komagatu Maru*. This ship had sailed from Hong Kong to Vancouver with 376 Punjabi passengers looking for work and life opportunities in Canada<sup>178</sup>. The same year, the new Warden, John Cunningham Brown, recorded that eight “East Indians” have been brought into the penitentiary, as evidenced in *Figure 12*. In *Figure 12*, the category “White” is now placed at the bottom of the tables and comprises the vast majority of those incarcerated. Only 60 out of the 377 people incarcerated are deemed not white, but the Warden still finds it necessary to indicate this “new dimension”<sup>179</sup> of the BC’s prison population. Warden Brown notes in his report that the Dominion Inspector should give the “Hindu” prisoners special attention. This seemingly new population was not mentioned by Inspector Stewart. Before the outbreak of World War I, his focus remained on Indigenous and Chinese people.

---

<sup>178</sup> Mawani, Renisa. *Across oceans of law: The Komagata Maru and jurisdiction in the time of empire*. Duke University Press, 2018.

<sup>179</sup> Justice, Minister of. “Report of the Minister of Justice as to Penitentiaries in Canada for the Year Ended 30th June, 1914”. 1915. Ottawa: S.E. Dawson: 33.

Figure 12. 1914 British Columbia Race Table<sup>180</sup>

BRITISH COLUMBIA.	
	Male.
Coloured.....	4
East Indian.....	8
Indian.....	14
Indian half-breed.....	5
Mongolian.....	29
White.....	317
Total.....	377

Dominion Inspector Stewart continued his interest in statistical national representation over the course of the final years of the nation-building era. His efforts reflected the Dominion's desire to flatten identities into uniform and controllable units. This flattening occurred over the course of Stewart's career as Dominion Inspector and in 1906 his national racial summaries provide new insights into the nation's priorities. Shown in *Figure 13*, the desire to separate race by province in previous reports is now replaced by proportional population percentages, the goal being to clarify and thus flatten out which populations are more or less criminal by race. In this instance, the only note Stewart makes reveals the state's now long established connection between race and criminality.

Figure 13. 1906 Canadian Racial Proportional Representation<sup>181</sup>

RACIAL.			
	Number of convicts.	Percentage of prison population.	Number to each 10,000 population.
Coloured.....	51	3.5	29.8
Mongolian.....	16	1.1	7.3
Indian halfbreed.....	25	1.7	7.25
White.....	1,325	92.1	2.54
Indian.....	22	1.5	2.36

<sup>180</sup> Justice, Minister of. "Report of the Minister of Justice as to Penitentiaries in Canada for the Year Ended 30th June, 1914". 1915. Ottawa: S.E. Dawson: 89.

<sup>181</sup> Justice, Minister of. "Report of the Minister of Justice as to Penitentiaries in Canada for the Year Ended 30th June, 1906". 1907. Ottawa: S.E. Dawson: iv.

What the last column of *Figure 13* is showing is what porportion of the total Canadian population of a certain race is incarcerated. After this first instance of proportional tracking, Stewart immediately states the following in his report to the Minister of Justice:

The fact that the aborigines are more law-abiding than the average white man is no doubt due, in part, to the extra surveillance exercised by the government over its wards. The showing is, however, alike creditable to the race and to the officials who are charged with their oversight<sup>182</sup>.

Stewart jumps to clarify the “fact” of the low rate of Indigenous incarceration, revealing the implicit assumption by these governmental officials that the white population across Canada was supposed to be the most law-abiding of all races. The high rates of incarceration for all other populations went unnoted and unexplained. Though “Indian halfbreed” is now the new terminology to replace the previous “half-breed”, Stewart’s assertion makes it clear that a definite racial boundary must still be drawn between the “Indian” and the “halfbreed”. This differentiation is largely based in western Canada and exhibits how provincial truths and knowledges were informing and informed by the inspectors’ reports.

Just as colonial officials created racial truths across the world, these reports of the BC Penitentiary show how locally dynamic as well as globally connected governmental officials were in their formulations of race during this period. Within BC, racial classifications such as Indian, Chinese, Half-breed and White were concerned with creating distinctions between which populations were to be met with violence, somehow improved, or expelled from the province<sup>183</sup>. The penitentiary was the space conceived by the Dominion’s officials as inherently unique, a

---

<sup>182</sup> Justice, Minister of. “Report of the Minister of Justice as to Penitentiaries in Canada for the Year Ended 30th June, 1906”. 1907. Ottawa: S.E. Dawson: 5.

<sup>183</sup> Mawani, Renisa. *Colonial proximities: Crossracial encounters and juridical truths in British Columbia, 1871-1921*. UBC Press, 2010: 28.

controllable pocket to “make better”<sup>184</sup>, giving every individual deemed a “convict” an identity that could be placed within the institution without disrupting the local hierarchies of race necessary in the creation of Canada.

The colonial knowledge that helped found British Columbia defaulted to the “the white man” as more law abiding by nature, in that wardens and prison officials were confronted by race as they tried to determine the correct methods with which to discipline the “body, mind and will”<sup>185</sup> of their charges. If one were to follow these government officials’ reports on labour and control unquestioningly, then a “convict” population would have no need to be racially distinguished as they are all equally surveilled and “de- (or re-) humanized” by the state. They are all to be made into labourers and if not, they must return to the prison, to be continuously used as labourers for the state and the national economy. But the reality is much more complex than a simple instance of ensuring productivity by the state. Canadian penitentiaries were a continuation of the “colonial state’s investigative technologies [that] were aimed at knowing” any population that subverted colonial rule<sup>186</sup>. What the reports by penitentiary administrative officials exemplify is how race was incorporated into the foundation of nation-building technologies, even within a project to uniformly “make better”<sup>187</sup> unproductive and uncontrollable people. By the logics of empire building, the ability to completely control and surveil a population renders a potentially perfect laboratory for solidifying racial truths.

---

<sup>184</sup> Justice, Minister of. “Report of the Minister of Justice as to Penitentiaries in Canada for the Year Ended 30th June, 1915”. 1916. Ottawa: S.E. Dawson: xi.

<sup>185</sup> *Ibid.*, xi.

<sup>186</sup> Mawani, Renisa. *Colonial proximities: Crossracial encounters and juridical truths in British Columbia, 1871-1921*. UBC Press, 2010: 26.

<sup>187</sup> Justice, Minister of. “Report of the Minister of Justice as to Penitentiaries in Canada for the Year Ended 30th June, 1915”. 1916. Ottawa: S.E. Dawson: xi.

As key components in this project of nation-building, the wardens and other prison officials were continuously re-making and redefining distinct racial characteristics within the penitentiary despite their desire for uniformity. However, compared to other prison officials, such as the chaplains, the wardens were almost silent. Their formulations of race went unremarked, beyond casual insinuations and their notes in statistical tables, but as I have discussed, even a brief blip contains a multitude of meanings. The wardens' silences and moments of racial insinuations reflect the local reality in British Columbia. The penitentiary during this era was surrounded by controversial race riots and moves to expel and diminish non-white immigrants and Indigenous people<sup>188</sup>. A prosperous province in BC meant a "white man's province"<sup>189</sup> and racial tensions ran highest when economic power was gathered by any non-white population. For these wardens, to acknowledge race was to acknowledge that the government was actively investing time and money into "making better" populations that local white settlers did not want to see improved. Thus, the silence of the wardens perhaps speaks to their anxieties regarding the social and political tensions in their surroundings. This anxiety expressed itself through their constantly shifting language and small moments of deliberation on race that countered the uniformity of the penitentiary project. Though the wardens' racial classifications were subtle and contradictory during the nation-building era, the chaplains' reports contained explicit and extensive discussions of race and racial difference.

---

<sup>188</sup> Hainsworth, Gavin, and Katherine Freund-Hainsworth. *A New Westminster Album: Glimpses of the City as it was*. Dundurn, 2005; Roy, Patricia E. "A white man's province: British Columbia politicians and Chinese and Japanese immigrants, 1858-1914". *UBC Press*, 1990.

<sup>189</sup>Roy, Patricia E. "A white man's province: British Columbia politicians and Chinese and Japanese immigrants, 1858-1914". *UBC Press*, 1990.

## II. Race and the Chaplains

The 1910 Penitentiary Reports contain W.P. Archibald's assertion that "the main function of Christianity is to answer first this question: What is to become of the weak, the criminal and the outcast?"<sup>190</sup>. Brigadier W.P. Archibald dedicated the rest of his life to his prison work and is understood as the architect for Canada's "welfarist model of criminality" that shaped the nation's modern institutions<sup>191</sup>. His appointment was the culmination of decades of work to assert a dominant role for the church in Canada's penal institutions<sup>192</sup>. The church in Canada was central to many humanitarian reform efforts in the nation, including the "ticket to leave" program that founded the modern parole system<sup>193</sup>. As prominent figures in and around the penitentiaries, chaplains and church leaders were important generators of knowledge regarding crime and criminality. From the opening of the British Columbia Penitentiary, the church officials used their contributions to the Dominion reports to theorize criminality, which in turn was intertwined with criminal theorizing on race.

Parole Officer Archibald's role in the Dominion resulted from decades of effort on behalf of local church officials to place him in an official position. The church spent years after the founding of the first penitentiaries in Canada inserting itself as a necessary part of a rehabilitation process. This process was successful, as W.P. Archibald's statement at the end of

---

<sup>190</sup> Justice, Minister of. "Report of the Minister of Justice as to Penitentiaries in Canada for the Year Ended 30th June, 1910". 1911. Ottawa: S.E. Dawson: xx.

<sup>191</sup> McCoy, Ted. *Hard time: reforming the penitentiary in nineteenth-century Canada*. Athabasca University Press, 2012: 96.

<sup>192</sup> Brigadier W.P. Archibald was born in 1860, as the confederation of Canada was being formed. At twenty-five, Archibald began his service with the Canadian Salvation Army and went on to spearhead the Prison Gate movement in Canada for over a decade. His work landed him the position as the first Dominion Parole Officer of Canada in 1905; source Whittingham, Michael D. "Canadian corrections: Confederation to the First World War." *Chitty's LJ & Fam. L. Rev.* 48 (2000).

<sup>193</sup> McCoy, Ted. *Hard time: reforming the penitentiary in nineteenth-century Canada*. Athabasca University Press, 2012.

the nation-building era ties the project of criminal reform to the dominion of the church. However, this national sentiment began in small steps that are traceable through the penitentiary archives. In the BC penitentiary, the chaplains' detailed reports illuminate how moral education, individual productivity and the creation of a racialized criminal class were part of the church's efforts to expand control within a new nation-state. This section begins with a brief overview of the role of the church in settler-colonial history and then a discussion of how the chaplains interacted and generated ideas of race in the penitentiary.

### The Church in Colonial Canada

The establishment of modern nations during the nineteenth century on globally colonized land coincides with the legal separation of Church and State<sup>194</sup>. At the end of the colonial expansion period, colonial powers such as Britain asserted that the expanding denominational conflicts could only be resolved through religious neutrality. This neutrality was still established from a base understanding of a default frame of Protestantism and Catholicism, but it still meant the Christian Church was placed in a position of expanding to new spaces of power and control during the nation building era<sup>195</sup>. During colonial expansion the Church formed its own version of imperial development, justifying domination and economic growth through religious supremacy. Because western-European colonizers were predominantly dedicated and entrenched in Church power, this division worked well for both imperial projects, however the modern rise of independent nations left Church officials scrambling to maintain power and control<sup>196</sup>.

---

<sup>194</sup> Mitchell, Roger Haydon. *Church, Gospel, and Empire: How the Politics of Sovereignty Impregnated the West*. Wipf and Stock Publishers, 2011.

<sup>195</sup> Carey, Hilary M. *God's empire: religion and colonialism in the British world, c. 1801–1908*. Cambridge University Press, 2011.

<sup>196</sup> Mitchell, Roger Haydon. *Church, Gospel, and Empire: How the Politics of Sovereignty Impregnated the West*. Wipf and Stock Publishers, 2011.

Following the separation of Church and State, crime and punishment created an excellent space for establishing a new space of dominion for the Church.

Nineteenth century religious reform movements shifted narratives of criminality from faulting individual choice to the understanding that “moral disorder in the community and the family” were the source of crime<sup>197</sup>. By the time the BC penitentiary was constructed in 1874, Canada had moved away from overt corporal punishment to creating complex institutions of moral reform as a supposed countermeasure. The modern penitentiary positioned religion and the affiliated education system as “the moral buildings blocks toward the reformation of the criminal” while also adding the virtues of labor to instill the work ethic of what constituted a good Canadian citizen<sup>198</sup>. Though many views of criminality competed with one another during this period, the penitentiary chaplains promoted one of the more influential views, that of positivist reformation. Positive reformists believed that criminality stemmed from the “failure of upbringing” due to the collapse of the family’s moral control, a view propagated further by the Church<sup>199</sup>. Chaplains were noted for their particular efforts to track statistics on family history and substance use by those incarcerated in order to champion the reformability of the “criminal class”.

#### Humanitarian Reform and The Church

Religious scholars, such as Linda Woodhead and Roger Mitchell have argued that humanitarian reform was spearheaded by the Church as a dual approach to maintaining and

---

<sup>197</sup> McCoy, Ted. *Hard time: reforming the penitentiary in nineteenth-century Canada*. Athabasca University Press, 2012: 94.

<sup>198</sup> *Ibid.*, 97.

<sup>199</sup> McCoy, Ted. *Hard time: reforming the penitentiary in nineteenth-century Canada*. Athabasca University Press, 2012: 99.

expanding religious dominion. In *Church, Gospel, and Empire*, Mitchell notes that the advance of the Church has always had a two-fold trajectory, one that sponsored, supported and legitimated “power from on high”<sup>200</sup>, and a second that affirmed and supplied “possibilities of support from below”<sup>201</sup>. Both branches were used to further the role of the Church in society. The Church’s role in colonial expansion, through the justification of slavery and the colonization of First Nations communities, is seen as an instance of how “high” power is legitimized by the Church<sup>202</sup>. This support for domination is seemingly contradicted by the Church’s role in humanitarian efforts, such as reforming criminal justice systems or missionaries defending land rights for First Nation communities<sup>203</sup>. In these instances, religious historians and scholars in many fields describe these contradictions as the Church’s role in supporting those “below”<sup>204</sup>. This two-fold trajectory by the Church is meant to explain the complicated relationship between the Church and any secular power, as it attempts both to assert its own power through the state and to subvert modes of domination by supporting those the state seeks to control.

However, the present study of the records from the BC penitentiary builds on religious scholarship such as Roger Mitchell’s work. He and other scholars of colonialism recognize that the power of colonization was one that the Church was as incapable of escaping as other civil institutions, and efforts of religious humanitarianism and care were often “subverted into support for the higher [secular] power”<sup>205</sup>. In the case of the BC Penitentiary, it is possible to trace how leadership in the establishment and administration of prisons as spaces of reform became part of

---

<sup>200</sup> Mitchell, Roger Haydon. *Church, Gospel, and Empire: How the Politics of Sovereignty Impregnated the West*. Wipf and Stock Publishers, 2011: 4.

<sup>201</sup> Ibid., 4.

<sup>202</sup> Ibid.

<sup>203</sup> Harris, R. Cole. *Making native space: Colonialism, resistance, and reserves in British Columbia*. ubc Press, 2011.

<sup>204</sup> Mitchell, Roger Haydon. *Church, Gospel, and Empire: How the Politics of Sovereignty Impregnated the West*. Wipf and Stock Publishers, 2011.

<sup>205</sup> Ibid.

an effort by the Church that re-enforced racial hierarchies to further the Church's own expansion. This section examines the role of the Church in supporting the state's creation of a racialized criminal class within British Columbia.

### The Chaplain's Reports

When the BC penitentiary opened in 1878 a total of thirty-six men from the local chain gangs and jails were admitted. The first report contained the note that a "large proportion" of the new population were "Indians and Chinese", and that the great cost placed on the provincial government to properly administer justice was due to the nature of these specified populations<sup>206</sup>. No mention of cost was made with regards to the 20 white men that were brought to the penitentiary that opening year, according to the chaplains' and the wardens' tables. As these thirty-six men were admitted into the penitentiary each one was "obliged" to register as either Protestant or Catholic and to attend service. The idea of religious "penance" was central to incarceration in Canada since before the Dominion had formed and forced Christian religious observance remained in effect.

As part of their assigned roles in this national project the two chaplains at the British Columbia Penitentiary wrote in yearly reports on their respective "charges" within the prison. One Protestant and one Catholic chaplain were stationed at the penitentiary, each with his own service and with his own respective prison population. As it was obligatory for anyone incarcerated in these penitentiaries to select one church, the chaplains were collectively in charge of religious moral reform in the prison as a whole. Between 1879 and 1914 chaplains for both

---

<sup>206</sup> Justice, Minister of. "Report of the Minister of Justice as to Penitentiaries in Canada for the Year Ended 30th June, 1879". 1880. Ottawa: S.E. Dawson: 179.

religious services frequently turned over, and the reports indicate that the change is more frequent than any other major position in the penitentiary. The Catholic chaplain in particular changed nine times between 1889 and 1914, after the first Chaplain Edward Horris resigned in 1888. The Protestant chaplains were posted for longer and only changed four times over these three decades.

Though the Church was central to the penitentiary's function, internal religious differences pointed to the unstable power dynamics between the two denominations. Even in a small enclosed environment the Church was embedded in complex social struggles. Jack David Scott notes in his historical account of the BC Penitentiary that there were religious rivalries during its first decade of operation, often with a focus on which congregations had the higher number of participants<sup>207</sup>. Aside from the dominance of Protestantism in BC at this time, the Catholic chaplain appeared to be less favored by Warden McBride, who belonged to the Church of England and had established a default chaplain for all those who did not declare a religion, as I note below<sup>208</sup>. This imbalance of denominational power within the penitentiary is further evident in records from 1881 showing that the Protestant chaplain was allowed full control and supervision over books purchased for the penitentiary libraries whilst the Catholic chaplain had to make numerous requests after the fact for similar considerations. Though these internal denominational conflicts appeared to wane as the years progressed, they illuminate why the Catholic chaplain often made much shorter and less detailed contributions to the official penitentiary reports during the nation-building era. As a microcosm of provincial politics, the

---

<sup>207</sup> Scott, Jack David. "Four Walls in the West: The Story of the British Columbia Penitentiary." *Retired Federal Prison Officers Association of British Columbia* (1985).

<sup>208</sup> Scott, Jack David. "Four Walls in the West: The Story of the British Columbia Penitentiary." *Retired Federal Prison Officers Association of British Columbia* (1985).

Penitentiary showcases the role of the Church in nation-building and plays a significant role in developing racial and criminal truths.

## Race & Church Education

Within the BC penitentiary, Church officials spent much of their time contributing to the national discourse on the instrumental role of the Church in rehabilitation efforts. Central to the work of rehabilitation was the role of education. Education was separated into both moral religious teachings and basic school teachings, each serving its own function for the Church and the Dominion. One of the primary roles of the chaplains was the supervision and assistance with school instruction in the penitentiary, where language and arithmetic were taught as rewards for “good behavior”<sup>209</sup>. The chaplain’s role in education during the nation-building era frequently revolved around race.

From the moment the BC Penitentiary gates opened, Chaplain Jamieson and Chaplain Harris each immediately fixated on the high attendance of “Indians and Chinamen” who were all “most anxious to learn”<sup>210</sup>. During their decade long posts, both the Protestant and Catholic chaplains focused on the race of those involved in schooling and under their care. For these chaplains, the emphasis was always on the successful civilizing mission inherent in penitentiary education. Their reports note their frequent surprise regarding the educational success of their “Chinese” and “Indian” charges along with consistent praise directed at the importance of the BC penitentiary’s education system’s importance. *Figure 14* shows that this educational and religious mission was also framed as a distinctly racial project. Race and gender are divided up

---

<sup>209</sup> Justice, Minister of. “Report of the Minister of Justice as to Penitentiaries in Canada for the Year Ended 30th June, 1894”. 1895. Ottawa: S.E. Dawson. 60.

<sup>210</sup> Justice, Minister of. “Report of the Minister of Justice as to Penitentiaries in Canada for the Year Ended 30th June, 1894”. 1895. Ottawa: S.E. Dawson: 95.

within the table to track who is illiterate or partially literate. Almost the entirety of the illiterate population is comprised of Chinese and Indigenous men.

In 1881, Chaplain Jamieson praised the exceptional work done by the schoolmaster despite the attendants: “It is not easy to make encouraging progress in half an hour a day with Indians and Chinese,”<sup>211</sup> he wrote. In this same report, the schoolmaster W.H. Keary did not mention race but instead noted that “Mr. Jamieson has taken much interest in the school – manifest by his presence there on many occasions”, concluding that he was “indebted to” the Chaplain for his “valuable advice and assistance”. Here the schoolmaster emphasized the significant role the church played in academic education, a claim that persisted through changing chaplains. This is also one of first times that the Chaplain reflects on the difficulties of educating non-white populations in the penitentiary, and the extra efforts needed in such situations. The Church’s racialized ideas of education were not unique to the penitentiary but were largely informed by the provincial context of missionary work.

Figure 14. 1892 Table State of Education<sup>212</sup>

No. 17. STATE of Education. X							
Race.	Could read when admitted.		Could write when admitted.		Wholly Illiterate.		Total.
	Male.	Female.	Male.	Female.	Male.	Female.	
Whites .....	43	.....	43	.....	9	.....	52
Colored .....	2	.....	2	.....	1	.....	3
Half-breeds .....	4	.....	4	.....		1	5
Indians .....		.....		.....	16	.....	16
Chinese .....	2	.....	2	.....	35	.....	37
							113

<sup>211</sup>Justice, Minister of. “Report of the Minister of Justice as to Penitentiaries in Canada for the Year Ended 30th June, 1881”. 1882. Ottawa: S.E. Dawson: 190.

<sup>212</sup> Justice, Minister of. “Report of the Minister of Justice as to Penitentiaries in Canada for the Year Ended 30th June, 1892”. 1893. Ottawa: S.E. Dawson.

Schooling in the British Columbian “frontier” was one of the main sources of religious work by Catholic and Protestant missionaries alike. Throughout the nineteenth century BC was considered a region where “men left God behind”<sup>213</sup>, even as government spending on Church donations allowed many residential schools to open in the province. Church officials of many denominations existed in the province, but the majority struggled to maintain their desired social status and issues such as interracial marriages startled and disturbed many<sup>214</sup>. After legislating the 1876 Indian Act, the Canadian government adopted “aggressive policies with regard to the regulation, education and ultimate assimilation” of Indigenous people<sup>215</sup>. These policies were no different in BC, where the first residential school opened on the mainland in 1863, eight years before BC joined the Confederation of Canada. By the end of the nineteenth century, over fifteen residential schools had opened in British Columbia with the explicit purpose of removing Indigenous children from their families, communities, and culture in order to eliminate their “uncivilized state”<sup>216</sup>. In the same way that the residential school was conceptualized as a space immersed in a “civilized condition” capable of creating “good Christians”<sup>217</sup>, the penitentiary was promoted by Church officials as the province’s answer to “civilize” Indigenous, half-breed, and Chinese populations.

Reverend Jamieson, who was pleased for many years by the progress of the penitentiary school, abruptly changed his tone in 1888. After a decade, his yearly report suddenly included a

---

<sup>213</sup> Marks, Lynne. *Infidels and the Damn Churches: Irreligion and Religion in Settler British Columbia*. UBC Press, 2017: 4

<sup>214</sup> Perry, Adele. *On the edge of empire: gender, race, and the making of British Columbia, 1849-1871*. University of Toronto Press, 2001.

<sup>215</sup> Starblanket, Tamara. *Suffer the little children: Genocide, Indigenous Nations and the Canadian state*. SCB Distributors, 2018.

<sup>216</sup> Quoted in MacDonald, David B. *The Sleeping Giant Awakens: Genocide, Indian Residential Schools, and the Challenge of Conciliation*. University of Toronto Press, 2019.; Redford, James W. "Attendance at Indian residential schools in British Columbia, 1890-1920." PhD diss., University of British Columbia, 1978.

<sup>217</sup> Starblanket, Tamara. *Suffer the little children: Genocide, Indigenous Nations and the Canadian state*. SCB Distributors, 2018:91

demand for changes regarding the penitentiary's management of the educational program. In the report, Jamieson stated that the BC penitentiary was failing in its "duty to the Chinese and Indians" as they "turn them out as ignorant of our language as when they came in". He followed this remark with a proposed solution: a new rule should be implemented to make education obligatory for the "Chinese and Indians" while remaining a reward for good behavior to all other inmates. Jamieson's paternalistic reasoning echoes the dominant discourse within the province, that Chinese and Indigenous people were capable of being educated away from their "uncivilized" habits through a civilizing institution. But the Chaplain also takes the belief a step further. By critiquing how the penitentiary officials are not taking the education project of non-white population seriously enough, Jamieson is showing how the Church's ideas of race and education differ from the Dominion's. The other penitentiary officials are focused on a project of discipline and control, whilst Jamieson is more concerned with assimilation. His demands for forced education ignore the knowledge that Chinese and Indigenous people brought into the penitentiary.

It takes over two decades for the BC penitentiary records to reflect on the existence of Chinese as a spoken and written language. Neither the chaplains nor the schoolmasters ever acknowledge Indigenous languages or knowledges in their extensive discussions of education. Instead, over decades of reports both exemplify a narrative of supposed ignorance among Chinese and Indigenous peoples that necessitates both the Church and State to intervene in order to create productive and civilized members of society upon release.

## The Moral Citizen & Race

Beyond education that serves the State's purpose of creating productive subjects, the goals of Church and State coalesce in their aim to create a moral and thus teachable and docile citizen through the penitentiary<sup>218</sup>. Though the Church is considered separate from the State, the two institutions are not extricable from each other, as good citizenship in BC and Canada is defined in terms of Christian morality<sup>219</sup>. Though BC in the nineteenth century was still considered a "frontier" by religious and national officials, Christianity had already been established as the dominant religion and provided the core tenets of what distinguishes "civilized" from "uncivilized" during the nation building era<sup>220</sup>. Within the BC penitentiary this moral project is both explicitly stated and implicitly articulated in the chaplains' and prison officials' reports.

From the year that the BC penitentiary opened, Protestant Chaplain Jamieson focuses his attention on race in his reports. On 1<sup>st</sup> July 1879, the reverend noted that fifteen men remained in his charge at the penitentiary: "twelve whitemen, one colored, one half-breed and one Indian". Race was already recorded separately in these penitentiary reports, with tables of statistics included by the Warden as seen in *Figure 12*. Thus, Jamieson's specifications illuminate the role he positioned himself in as the penitentiary's chaplain. It should be noted that these reports were instrumental in securing the financial resources for the penitentiary as well as in representing British Columbia's advancement as a province worth including in Confederation. From a national standpoint, chaplains at the penitentiaries were established as moral authorities that were

---

<sup>218</sup>Foucault, Michel. *Discipline and punish*. A. Sheridan, trans. London: Vintage, 1977.

<sup>219</sup>Perry, Adele. *On the edge of empire: gender, race, and the making of British Columbia, 1849-1871*. University of Toronto Press, 2001.

<sup>220</sup>Marks, Lynne. *Infidels and the Damn Churches: Irreligion and Religion in Settler British Columbia*. UBC Press, 2017:

meant to guide misled “convicts” back to a path of correct moral habits. In an 1889 report, Jamieson mentions the high penitentiary costs, but asserts that they are a “trifle compared with the results”. These results were “opportunities for improvement” that he and the Catholic Chaplain provide the current population of BC “convicts”. This request by Jamieson ends on a specifically racial note, when he writes that within the BC penitentiary only the chaplains “can do full justice to the work required” to reform those incarcerated, and this is “more especially the case with such a large proportion of Chinese and Indians”<sup>221</sup>. Here the Chaplain was assisting the Warden in creating the reasoning for high expenses in the penitentiary, clearly for his own benefit but also in tandem with the Warden’s goals.

Figure 15. 1880 Racial Distinctions recorded by Chaplain Horris<sup>222</sup>

In Penitentiary, 1st July, 1880.....	20
No. of Whites. ....	8
Chinese.. .	8
Indians. ....	5
Half-breeds .....	2
	23

I have the honor to be, Sir, your obedient servant,  
EDWARD M. I. HORRIS, *Catholic Chaplain.*

The chaplains at the BC penitentiary fluctuated between providing explicit details about the racial composition of the prison population, as in Jamieson’s reports over his decade of employment, to more obscure references that highlight religious, regional, ethnic, and national characteristics. *Figure 15* shows Chaplain Horris’ own initiative to record the race of the men under his religious instruction. Subtle hints at the continued monitoring of racial differences through moral instruction continued through the nation building era, such as the 1910 report by the Catholic Chaplain when he noted that the “percentage of Indians has decreased” under his

<sup>221</sup> Justice, Minister of. “Report of the Minister of Justice as to Penitentiaries in Canada for the Year Ended 30th June, 1889”. 1890. Ottawa: S.E. Dawson: 214.

<sup>222</sup> Justice, Minister of. “Report of the Minister of Justice as to Penitentiaries in Canada for the Year Ended 30th June, 1880”. 1881. Ottawa: S.E. Dawson: 78.

care. This report echoed earlier notes by the second Protestant Chaplain in 1895 who recorded that “the Indian convicts appear of late to have increased in number, though for reasons difficult to discover...the Chinese, on the other hand, seem to have decreased”<sup>223</sup>. However subtle or overt these racial details are, the very nature of their inclusion in these national reports indicates the Church’s desire to demonstrate its essential position at the penitentiary, a position supported by racial logics.

The chaplains submitted reports that detailed the experimental methods employed to expand religious instruction in the BC “frontier”, experiments that mutually benefit the State’s creation of a “good citizen” and the Church’s rehabilitation of a “moral subject”. The third Protestant chaplain stationed at BC penitentiary, Rev. Scouler, reported in 1900 that he held services in both Chinese and Japanese as “these pagans are thankful to have one of their own countrymen speak to them in their own language”<sup>224</sup>. This statement is the conclusion of decades of similar efforts by previous chaplains to determine the most effective method of religious instruction. Almost fifteen years earlier, Rev. Jamieson hesitantly introduced the services to the “professedly Christian Chinaman” and noted in surprise the “bright look” he received upon supplying translated copies of the New Testament to the Chinese men in his charge<sup>225</sup>. The information gained by noting the race of the Catholic or Protestant charges allowed Canadian officials to track the effectiveness of different forms of moral training on those released from the penitentiary. This fixation is the precursor to the earliest form of parole in Canada, the “ticket to

---

<sup>223</sup>Justice, Minister of. “Report of the Minister of Justice as to Penitentiaries in Canada for the Year Ended 30th June, 1895”. 1896. Ottawa: S.E. Dawson: 76.

<sup>224</sup>Justice, Minister of. “Report of the Minister of Justice as to Penitentiaries in Canada for the Year Ended 30th June, 1900”. 1901. Ottawa: S.E. Dawson: 61.

<sup>225</sup> *Ibid.*, 93.

leave” system that led to the establishment of the Dominion Parole position in 1905<sup>226</sup>. Rev. Scouler ended his report in 1900 by stating that his “hope and prayer is that the blessing of Almighty God may attend the efforts put forth for their reformation and regeneration.”<sup>227</sup>

The intertwined ideas of morality and race within the BC penitentiary were part of a larger discussion about the construction of a moral citizen in British Columbia. Beyond the established understanding that Christian superiority could often be used to justify colonial expansion and enslavement by white Europeans, Catholic and Protestant churches also later played a role in crafting the moral superiority of white settlers in British Columbia<sup>228</sup>. In the region of British Columbia, missionaries were considered essential by the government to civilize or modernize the Indigenous and non-white populations<sup>229</sup>. At its inception as a British Colony, British Columbia’s Governor James Douglas wrote to London in 1851 requesting educators be sent from the Missionary Societies of Britain. The establishment of such schools was considered necessary by British colonial officials for the “moral training and instruction of the Aborigines, to the manifest advantage of the colony”<sup>230</sup>. This sentiment only grew over the years. Provincial research, on residential schools in particular, has revealed how moral education and policing became an established duty for missionaries in BC<sup>231</sup>. During the founding of the nation, this moral charge was fixated on issues of race. Influential missionaries such as R.C. Lundin Brown,

---

<sup>226</sup> McCoy, Ted. *Hard time: reforming the penitentiary in nineteenth-century Canada*. Athabasca University Press, 2012.

<sup>227</sup> Ibid.

<sup>228</sup> Perry, Adele. *On the edge of empire: gender, race, and the making of British Columbia, 1849-1871*. University of Toronto Press, 2001.

<sup>229</sup> Ibid.

<sup>230</sup> Cited in Carleton Carleton, Sean. "Settler Anxiety and State Support for Missionary Schooling in Colonial British Columbia, 1849–1871." *Historical Studies in Education/Revue d'histoire de l'éducation* (2017): 58.

<sup>231</sup> De Leeuw, Sarah. "If anything is to be done with the Indian, we must catch him very young': colonial constructions of Aboriginal children and the geographies of Indian residential schooling in British Columbia, Canada." *Children's Geographies* 7, no. 2 (2009): 123-140; Starblanket, Tamara. *Suffer the little children: Genocide, Indigenous Nations and the Canadian state*. SCB Distributors, 2018.

for example, were particularly preoccupied with racial mixing and its threat to white colonial morality. For Brown, any mixed-race union, whether recognized by the Church or not, “imperiled the morality” of the white partners<sup>232</sup>. The Church considered BC a hub of “vice” that produced “racial inferiors” and threatened to render white men “immoral”<sup>233</sup>. The Church constructed morality on inherently racial grounds in BC as part of a civilization project promoted by the nation. This work was further refined and reimagined in the penitentiary.

### The Church & Racial Criminality

In addition to asserting their central role in the penitentiary through race, the BC chaplains also gave voice to racialized regional perceptions on which particular groups populated the criminal class in Canada. By the end of the nation building era, both Protestant and Catholic chaplains had become repetitive in their desire that the “question of segregation and classification” be a priority within the BC penitentiary. Their requests for segregation reflect national discussions about criminality, but with geographically specific racial undertones. Close to fifteen years after the BC penitentiary opened its gates, the Catholic Chaplain noted for the first time the need for segregation. In his 1894 submission, Chaplain Fayard wrote passionately to the national inspector, that he “would also strongly advise that something be done to separate young offenders from hardened criminals and especially that Indians and Half-breeds be permitted to associate as little as possible with the white prisoners”<sup>234</sup>. Fayard’s statement is

---

<sup>232</sup> Perry, Adele. *On the edge of empire: gender, race, and the making of British Columbia, 1849-1871*. University of Toronto Press, 2001: 48.

<sup>233</sup> *Ibid.*, 78.

<sup>234</sup> Justice, Minister of. “Report of the Minister of Justice as to Penitentiaries in Canada for the Year Ended 30th June, 1894”. 1895. Ottawa: S.E. Dawson: 113.

made at a time when genetic criminality was being established globally by criminologists<sup>235</sup>. A focus on evolution encouraged a range of ideas within the field of criminology which distinguished a “natural” criminal and whether criminal tendencies had racial dimensions<sup>236</sup>.

During the nineteenth century, the preoccupation with creating productive subjects encouraged the development of racial and criminal sciences. In these decades of nation building, criminologists identified “three criminal classes” that were believed to be “burdens”<sup>237</sup> on society. Of the three classes, “hardened” criminals are the most resistant to reform due to their inherent criminality, and the most incapable of being productive members of society. Here the position of the Church suggested a complex dual reality. On the one hand, the chaplains indicated various instances where racialized populations overlapped with un-reformable convicts in the prison. In the first decade of the 20<sup>th</sup> century, one initiative was to track “home influence” on criminality, which unveiled these local racial beliefs. Chaplain Vert spent five years in his position at the BC penitentiary tracking the history of his charges to determine whether the nature of their criminality was inherent or noninherent. However, in his report he specified that he did not take “into consideration Orientals”<sup>238</sup>. In determining some form of origin and thus cure for crime, he excludes “Orientals” from the conversation as to who was reformable. This tracing of home influence was part of a larger quasi-scientific endeavor to discover the origins of criminality in populations and to suggest the potential for reversibility<sup>239</sup>. Though no other racial

---

<sup>235</sup> Bergman, Gerald. "Darwinian criminality theory: a tragic chapter in history." In *Biology Forum/Rivista di Biologia*, vol. 98, no. 1. 2005.

<sup>236</sup> Jenkins, Philip. "Eugenics, crime and ideology: The case of progressive Pennsylvania." *Pennsylvania History: A Journal of Mid-Atlantic Studies* 51, no. 1 (1984): 64-78.

<sup>237</sup>Justice, Minister of. "Report of the Minister of Justice as to Penitentiaries in Canada for the Year Ended 30th June, 1905". 1906. Ottawa: S.E. Dawson: 10.

<sup>238</sup>Justice, Minister of. "Report of the Minister of Justice as to Penitentiaries in Canada for the Year Ended 30th June, 1894". 1895. Ottawa: S.E. Dawson: 54.

<sup>239</sup>Backhouse, Constance, and Anthony J. Hall. "Colour coded: a legal history of racism in Canada, 1900-1950." *Canadian Ethnic Studies* 32, no. 3 (2000).

group was identified, Chaplain Vert's comment suggest that notions of reformability were prioritized for the white incarcerated populations

On the other hand, chaplains continued to push for a seemingly progressive universalism that reformability was possible of all incarcerated people<sup>240</sup>. Warden Brown noted in his 1914 report submission to the Dominion that the chaplains had been essential in providing "aid of any deserving case, irrespective of creed or colour"<sup>241</sup>. The Warden is clear that the joint efforts of the chaplains and their associated organization, the Salvation Army, allowed paroled men to find work outside the prison. This praised role paralleled the work that Dominion Parole Officer Archibald was accomplishing on a national scale as a liaison between the penitentiary and the Salvation Army, positioning the Church as a core part of Canada's incarceration process. During the nation-building era the Church successfully established its position as a moral authority within the new Dominion of Canada. Through calls for popularly supported humanitarian practices and a constant emphasis on their role in rehabilitating the incarcerated, the church officials effectively solidified their role within the nation's criminal justice system. As indicated in the reports discussed in this section, the chaplains contributed to the Church's remolding of its power in the new Dominion through employing racial differences and informing racial logics in the penitentiary. Similar to the chaplains' efforts to trace criminality back to either genetics or substance abuse, the surgeons at the penitentiary kept close and explicit recordings of their perceptions of race and health.

---

<sup>240</sup> McCoy, Ted. *Hard time: reforming the penitentiary in nineteenth-century Canada*. Athabasca University Press, 2012.

<sup>241</sup> Justice, Minister of. "Report of the Minister of Justice as to Penitentiaries in Canada for the Year Ended 30th June, 1913". 1914. Ottawa: S.E. Dawson: 33.

### III. Race and the Surgeons

Inspector Moylan's first thought on the British Columbian Penitentiary was that a hospital needed to be built immediately, "as the class of convicts [there], chiefly Indians, Half-breeds and Chinese, are seldom free from some disease or other, and a contagion may break out at any time"<sup>242</sup>. These remarks reflected his brief in-person assessment of who was incarcerated at the BC Penitentiary, but they were drawn mostly from the reports submitted by Surgeon Charles Newland Trew in the first few years of its operation. A local doctor in New Westminster, Charles Newland Trew was employed at the BC penitentiary until his death in 1887. He was not only significant as the penitentiary's doctor, but he is noted as the primary coroner for many deaths of Chinese and Indigenous people in the New Westminster area. He was succeeded by William Andrew DeWolf-Smith, a local doctor with no surviving biographical records.

What follows is an exploration of how the two surgeons at the BC penitentiary created racial classifications and reinforced racial differences in their reports in ways that reflect provincial truths during the nation-building era. Building on Sherene Razack's contemporary analyses of Indigenous deaths within the criminal justice system, this section explores how white settler narratives of racial difference determined certain bodies as flawed and thus disposable<sup>243</sup>.

In *Dying from Improvement: Inquest and Inquiries into Indigenous Deaths in Custody*, Sherene Razack explores the contemporary racial violence in the criminal justice system. This racial violence exists in part as an "anatomy of indifference" where the "flawed body" of Indigenous people are the supposed reason for their violent encounters with legal authorities and

---

<sup>242</sup> Justice, Minister of. "Report of the Minister of Justice as to Penitentiaries in Canada for the Year Ended 30th June, 1881". 1882. Ottawa: S.E. Dawson: xxxiii.

<sup>243</sup> Razack, Sherene. *Dying from improvement: Inquests and inquiries into Indigenous deaths in custody*. University of Toronto Press, 2015.

ultimately their deaths<sup>244</sup>. Razack's research shows how Indigenous bodies were characterized by Canadian state authorities in the same ways as Indigenous lands. Instead of a geographical space, the human body became a contained form of *terra nullius*, a place considered pre-modern and pre-capitalist by settler-colonial standards and thus lacking in value until it could be possessed and controlled. For settler society the idea that "Indigenous people are on the brink of death and are always flawed bodies" is used as justification for domination<sup>245</sup>. The white body in contrast is positioned as natural and healthy. Though Razack's work covers the last few decades, her theoretical framing can be extended back to the period of nation-building. By exploring this form of racialization in the penitentiary archives I show how this anatomy of indifference is intertwined within Canada's founding years. In their reports BC penitentiary medical officials code both physical and mental *flaws* as exclusively racial issues reflected in the body. The nation-building era was marked by justifications of frequent death which re-affirmed racial hierarchies in the penitentiary and beyond.

In this section on the surgeons' reports first I explore how Indigenous people are characterized as having flawed bodies in way that provide a parallel to Razack's work on Indigenous deaths. Then I follow this with a discussion of how racial knowledge of flawed minds are created for Chinese men. Finally, I look at how the surgeons' tables perpetuate these notions of racialized flaws.

---

<sup>244</sup> Razack, Sherene. *Dying from improvement: Inquests and inquiries into Indigenous deaths in custody*. University of Toronto Press, 2015: 134.

<sup>245</sup> *Ibid.*, 134.

## Flawed Bodies

Between 1879 and 1887 Surgeon Charles Newland Trew recorded the brief details of thirteen men who died at the BC Penitentiary. In his reports he notes the deaths of “Leo, Ah Woon, Jim, Harry, Dandy Jim, Jacob, Toby, William, Ah Sam, Charley, Sam and Jamie” as exceptional cases in a population otherwise in “good health”<sup>246</sup>. Of these thirteen men who died during Trew’s time at the penitentiary, eleven were marked as “Indian” in his reports. Trew ensured that the race of those who died was always clarified as in *Figure 16*. However, the Surgeon’s recorded notes on race excluded any reference to white deaths. The first instance of a white man dying in the Penitentiary was in 1882, three years after opening, when his name and cause of death is recorded but not his race. This death was remarked as the only “unexpected” death for Surgeon Trew. When John Dawdry, a white man,<sup>247</sup> died in 1882 due to heart disease, this report is swiftly followed by the first inquest in the penitentiary conducted by Surgeon Trew, who ultimately finds no fault in himself or the penitentiary. This process was not used once for any of the non-white deaths he recorded in his time as surgeon. The lack of any further inquiry indicates the naturalization of flaws in non-white bodies. Trew’s lack of surprise or interest in investigating these deaths is a blatant example of how certain populations were considered naturally close to death. In addition to the lack of an inquiry stands the racial remarks notable in *Figure 16*.

The visibility of racial categories in *Figure 16* is evident throughout Trew’s records, where the only time race is not mentioned is in the instance of John Dawdry’s death. Similar to the Warden’s efforts to record the race of non-white men in his escape records, Trew

---

<sup>246</sup>Justice, Minister of. “Report of the Minister of Justice as to Penitentiaries in Canada for the Year Ended 30th June, 1886”. 1887. Ottawa: S.E. Dawson: 99.

<sup>247</sup> Refer to Appendix A for full account of those who died in the penitentiary, John Dawdry was identified as a white European man when entering the penitentiary.

documented only the race of non-white people who died. This exclusion of any reference to white identity stands out in this table and contributes to an idea that only the non-white body is flawed. The Dominion Inspector or the Minister of Justice reading these tables would have always seen that death marked by racial terms such “Chinaman” and “Indian” but never defined by a white or European racial identity.

Figure 16. 1880 Surgeon’s Table of Deaths<sup>248</sup>

RETURN of Convicts who have died in British Columbia Penitentiary during the Year ending 30th June, 1880, with Crime and Place of Conviction.			
No.	Name.	Crime.	Place.
1	Leo (an Indian) .....	Murder.....	Nanaimo, V.I.....
2	Ah Woon (a Chinaman). ....	Wounding with intent to do bodily harm.....	do .....

Trew discusses the link between race, sickness, and death in almost every yearly report to the penitentiary warden and subsequently to Inspector Moylan. Though Moylan almost immediately deemed a hospital a “necessity” due to the class of convicts at the penitentiary it took two decades for the Surgeon to receive even a basic room for an infirmary. During this time “chiefly Indians, Half-breeds and Chinese” died<sup>249</sup>. Despite continuous requests from Trew and his reports on the deaths of many men from disease, the penitentiary officials deemed it unnecessary to prioritize the construction of a hospital.

After working at the prison for three years, Trew began to record his theories on race and death within the penitentiary. Three “Indian” men died during the operational year of 1882, listed only as “Dandy Jim, Harry, and Jacob”, the year that Trew experienced the highest number of

<sup>248</sup>Justice, Minister of. “Report of the Minister of Justice as to Penitentiaries in Canada for the Year Ended 30th June, 1880”. 1881. Ottawa: S.E. Dawson: 127.

<sup>249</sup>Justice, Minister of. “Report of the Minister of Justice as to Penitentiaries in Canada for the Year Ended 30th June, 1880”. 1881. Ottawa: S.E. Dawson: xxxiii.

deaths during his time at the penitentiary. He made the following justification for these deaths, connecting them to provincial ideas of sickness and race:

The cause of death in each case was due to that constitutional condition largely prevalent and fatal among them at liberty, and much more fatal to them while in confinement, as I have previously pointed out the Indians cannot bear confinement as well as white or Chinese<sup>250</sup>

This passage in Trew's report connects to the persistent settler-colonial narrative that Indigenous people are "doomed to extinction"<sup>251</sup>, as Razack argues. In the first sentence, Trew refers to Indigenous people in British Columbia only as "them", and he characterizes their death "while in confinement" as essentially inevitable. Through this official statement, Surgeon Trew creates an idea that the "Indian" body is marked with a condition that "at liberty" would prove fatal, and which is simply "much more fatal" during incarceration. This idea that an entire race is in closer proximity to death reflects the settler colonial narrative that serves as the foundation for nation-building in Canada. As Razack notes in her book, the logics of justice in this nation assume that "it is impossible to kill a man who is dying"<sup>252</sup>. Within the penitentiary walls of the late 19<sup>th</sup> century, the medical approach to Indigenous men aimed to absolve the penitentiary of its responsibility in the death of these men, fixating instead on their flawed bodies as the source of death.

---

<sup>250</sup> Justice, Minister of. "Report of the Minister of Justice as to Penitentiaries in Canada for the Year Ended 30th June, 1882". 1883. Ottawa: S.E. Dawson: 135.

<sup>251</sup>Razack, Sherene. *Dying from improvement: Inquests and inquiries into Indigenous deaths in custody*. University of Toronto Press, 2015: 60.

<sup>252</sup> *Ibid.*, 66.

Figure 17. 1882 Surgeon's Table of Deaths<sup>253</sup>

RETURN of Convicts who have Died in the British Columbia Penitentiary, during the Year ended 30th June, 1882, with Crime and Place of Conviction.				
No.	Name.	Crime.	Whence Received.	Died.
1	Dandy Jim (Indian).....	Wounding with intent....	New Westminster.....	September 13, 1881. ]
2	Harry (Indian).....	Larceny.....	do .....	do 14, 1881.
3	John Dawdry.....	do .....	Victoria.....	February 26, 1882.
4	Jacob (Indian).....	Murder.....	do .....	March 19, 1882.

In *Figure 17* the only man with an unspecified race is John Dawdry. As previously mentioned, Trew only sees John Dawdry's death as "unexpected" while the rest of the men's deaths are apparently unremarkable. The categories in *Figure 17* show the first instance where Trew did not record race in his table for every individual. Unlike John Dawdry, Dandy Jim, Harry, and Jacob are all designated with the bracketed remark "(Indian)" in lieu of a last name. Whilst John Dawdry has a complete name and no specified race, the rest of the men are reduced to the homogenizing racial term of "Indian". Dandy Jim, Harry, and Jacob died in the BC penitentiary during a period when there was no infirmary, no heating, and those plagued by chronic illness were forced to work through all daylight hours. The supposed susceptibility of "Indians" to illnesses was in reality a state sanctioned form of extreme neglect where death would have been otherwise preventable with "proper nutrition, ventilation, and medical care"<sup>254</sup>.

The idea that death was a natural outcome for Indigenous people who were incarcerated was also reflected in the parallel narratives emerging from residential school officials. Like the penitentiary, officials justified the continual deaths of residential school children with the

<sup>253</sup> Justice, Minister of. "Report of the Minister of Justice as to Penitentiaries in Canada for the Year Ended 30th June, 1882". 1883. Ottawa: S.E. Dawson: 136.

<sup>254</sup> McCoy, Ted. *Hard time: reforming the penitentiary in nineteenth-century Canada*. Athabasca University Press, 2012.: 198.

argument that First Nation children were simply more likely to die and faced equally fatal prospects outside of the residential school<sup>255</sup>. Similarly, Trew employed racial difference to excuse the deaths within the BC penitentiary walls as the unique racial characteristics associated with being Indigenous.

Figure 18. 1885 Surgeon's Table of Deaths<sup>256</sup>

RETURN of Convicts who have Died in the British Columbia Penitentiary, during the Year ended 30th June, 1885, with Crime and Place of Conviction.				
No.	Name.	Crime.	Whence Received.	Died.
1	Ah Sam <i>alias</i> Ah Mow (Chinese)	Housebreaking .....	Victoria .....	Sept. 5, 1884.
2	Charley (Indian).....	Cutting and wounding...	Yale .....	Dec. 23, 1884.
3	Sam do .....	Killing cattle .....	New Westminster ....	April 3, 1885.
4	Jamie do .....	Burglary.....	Lytton .....	do 16, 1885.

Two years before his death, Trew made an insistant plea to the Warden and the Dominion Inspector to increase pardons for the incarcerated “Indian” on the grounds that long term imprisonment within the BC penitentiary was “nearly equavalent to a life sentence”<sup>257</sup>. Figure 18 shows the breakdown of deaths in 1885. “Phthisis” is marked as cause of death for all four men, the records of which are summarized in Appendix C. This was a ninteenth century term for what is now known as tuberculosis, but was used in the 19<sup>th</sup> century to describe general pulmonary diseases<sup>258</sup>.

Trew’s remarks on their deaths are racially specific, bypassing the death of Ah Sam by clarifying that the “indian population here” has the “taint of consitutional weakness”. The term “taint” originates from a Latin and French combination in which something is colored with

<sup>255</sup> Kelm, M.E., 1998. Colonizing bodies: Aboriginal health and healing in British Columbia, 1900-50. UBC press.

<sup>256</sup> Justice, Minister of. “Report of the Minister of Justice as to Penitentiaries in Canada for the Year Ended 30th June, 1885”. 1886. Ottawa: S.E. Dawson: 91.

<sup>257</sup> *Ibid.*, 90.

<sup>258</sup> Frith, John. "History of tuberculosis. Part 1-phthisis, consumption and the white plague." *Journal of Military and Veterans Health* 22, no. 2 (2014): 29.

dye<sup>259</sup>. This coloring is irreversable, permanent and a defining characteristic of an object. This descriptive language inscribes an inherent flaw on the body of the “indian population”. The term also implies a physically present colour, which stands in contrast to the racial terms being used during this era in BC that largely lack any descriptive color. Only the term “white” actually stands for a race and physical colour during this time period. Trew uses this “taint” in his report as justification for having them pardoned from the penitentiary. It is unclear whether Warden McBride or Inspector Moylan shared Trew’s sentiments; however, pardons were increasingly employed in health-related circumstances. Pardon slips were used with more frequency as the penitentiary grew in its operational years, but often these “pardons” or reductions in sentences arrived after death or the released man would die soon after he was freed<sup>260</sup>. In one such occasion, Trew notes that a “half-breed”<sup>261</sup> was discharged after experiencing symptoms of phthisis that had killed two other “Indian” men already, only to die “shortly after his return to his home”<sup>262</sup>. Even though pardons were more frequently used, the incarceration of Indigenous men continued for the entirety of the nation-building era<sup>263</sup>.

Trew’s way of naturalizing death among Indigenous men within the penitentiary as primarily due to their “constitutional weakness” was only one aspect of how the Surgeon used race to mark certain bodies as inherently flawed. The physical weakness ascribed to Indigenous men in British Columbia was echoed in descriptions of Chinese men in the province. Instead of a

---

<sup>259</sup> “Taint” Merriam-Webster Dictionary, Accessed August 13, 2020. <https://www.merriam-webster.com/dictionary/taint>

<sup>260</sup> Scott, Jack David. "Four Walls in the West: The Story of the British Columbia Penitentiary." *Retired Federal Prison Officers Association of British Columbia* (1985).

<sup>261</sup> Notably this is the only time that an official at the penitentiary used the racial language of “half-breed” in their reports and not just in their tables

<sup>262</sup> Justice, Minister of. “Report of the Minister of Justice as to Penitentiaries in Canada for the Year Ended 30th June, 1883”. 1884. Ottawa: S.E. Dawson: 129.

<sup>263</sup> Refer to my earlier mention of Vicki Chartrand’s 2019 paper that notes how BC has much higher incarcerations of non-white populations during this era.

physical “taint,” however, Chinese men were characterized by mental flaws. The racialization of the Chinese incarcerated population as mentally inferior was part of a long history of racial exclusions in British Columbia. As Renisa Mawani’s research on Chinese leprosy in British Columbia has shown, tying disease and physical inferiorities to Chinese men was part of project of racialized exclusion<sup>264</sup>. However, within the BC penitentiary these racial narratives focussed on mental inferiorities. As noted in the passage above, Chinese men’s bodies were grouped with white men in contrast to the flawed “Indian” body. But this grouping only went so far, Chinese men were still made out to be flawed through the Surgeon’s reports. What follows is an exploration of how the BC Penitentiary surgeons used racialized theories of mental health to explain away suicide and insanity within the institution.

#### Flawed Minds

In 1888 a new surgeon took over after Trew’s death. During his first year, Doctor William Andrew DeWolf-Smith notes in his report that a “Chinaman...committed suicide by hanging”<sup>265</sup>. He makes no further mention of the subject other than to say that “the man was insane”<sup>266</sup>. However, the Daily British Columbian latched onto the death, likely because it was the first alleged suicide in the penitentiary. *Figure 19* is the published report by the paper. The sensational title “A Chinaman Suicides” echoes DeWolf-Smith’s racial terminology. The provincial newspaper focuses on Ah Wong’s “signs of insanity”. First, the account notes that he attempted to “run away” from the penitentiary, then after promising good behaviour he began

---

<sup>264</sup> Mawani, Renisa. "The Island of the Unclean': Race, Colonialism and 'Chinese Leprosy' in British Columbia, 1891-1924'." *Law, Social Justice & Global Development Journal (LGD)* 1 (2003)

<sup>265</sup>Justice, Minister of. "Report of the Minister of Justice as to Penitentiaries in Canada for the Year Ended 30th June, 1888". 1889. Ottawa: S.E. Dawson: 111.

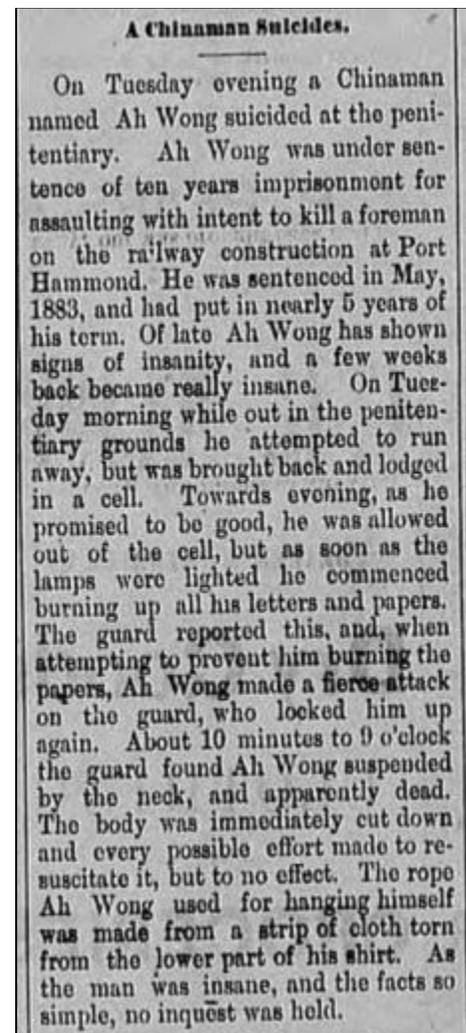
<sup>266</sup> *Ibid.*, 111.

“burning up all his letters and papers”. These signs were swiftly followed by a “fierce attack” on a prison guard who attempted to stop him from burning his papers. The same guard was left in good enough health after the attack to find Ah Wong “apparently dead” later that night.

The newspaper article concludes that the “facts were so simple” that no inquest was held into his death. The entirety of Ah Wong’s actions that were used to explain how he had become “really insane” would have been provided by those inside the penitentiary, either from a guard or another official. The article in *Figure 19*, and DeWolf-Smith’s own simple note , effectively imply that Ah Wong’s suicide was a self-evident death. To be insane was also to be close to death. Though not the first attempted suicide in the Penitentiary, this was the first suicide attempt that had led to death and the external attention that it received likely added to the narrative of mental fragility among Chinese men.

In *Dying From Improvement*, Razack reveals how modern inquests into suicides are conducted by officials who believe “death comes suddenly to” Indigenous people in prison. Razack focuses on how these officials characterize Indigenous suicide in prison as something the “prison can do little about” as these are “people bent on self-destruction”<sup>267</sup>. In much the same way that Trew easily marked Indigenous men as already dying, the story told of Ah Wong’s death is

Figure 19. Newspaper clipping from *The Daily British Columbian* – Source: “A Chinaman Suicides” *The Daily British Columbian*, 1887, UBC Archives: 1.



<sup>267</sup> Razack, Sherene. *Dying from improvement: Inquests and inquiries into Indigenous deaths in custody*. University of Toronto Press, 2015: 132.

another layering of racial logics by white settler officials within the BC penitentiary. As indicated in *Figure 19*, Ah Wong was assumed to be “really insane” in fiercely attacking the guards and attempting to burn his own possessions. As an assumed insane “Chinaman”, Ah Wong was characterized as unrescuable in the eyes of the public in British Columbia, a sentiment shared by penitentiary officials like DeWolf-Smith who never looked further into the death. Suicide was not unique to Chinese men, nor was being marked “insane” by the Surgeon, but the racial narrative of their mental weakness endured long past the nation building era. When Jack David Scott wrote *Four Walls in the West* in 1984, he summarized the first suicide attempt in the BC penitentiary by the individual Ah Wong as follows:

The Chinese prisoner[s] suffered considerable remorse from the shame of being in prison and were prone to attempt to commit suicide or to injure themselves.<sup>268</sup>

Even a hundred years after his death, Ah Wong and other Chinese men were simply folded into the enduring racial myth of their proclivity towards suicide and self-harm. This assumption of an inherently flawed Chinese mind ignored many realities experienced by Chinese men incarcerated at the British Columbian penitentiary and the fact that other non-Chinese men in the penitentiary also experienced extensive mental health challenges. The specific system of discipline and punishment constructed by Warden McBride and his successors at the BC Penitentiary was extremely harsh. Hard labour was required from dusk till dawn<sup>269</sup>. Foucault has pointed to how the penitentiaries were sites of hidden if subtle forms of torture for everyone incarcerated.

---

<sup>268</sup> Scott, Jack David. "Four Walls in the West: The Story of the British Columbia Penitentiary." Retired Federal Prison Officers Association of British Columbia (1985): 9.

<sup>269</sup> McCoy, Ted. *Hard time: reforming the penitentiary in nineteenth-century Canada*. Athabasca University Press, 2012.

Canadian prison scholars like McCoy present records of how men were “hastened into [their] grave” by officials like Warden McBride in particular<sup>270</sup>.

Isolation was a primary tool of incarceration in the Auburn system as well. Though it was justified as a space for convicts to commit to “penance”, the reality was largely a form of mental torture.<sup>271</sup> The Auburn system had originally allowed for no socialization for the incarcerated but was quickly changed to allow people to work together after prison officials found almost every man went insane from the solitude<sup>272</sup>. However, most of the isolationist principles remained in the penitentiary routine. These incarcerated men were never allowed to speak with each other or to the guards. The BC Penitentiary was one of only two penitentiaries across Canada that implemented a policy of isolated meals, which meant that the normal space for socialization amongst those incarcerated was completely eliminated. Instead men were left in solitary confinement for all hours they were not labouring in silence. In the BC penitentiary, the incarcerated men were almost always alone in the long evenings, like the one Ah Wong experienced the night of his death. Brief respites existed in the fact that the chaplains and schoolmasters were allowed to converse with the convicts relatively freely. However, not a single one of them spoke Chinese, and the records show that the majority of Chinese men incarcerated were migrant labourers with limited English fluency<sup>273</sup>.

Ah Wong spent five years in the penitentiary before he took his own life. He was eighteen when he entered the penitentiary and twenty three when he died. He was forced into the

---

<sup>270</sup> McCoy, Ted. *Hard time: reforming the penitentiary in nineteenth-century Canada*. Athabasca University Press, 2012: 188.

<sup>271</sup> Conley, Anna. "Torture in US jails and prisons: An analysis of solitary confinement under International Law." *Vienna J. on Int'l Const. L.* 7 (2013): 415.

<sup>272</sup> Volona, A. "The role of chaplaincy in restorative justice." In *Women in Corrections: staff and Clients Conference*, Adelaide. 2000.

<sup>273</sup> See Penitentiary reports 1879 – 1916, included tables almost always record the previous employment of those incarcerated along with English fluency.

hard daily labour typical of the penitentiary but managed to create enough space for himself to write. He likely used his letters and papers as a technique of survival, enduring the solitary confinement and lack of human connection for the hours, weeks and years he spent on his own. If Ah Wong's mental health deteriorated it did so for obvious reasons, the facts "so simple" in the suffering he endured in solitude. These details should only mark how entirely preventable his death was, and culpable the penitentiary remains. Instead, Ah Wong's death was recorded by the penitentiary and public as further evidence of the racial flaws of Chinese men, effectively absolving the province and the nation of any responsibility.

#### Flaws in the Surgeon's Tables

In contrast to Trew's medicalized generation of tables on racial flaws in non-white bodies, Surgeon DeWolf-Smith used very little space in his reports to discuss the state of the penitentiary or the convicts. Instead, during the rest of the nation-building era in British Columbia his tables on death contained the majority of his thoughts on race. His record keeping over this period covered both death and insanity in the penitentiary. His record of deaths during his time as the penitentiary Surgeon also overlaps with the year that the surgeons' tables shifted. Comparing *Figure 18* above with the much more detailed account in *Figure 20* below, we see that prison number, cause of death, and country of origin are all recorded in separate columns.

Figure 20. 1888 Surgeon's Table of Deaths<sup>274</sup>

ANNUAL Return of Deaths in the Hospital from 1st July, 1887, to 30th June, 1888.									
Number of Deaths.	Prison Number.	Name.	Age.	Disease.	Admitted.	Died.	Country.	Days in Hospital.	Remarks.
1	117	Ah Wong.....	23	Suicide.....		11 Oct., 1887	China.....		Hanged himself in his cell.
2	72	John Marion.....	28	Rheumatism	3 Jan., 1888	5 Mar., 1888	U. S.....	62	
3	238	Astanola George...	25	Phthisis.....	2 Feb., 1888	18 Apl., 1888	Canada...	76	Indian.

W. A. DEWOLF SMITH, M.D.,  
Acting Surgeon.

At first, DeWolf-Smith no longer lists terms like “(Indian)” in brackets next to names as in Surgeon Trew’s tables. Rather, he creates a separate column, where the race of the individual is recorded in “Remarks”. This change communicates DeWolf-Smith’s priorities and in turn the priorities of the penitentiary. In *Figure 20*, Ah Wong is racialized both through his name and the now recorded country of origin, DeWolf-Smith did not remark on his race, but on his method of committing suicide. Astanola George, by contrast, is listed as coming from “Canada” but is distinguished from other Canadians as an “Indian”. As the BC penitentiary became more established during the nation-building era, Surgeon DeWolf-Smith continued to refine his racial classifications.

Figure 21. 1903 Surgeon's Table of Deaths<sup>275</sup>

RETURN of Deaths in the Hospital.						
Name.	Age.	Disease.	Date of Admission.	Date of Death.	Nationality.	No. of Days in Hospital.
Samien .....	20	Scrofula ....	July 27, 1902....	August 23, 1902.	Canadian Indian	28

<sup>274</sup> Justice, Minister of. “Report of the Minister of Justice as to Penitentiaries in Canada for the Year Ended 30th June, 1888”. 1889. Ottawa: S.E. Dawson: 97.

<sup>275</sup> Justice, Minister of. “Report of the Minister of Justice as to Penitentiaries in Canada for the Year Ended 30th June, 1903”. 1904. Ottawa: S.E. Dawson: 94.

*Figure 21* shows Samien's death in 1902 along with certain distinguishing details. At this point DeWolf-Smith had worked at the BC penitentiary for five years and developed a new method of recording hospital deaths. Instead of "country" and "remarks" separating details of race, the column marked with new term "Nationality" is now the space to clarify that Samien is a "Canadian Indian". This shift followed more widespread shift in which white officials used nationality as a labeling point for race. During the first ten years of the twentieth century many new nations such as Canada became increasingly fixated on maintaining border control and establishing a national identity<sup>276</sup>. With that, the distinctions of race and region became increasingly important. This is shown in the Warden's tables during this era, but DeWolf-Smith is also clearly making this shift with the first instance of "Canadian Indian". By establishing this new term for a "Nationality" the Surgeon is creating a racial identity defined by the Dominion of Canada. No consideration is given to what First Nation community Samien is from.

Like most of the other cases of death within the penitentiary, Samien died of Scrofula, a condition where the bacteria that causes tuberculosis in the lungs migrate to other parts of the body. He died after a month in the hospital ward that DeWolf-Smith noted was woefully underquipped and poorly ventliated<sup>277</sup>.

---

<sup>276</sup> Berger, Stefan, and Aleksey Miller. "Nation-building and regional integration, c. 1800–1914: the role of empires." *European Review of History—Revue européenne d'histoire* 15, no. 3 (2008): 317-330.

<sup>277</sup> Justice, Minister of. "Report of the Minister of Justice as to Penitentiaries in Canada for the Year Ended 30th June, 1903". 1904. Ottawa: S.E. Dawson: 93.

Figure 22. 1908 Surgeon's Table of Deaths<sup>278</sup>

DEATHS DURING THE YEAR.						
Name.	Age.	Disease.	Date of Admission.	Date of Death.	Nativity.	Days in Hospital.
Ross, John.....	35	Bronchial asthma.....	1907. June 10th....	June 10th....	English.....	1
St. Paul, George.....	37	Tuberculosis.....	1908. January 23rd	1908. Feb. 18th....	Indian.....	27

Though DeWolf-Smith revised his tables to include Nationality, he then abruptly dropped this category so that by 1908 he began using a term not found anywhere else in the penitentiary reports. In *Figure 22*, the column “Nativity” is where DeWolf-Smith designates George St.Paul as “Indian”. Nativity meant “origin of birth”, while also weaving race and nationality together<sup>279</sup>. “English” then becomes the default term for white, and since DeWolf-Smith no longer records race anywhere else, he now uses terms for geographic location to determine the race of John Ross. In contrast, George St.Paul is from nowhere but his race: he is natively “Indian” and no further remarks on his country of origin or geographic location are necessary for DeWolf-Smith or the penitentiary officials he is writing to. George St.Paul was from the Kamloops region, identified as a member of the Chinookan people living along the west coast of North America<sup>280</sup>. Nativity remained a signifier of racial difference for DeWolf-Smith until 1913, the last recorded deaths made by the surgeon before the breakout of World-War 1.

<sup>278</sup> Justice, Minister of. “Report of the Minister of Justice as to Penitentiaries in Canada for the Year Ended 30th June, 1908”. 1909. Ottawa: S.E. Dawson.

<sup>279</sup> “Meaning of Native in English” Lexico.com, Accessed August 13, 2020. <https://www.lexico.com/definition/native>

<sup>280</sup> “Murder at Kamloops” *The Prospector*, August 3, 1900: 2.

Figure 23. 1913 Surgeon's Table of Deaths<sup>281</sup>

DEATHS DURING THE YEAR ENDED MARCH 31, 1913						
Name.	Age.	Cause of death.	Date of admission to Hospital.	Date of death.	Nationality.	Days in Hospital.
Norman Wilson.....	22	Bullet wound....	28-10-12	29-10-12	Canadian.	1
Johnny Peter.....	50	Tuberculosis	23-1-13	31-1-13	Indian.	8
Joseph Smith.....	24	Hanged.	.....	31-1-13	English.	.....
Philip Hopkins.....	42	Tuberculosis	8-2-13	6-3-13	Afro-American.	26

After five years of using the column head “Nativity”, the Surgeon switches back to “Nationality”, as shown in *Figure 23*. This table, along with the comments made by DeWolf-Smith in 1913, hints at the penitentiary officials’ continued minimization of non-white death. For the first time in over five years, multiple people had died at the Penitentiary, two specifically from bad health. Yet, DeWolf summarized that “the health of the convicts has been good, not many serious cases occurring”<sup>282</sup>, failing to mention either Johnny Peter or Philip Hopkin’s deaths from Tuberculosis recorded in *Figure 23*. The Nationality for these men was noted in place of Nativity; while Philip Hopkins is noted as “Afro-American”, specifying race and region, and Johnny Peter is simply recorded as “Indian”. In contrast to the Warden at this time, DeWolf-Smith no longer specifies “Canadian” in the nationality category for Indigenous people. This change from ten years previous, where DeWolf-Smith had identified Samien as “Canadian Indian”, potentially indicates the Surgeons perspectives on race and nationality. For him, and the Warden, Nationality cannot combine white and non-white populations together. So, while Joseph Smith and Norman Wilson are just listed with their geographic locations in *Figure 23*, the

<sup>281</sup> Justice, Minister of. “Report of the Minister of Justice as to Penitentiaries in Canada for the Year Ended 30th June, 1913”. 1914. Ottawa: S.E. Dawson: 41.

<sup>282</sup> *Ibid.*, 40.

absence of their race highlights that the Surgeon is using these terms as equivalent to a white identity. Johnny Peter's recorded nationality as "Indian" was itself a geographically inaccurate designation yet considered sufficient for DeWolf-Smith's records. Additionally, by only noting the race of the men who died from Tuberculosis in the penitentiary, the Surgeon reinforced the binary of healthy/sick and white/non-white identity markers. These details in *Figure 23* reveal a logic of race and country that DeWolf-Smith and other penitentiary officials were crafting over their years within the institution.

This binary revealed itself a few years earlier in the Surgeon's reports, surprisingly outside of the tables. Generally, DeWolf-Smith almost never writes about race in his discussion section of his reports, but in 1903 he makes the following observation:

With regard to the two convicts returned insane – probable that both were weak minded when admitted to the penitentiary. One was a negro and the other a Chilian.<sup>283</sup>

During the Surgeon's time at the penitentiary, he has sent over a dozen men to the "provincial hospital for the insane" but only ever specifies the race in the case of non-white men. Here he offers the explanation that that the men were essentially "weak minded" before entering the penitentiary, following immediately with the remark on their foreign and racialized identities. This is possibly because the tables for the "Insane" did not create a convenient space such as "Nationality" or "Nativity" to record race. As is visible in *Figure 24*, simply the Name, Crime, Term and date of transfer to the Asylum of both men was recorded by the Surgeon. When DeWolf-Smith clarifies the identity of the men in his discussion section as "negro" and "Chilian" he is combining a non-geographic racial term and a geographically specific label but one that

---

<sup>283</sup>Justice, Minister of. "Report of the Minister of Justice as to Penitentiaries in Canada for the Year Ended 30th June, 1903". 1904. Ottawa: S.E. Dawson: 35.

also denotes a non-white identity. The Surgeon uses these non-white identities almost to explain away any responsibility that the penitentiary may have for their mental health. The non-white minds are considered already flawed before having entered under the state’s direct supervision.

Figure 24. 1903 Insane Returns Table<sup>284</sup>

List of Convicts who became Insane during the year 1902-1903.			
Name.	Crime.	Term.	Remarks.
James Thompson..	Attempted rape.....	7 years...	Transferred to Provincial Asylum for the Insane, April 7, 1903.
Manuel Frank....	Assault with intent.....	2 years...	Transferred to Provincial Asylum for the Insane, May 19, 1903.

DeWolf-Smith’s records are concerned with mortality rates, causes of death, and treatment costs, and also with absolving both his own and the penitentiary’s role in death and sickness. In this way, by always carefully marking and foregrounding the race of his non-white patients, and even by clarifying when patients were foreigners to Canada, DeWolf-Smith perpetuates the enduring racial myth that these bodies were naturally flawed. In cases where a white convict died, the reasons were almost always clarified and inquests were held<sup>285</sup>. Clarifications about the source of disease or insanity among white men in the penitentiary were employed to encompass all white male convicts, even as white men died from Phthisis and tuberculoses. During this nation building era of the penitentiary, two white men committed suicide in 1909, but their self-inflected deaths were never generalized to represent bodies of other white men<sup>286</sup>. In contrast, the records of Ah Wong and Quee Duck’s suicides in 1888 and 1900 define the incarcerated “Chinaman” as weak minded.

<sup>284</sup> Justice, Minister of. “Report of the Minister of Justice as to Penitentiaries in Canada for the Year Ended 30th June, 1903”. 1904. Ottawa: S.E. Dawson: 37.

<sup>285</sup> Justice, Minister of. “Report of the Minister of Justice as to Penitentiaries in Canada for the Year Ended 30th June, 1891”. 1892. Ottawa: S.E. Dawson: 118.

<sup>286</sup> Justice, Minister of. “Report of the Minister of Justice as to Penitentiaries in Canada for the Year Ended 30th June, 1909”. 1910. Ottawa: S.E. Dawson

When the British Columbia Penitentiary first opened it had no infirmary or area for medical treatment. Even when a medical ward was ultimately constructed in 1891, poor ventilation and diet as well as continuous hard labour led to many deaths in the penitentiary. Though white men died from mental and physical complications resulting from incarceration their race was never connected to such instances, instead only non-white identity markers were used to define the sick and the deceased. These distinctions in the medical reports created racial truths in the penitentiary that the reports carried beyond the “four walls in the west”<sup>287</sup>. Two distinct racial narratives emerged from the head surgeons at the BC penitentiary during the nation-building era which regarded certain bodies as flawed and others as natural.

During this period, between 1879 and 1916, a racialized narrative of disease and death was solidified by the surgeons. Their notes and tables marked specifically Chinese and Indigenous people as flawed bodies but also created binaries between non-white men and white men. For both surgeons, “Indians” were physically weak and thus prone to death, whilst the “Chinese” were mentally flawed, unable to manage confinement and prone to “becoming” insane. When focusing on “Chinese” and “Indians”, the surgeons created these identity groups in contrast to each other, but they would then merge all non-white identities to define the natural bodies of white settlers in the province. The surgeons never connected a white racial identity to death in the penitentiary or to insanity, despite the prevalence of both in the population. Death was naturalized as an outcome of flaws inherent in racialized populations. Though these flaws were distinct, they were also overlapping, as disease was characterized as inherent for “Chinese, Indian and Half-breed” populations in the province.

---

<sup>287</sup>Scott, Jack David. "Four Walls in the West: The Story of the British Columbia Penitentiary." *Retired Federal Prison Officers Association of British Columbia* (1985).

The British Columbia Penitentiary reports are situated in a larger national and global context that blurred the lines of sickness, race, labour and reformability. Ted McCoy's archival work on labor and medicine in Canadian penitentiaries creates a framework for understanding how "weakness" in the physical body, either due to disease, disability or poor mental health, was tied directly to the image of the convict as a "poor labourer"<sup>288</sup>. Penitentiary reports show that British Columbia had a unique regional context that wove beliefs about deficient laborers together with racial fears. Beyond the Dominion's borders, British Columbians were following a colonially routed and widespread logic that tied disease to racial categorization. Disease and health were used to determine "choice laborers" across the world, creating a complex process of exclusion and hierarchical inclusion in nation-building projects<sup>289</sup>. Scholar Khary Polk's recent book *Contagions of Empire* explores how the United States of America at the turn of the 20<sup>th</sup> century in particular was exporting racial logics that dehumanized Black men and women through disease, making them both "subhuman and superhuman" to justify labour practices<sup>290</sup>. In the USA, Black people were being characterized as infectious, vectors of disease, and paradoxically somehow immune to sickness and thus effective laborers in disease-ridden areas abroad. Canada differed in how the country conflated race and disease, but the BC penitentiary records exemplify how local officials pulled from global trends in racial domination during their processes of racializing a flawed incarcerated body. Over a hundred years later, Sherene Razack's research shows how these same techniques of racial domination are still employed today.

---

<sup>288</sup> McCoy, Ted. "The unproductive prisoner: Labor and medicine in Canadian penitentiaries, 1867-1900." *Labor: Studies in Working-Class History of the Americas* 6, no. 4 (2009): 95-112: 107.

<sup>289</sup> Polk, Khary Oronde. *Contagions of Empire: Scientific Racism, Sexuality, and Black Military Workers Abroad, 1898-1948*. UNC Press Books, 2020.

<sup>290</sup> *Ibid.*, 8.

## Conclusion: Beyond the Four Walls

*Figure 25. 1886 Carriage Tour by Fitzsimmons for Prime Minister John A. McDonald<sup>291</sup>*



John A. MacDonald, the first Prime Minister of Canada, arrived in New Westminster in 1886 on the recently completed Canadian Pacific Railroad. In *Figure 25* he sits in a white top hat and suit, hands placed in his lap behind James D. Fitzsimmons. As the tour guide, the “Chief Keeper of the Dominion Penitentiary” Fitzsimmons sits to the left of the driver, close enough to MacDonald to be able to lean back and detail the wonder of New Westminster to the Prime Minister<sup>292</sup>. He faces the photographer, along with the majority of men in the image, all dressed in multilayered suits and brimmed hats. The large cart horse is at a calm standstill, ears back, listening for any signal from the driver. The men are posed from this picture close to the town’s central district, in the midst of a tour that had been paused for this quick group shot. This would

---

<sup>291</sup>Hainsworth, Gavin, and Katherine Freund-Hainsworth. *A New Westminster Album: Glimpses of the City as it was*. Dundurn, 2005: 24.

<sup>292</sup> *Ibid.*

be the only time in his forty-year political career that MacDonald would visit New Westminster and his chosen guide was the Deputy Warden of the British Columbia Penitentiary.

The BC penitentiary officials were intimately tied to men broadly considered founders of the Dominion of Canada. On a national level, Prime Minister John A. MacDonald considered Dominion Inspector Moylan a close friend and was likely introduced to Deputy Warden Fitzsimmons through this friendship<sup>293</sup>. On a provincial level, the founder of the BC Conservative party was Warden McBride's son, Richard McBride, whose leading political contributions occurred during the nation-building era of the Canada. *Figure 25* is one of the few preserved images that show the penitentiary officials' close ties with the Dominion authorities. The image's significance lies in what these connections determine about penitentiary racial logics and empire.

The wardens, the chaplains, and the surgeons all moved through the world and held influence beyond the confines of the penitentiary. This thesis focused on these three groups because they were authorities in the penitentiary that had influence in establishing the country's settler-colonial society. Though their official reports were not widely discussed, they did reach the eyes of those at the highest rungs of the Dominion's authority. The existence of the archives and the connections of these men demonstrates that the knowledge generated in the penitentiaries was preserved, maintained, and built upon as part of a larger project of colonial-settlement in the province and the country. The nation-building era of Canada was rife with policies and practices centered on race and created by the men whose eyes and ears were turned to the penitentiary officials.

---

<sup>293</sup>Peter Oliver, "MOYLAN, JAMES GEORGE," in *Dictionary of Canadian Biography*, vol. 13, University of Toronto/Université Laval, 2003–, accessed August 14, 2020, [http://www.biographi.ca/en/bio/moylan\\_james\\_george\\_13E.html](http://www.biographi.ca/en/bio/moylan_james_george_13E.html).

The wardens' introductions and discussions of racial distinctions are mostly found in their penitentiary report tables, but the occasional mention in their summaries of yearly events showed how race distinctions were used to further their goals of discipline and labour. The wardens, like McBride, often inserted race in a way that indicated a more implicit process of racialization but also one rife with contradiction with respect to the penitentiary. In one instance, for example, Warden McBride characterized incarcerated Chinese men as skilled labourers for their economizing potential, but also believed adamantly only in hiring white men for the penitentiary. As voices of authority, the wardens were able to employ racial difference for their own benefit whilst never having to confront the incongruencies of their racial theorizing. In this way, the racism that is part of and emergent from the wardens' reports is rooted in an illogical foundation and thus poses a challenge to counter. Their illogical assertions follow a narrative of convenience that can be found in racist discourses today.

Whilst the wardens employed race largely for the benefit of themselves and other government officials, the chaplains' connections to the Church and subsequently the Salvation Army meant that their constructed ideas of race played into a different external project. As leaders of the rehabilitation and parole movements, the chaplains used racial logics to support the role of the Church in the penitentiary. As covered in the section on the chaplains, these church leaders were highly fixated on race, often making either Chinese or Indigenous men the main points of their reports to the dominion. The racism evident in their work carried a distinctly paternalistic tone, where the Church was easily positioned as a necessary guide among the incarcerated. Their forms of racist discourse positioned incarcerated people, but in particular non-white populations, as lost children in need of education and assistance.

Finally, the surgeons showcased enduring racist logics in devaluing certain bodies in order to excuse away death and sickness and absolve responsibility. As my discussion of the surgeons illuminates, these medical officials at the penitentiary claimed scientific expertise in their racial categorizations. The surgeons clarified their continual stance on the constitutional and mental weakness of Chinese and Indigenous men in particular. In part the surgeons were expressing concern over the frequent deaths among the Indigenous incarcerated population, especially after the first decades of operation contained almost exclusively deaths of Indigenous and Chinese men, as shown in Appendix C. However, this concern led to an overt naturalization of racial difference, where Indigenous men were deemed physically weak and Chinese men mentally weak. No similar conclusions were reached regarding the large incarcerated white population. The racist naturalization of physical and mental differences continues today<sup>294</sup>. By unraveling the long history of where these truths originated, we may discover how best to disrupt them. Similarly, the disproportional incarceration of minority communities in BC and the apparent inequalities within the Canadian justice system can be unraveled and followed back to how the penitentiary during the nation-building era informed our present.

Prime Minister MacDonald and Premier Richard McBride both built the imperial power of Canada through the subjugation of non-white peoples. A few years after the BC Penitentiary opened, MacDonald established the Indian Commission. Soon the residential schools spread in full force, which led to tens of thousands of Indigenous children's deaths, all in an effort to achieve MacDonald's desire to turn them into "little white people"<sup>295</sup>. The Prime Minister also implemented the Chinese Head Tax and the Electoral Franchise Act, with the definite statement

---

<sup>294</sup> Hoberman, John. *Black and blue: The origins and consequences of medical racism*. Univ of California Press, 2012.

<sup>295</sup> Starblanket, Tamara. *Suffer the little children: Genocide, Indigenous Nations and the Canadian state*. SCB Distributors, 2018: 87.

that “the Aryan character of the future of British America should be destroyed” if Chinese people were allowed to freely enter the country or vote<sup>296</sup>. In 1915, right before the beginning of World War I, John A. MacDonald, along with his political career, was honoured as the “Empire Builder” of Canada<sup>297</sup>. Though he died in 1891, his policies endured for decades as part of the country’s procession into modernity.

This opposition to racialized immigrant populations formed the imperial principles of the new Dominion of Canada<sup>298</sup>. However, MacDonald’s declared fear of being overrun by the “Mongolian Race” was strictly a racial myth from British Columbia that he had brought to a national conversation. After the Prime Minister’s death, Richard McBride founded the BC Conservative party and was the Premier of BC from 1903 to 1915. His time in office was defined by a continual use of racial politics. Not only was Richard McBride the son of Warden McBride, but he grew up on the British Columbia Penitentiary grounds. His family and his years at the penitentiary brought Richard McBride into close proximity with the racial logics generated at the institution. His time in office is largely remembered today through his joint commission that stole massive areas of land from the First Nation reserves, and his decision to deny entry to the people on the *Komagatu Maru* in 1914. Racial conflict existed at all levels of politics, from the local to the national, and was widespread in the general social consciousness, but the reach and influence of the penitentiary should not be discounted. The BC penitentiary officials’ racial theorizing could not have been absent from these conflicts by the very nature of their personal connections to local and national authorities.

---

<sup>296</sup> Wherry, Aaron. “Was John A. Macdonald a White Supremacist?” *Macleans*, August 21, 2012.

<https://www.macleans.ca/politics/ottawa/was-john-a-macdonald-a-white-supremacist/>

<sup>297</sup> Stauffer, Byron “Sir John A. MacDonald, Empire Builder” The Empire Club of Canada, February 18, 1915.

<http://speeches.empireclub.org/62057/data?n=3>

<sup>298</sup> Ward, Peter. *White Canada forever: Popular attitudes and public policy toward Orientals in British Columbia*. McGill-Queen's Press-MQUP, 2002.

My archival reading of the warden, chaplain and surgeon reports during the nation-building era exposes the fraught nature of imperial racial theorizing. On a very basic level, the penitentiary functioned to disappear the bodies of those who did not meet the bar of a proper subject of the nation. After disappearing people inside the penitentiary, officials then determined, quantified and essentialized who these people were and what they were worth into tables, formulas and categories. What was meant to emerge from the penitentiary, in the minds of the officials, were people reduced to the status of docile and productive subjects. Race was a core tenet of these processes of reduction, and the archives show these principles. To be a good subject under the new Dominion of Canada was to meet specific standards and ideas of whiteness<sup>299</sup>. To fail as a subject was to fail to meet those standards, so penitentiary officials were constantly restructuring their methods to address this issue of the non-white other<sup>300</sup>. In this way, racial violence and domination are foundational tools emerging from the BC penitentiary for the benefit of settler-colonialism. The Canadian penitentiary was and continues to be envisioned as a project to reduce crime, rehabilitate those deemed criminal and create economizing power<sup>301</sup>. Yet none of those standards were ever met during the nation-building era, as lamented yearly by the Dominion Inspectors<sup>302</sup>. This continuous failure of an institution has endured to the present day. This endurance is in part due to the penitentiary's success as an institution of domination and as a tool for representing empire in Canada.

---

<sup>299</sup> Roy, Patricia E. "A white man's province: British Columbia politicians and Chinese and Japanese immigrants, 1858-1914". *UBC Press*, 1990.

<sup>300</sup> The surgeons, wardens and chaplains at the BC Penitentiary discuss differences by race and how to deal with incarcerated populations along these racial categories

<sup>301</sup> Justice, Minister of. "Report of the Minister of Justice as to Penitentiaries in Canada for the Year Ended 30th June, 1910". 1911. Ottawa: S.E. Dawson; McCoy, Ted. *Hard time: reforming the penitentiary in nineteenth-century Canada*. Athabasca University Press, 2012; Wetherell, Donald Grant. "rehabilitation programmes in canadian penitentiaries, 1867-1914. a study of official opinion." (1981): 4803-4803.

<sup>302</sup> See the Inspectors Report from the Report of the Minister of Justice as to Penitentiaries in Canada 1879-1916.

However, the reports also revealed the weaknesses of racial logics. The wardens struggled with the contradictory principles of “making better” populations they were meant to devalue and dehumanize within a white nation. The chaplains fluctuated between challenging and complying with other officials, ultimately showcasing the political paths carved by racial domination. Finally, the surgeons employed race to absolve institutional and personal guilt over the deaths of men in the penitentiary, all the while ignoring the blatant contradictions between their treatment of non-white versus white patients. The reports collectively present an unstable and fragile construction of race, which disrupts the racial logics produced in the institution and transferred beyond. These racial truths were used to justify the suffering and deaths of the incarcerated often to the benefit of the penitentiary officials. As Vicki Chartrand and other Canadian prison scholars has pointed out, the modern penitentiary system in Canada is still based on racist settler-colonial principles<sup>303</sup>. Having furthered the research on the local context of the British Columbia Penitentiary, this thesis can inform how provincial criminal justice reform might be undertaken. By exposing how deep the roots of modern incarceration inequality reside, it becomes possible to properly uproot a flawed system and begin anew. Still missing are the voices of the incarcerated. Further research in the provincial archives should be undertaken to find the letters and papers of those incarcerated during the nation-building era to help better inform our present discussions on race and the penitentiaries.

---

<sup>303</sup> Chartrand, Vicki. "Unsettled times: indigenous incarceration and the links between colonialism and the penitentiary in Canada." *Canadian Journal of Criminology and Criminal Justice* 61, no. 3 (2019): 67-89.

# Appendix

## Appendix A: Qayqayt Traditional Lands

Source: Nikater, “Map of traditional Qayqayt tribal territory” *Wikipedia*, December 17, 2007.

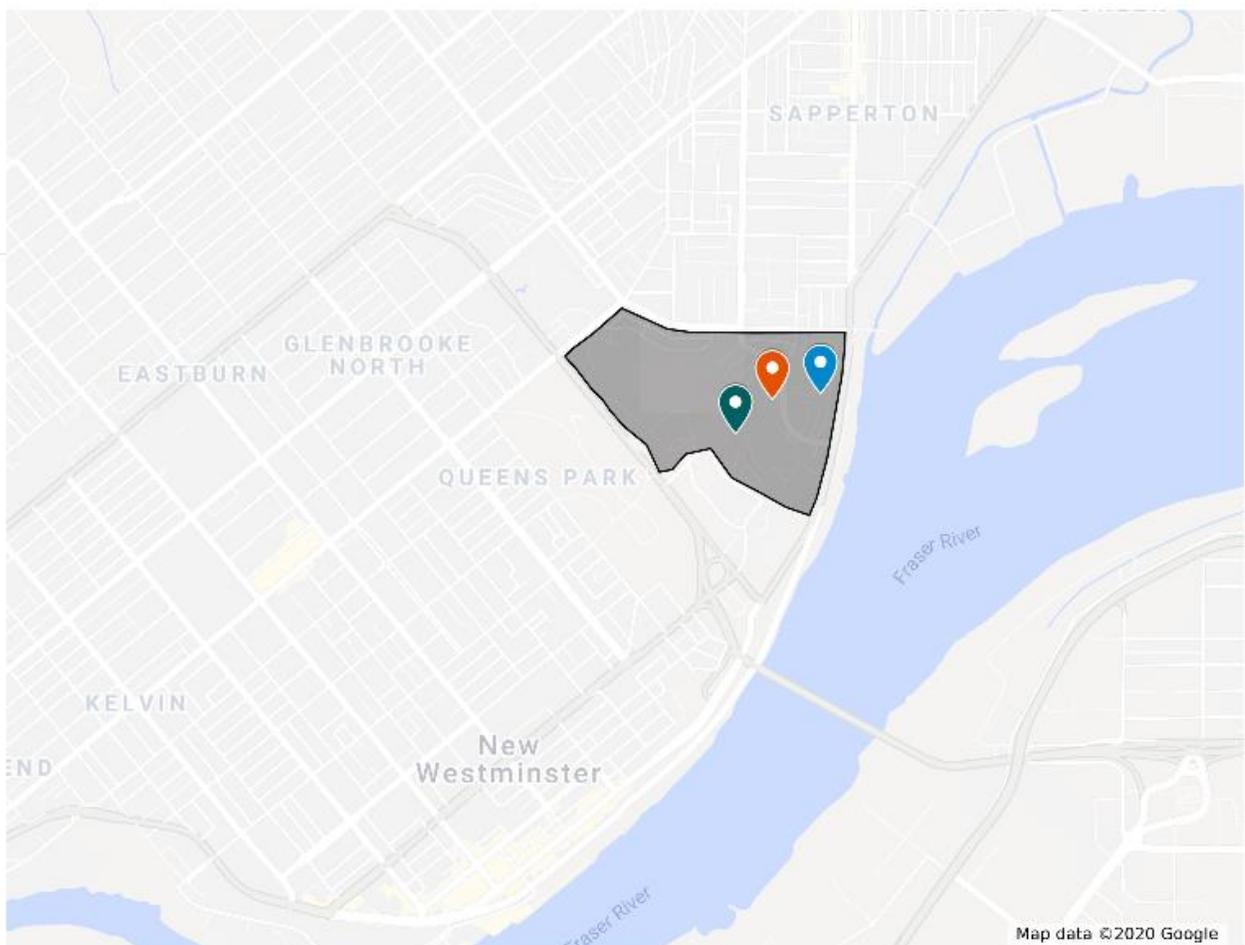


## Appendix B: Land Area of the British Columbia Penitentiary

Source: Approximate generation from descriptions in Matheson, Malcolm Angus. "A survey of British Columbia penitentiary." PhD diss., University of British Columbia, 1958. Location of building from google maps.

### Map Key

-  Penitentiary Grounds
-  Penitentiary Gate
-  Penitentiary Cemetery
-  First Penitentiary Wing



Appendix C: Table of Deaths at the Penitentiary 1879 – 1916

\*Table colours correspond to assumed racial categories

Name	Year	Age	Cause of Death	Description
Leo	1880	NA	NA	An Indian
Ah Woon	1880	NA	NA	A Chinaman
Jim	1881	NA	NA	An Indian
Dandy Jim	1882	NA	NA	Indian
Harry	1882	NA	NA	Indian
John Dawdry	1882	NA	NA	
Jacob	1882	NA	NA	Indian
Toby	1883	NA	NA	Indian
William	1883	NA	NA	Indian
Ah Sam	1885	NA	Phthisis	Chinese
Charley	1885	NA	Phthisis	Indian
Sam	1885	NA	Phthisis	Indian
Jamie	1885	NA	Phthisis	Indian
NA	1887	NA	Old age	Indian
NA	1887	NA	Phthisis	Chinaman
NA	1887	NA	Bright's disease	Insane white man
Ah Wong	1888	23	Suicide	
John Marlon	1888	28	rheumatism	
Astanola George	1888	25	Phthisis	Country: Canada
R.J. Mcneil	1890	33	Heart Disease	NA
<b>1891 - Infirmary Ward Constructed</b>				
C. Jones	1893	46	Heart Disease	United States
J. McCabe	1894	32	Pistol shot	Canada
Richard Forrester Daly	1895	36	Bright's	English
Quee Duck	1900	28	Suicide	Chinaman
Samine	1903	20	Scrofula	Canadian Indian
George Hanes	1904	18	Tuberculosis	Canadian
James Leonard	1904	30	Intestinal obstruction	American
Joseph Peel	1905	24	Uraemia	Canadian Indian
John Ross	1908	35	Bronchial Asthma	English (Nativity)
George St. Paul	1908	37	Tuberculosis	Indian (nativity)
Paul Newman	1909	49	Heart Failure	Canadian nativity
Frank Carleon	1909	50	Congestion of lungs	Swede nativity
John B Weston	1909	29	Suicide	American nativity
Robert Benedetti	1909	36	Suicide	Italian nativity
John Parker	1910	20	Pneumonia	Kanaka
John Henstridge	1911	22	Tuberculosis	Australia (Nativity)
Lewis Colquhoun	1912	34	Phthisis	Canadian
Norman Wilson	1913	22	Bullet Wound	Canadian
Johnny Peter	1913	50	tuberculosis	Indian (nationality)
Joseph Smith	1913	24	Hanged	English (nationality)
Philip Hopkins	1913	42	tuberculosis	Afro-American (Nationality)
Ung Wing/Kim/Gin	1915	NA	Morphinomania	Chinese (not specified)
Clarence Thompson	1915	44	Arterio Sclerosis	Halifax, NS

## Bibliography

- “A Chinaman Suicides” *The Daily British Columbian*, October 13, 1887, UBC Archives.
- Allen, Robert. *Global prison trends 2015*. Penal Reform International, 2015.
- Babcock, E.L., “The History of the Kingston Penitentiary” Kingston Penitentiary (1965).
- Backhouse, Constance, and Anthony J. Hall. "Colour coded: a legal history of racism in Canada, 1900-1950." *Canadian Ethnic Studies* 32, no. 3 (2000).
- Band, Musqueam Indian. "Musqueam declaration." *January 19* (1976): 1976.
- Barman, Jean. *The west beyond the west: A history of British Columbia*. University of Toronto Press, 2007.
- Bauder, David. “AP says it will capitalize Black but not white” AP News, July 20, 2020. <https://apnews.com/7e36c00c5af0436abc09e051261fff1f>
- Belshaw, John Douglas. "Canadian history: post-confederation." (2018).
- Berger, Stefan, and Aleksey Miller. "Nation-building and regional integration, c. 1800–1914: the role of empires." *European Review of History—Revue européenne d'histoire* 15, no. 3 (2008): 317-330.
- Berger, M.T., 2006. From nation-building to state-building: The geopolitics of development, the nation-state system and the changing global order. *Third World Quarterly*, 27(1), pp.5-25.
- Bergman, Gerald. "Darwinian criminality theory: a tragic chapter in history." In *Biology Forum/Rivista di Biologia*, vol. 98, no. 1. 2005.
- “British Columbia Terms of Union” (1871) Accessed August 13, 2020, <https://www.solon.org/Constitutions/Canada/English/bctu.html>
- Brock, Deborah, Amanda Glasbeek, and Carmela Murdocca. *Criminalization, Representation, Regulation: Thinking Differently about Crime*. University of Toronto Press, 2014.
- Carey, Hilary M. *God's empire: religion and colonialism in the British world, c. 1801–1908*. Cambridge University Press, 2011.
- Carleton, Sean. "Settler Anxiety and State Support for Missionary Schooling in Colonial British Columbia, 1849–1871." *Historical Studies in Education/Revue d'histoire de l'éducation* (2017).

- Chartrand, Vicki. "Unsettled times: indigenous incarceration and the links between colonialism and the penitentiary in Canada." *Canadian Journal of Criminology and Criminal Justice* 61, no. 3 (2019): 67-89.
- Collection, Photo. "Penitentiary Warden and Guards", *New Westminster Archives*. 1910. New Westminster Museum, New Westminster.
- Collection, Photo. *New Westminster Archives*. 1877. New Westminster Museum, New Westminster.
- Conley, Anna. "Torture in US jails and prisons: An analysis of solitary confinement under International Law." *Vienna J. on Int'l Const. L.* 7 (2013): 415.
- Cornell, Stephen. *Indigenous peoples, poverty and self-determination in Australia, New Zealand, Canada and the United States*. Tuscon: Native Nations Institute for Leadership, Management, and Policy, 2006.
- "Daily Colonist (1879-12-17)", Internet Archive, 1879. Accessed August 13, 2020. [https://archive.org/stream/dailycolonist18791217uvic/18791217\\_djvu.txt](https://archive.org/stream/dailycolonist18791217uvic/18791217_djvu.txt)
- De Leeuw, Sarah. "'If anything is to be done with the Indian, we must catch him very young': colonial constructions of Aboriginal children and the geographies of Indian residential schooling in British Columbia, Canada." *Children's Geographies* 7, no. 2 (2009): 123-140.
- Dikötter, Frank, and Ian Brown, eds. *Cultures of confinement: a history of the prison in Africa, Asia, and Latin America*. Cornell University Press, 2018.
- Dua, Enakshi, Narda Razack, and Jody Nyasha Warner. "Race, racism, and empire: Reflections on Canada." *Social Justice* 32, no. 4 (102 (2005): 1-10.
- Ellis, Beth-Naomi. "Representation of race and gender: the social construction of "white" and "black" women in early British Columbian historical discourses: 1858-1900." PhD diss., University of British Columbia, 1996
- Foucault, Michel. *Discipline and punish*. A. Sheridan, trans. London: Vintage Books, 1977.
- Frith, John. "History of tuberculosis. Part 1-phthisis, consumption and the white plague." *Journal of Military and Veterans Health* 22, no. 2 (2014).
- Hainsworth, Gavin, and Katherine Freund-Hainsworth. *A New Westminster Album: Glimpses of the City as it was*. Dundurn, 2005.
- Haller Jr, J.S., 1971. Race and the concept of progress in nineteenth century American ethnology. *American Anthropologist*, 73(3), pp.710-724

- Harris, R. Cole. *Making native space: Colonialism, resistance, and reserves in British Columbia*. ubc Press, 2011.
- Hoberman, John. *Black and blue: The origins and consequences of medical racism*. Univ of California Press, 2012.
- Howay, Frederic William. "The work of the Royal engineers in British Columbia, 1858-1863." (1910).
- "Indigenous Peoples terminology guidelines for usage" Indigenous Corporate Training Inc., July 20, 2016. <https://www.ictinc.ca/blog/indigenous-peoples-terminology-guidelines-for-usage>
- Jenkins, Philip. "Eugenics, crime and ideology: The case of progressive Pennsylvania." *Pennsylvania History: A Journal of Mid-Atlantic Studies* 51, no. 1 (1984): 64-78.
- Jiwani, Yasmin. "The criminalization of "race", the racialization of crime." *Crimes of colour: Racialization and the criminal justice system in Canada* (2002): 67-86.
- Johnson, Dana. "The More Things Change...": Federal Prison Design, 1833-1950. *Bulletin (Society for the Study of Architecture in Canada)*, 1994.
- Justice, Minister of. "Report of the Minister of Justice as to Penitentiaries in Canada for the Year Ended 30th June, 1915". 1916. Ottawa: S.E. Dawson.
- Justice, Minister of. "Report of the Minister of Justice as to Penitentiaries in Canada for the Year Ended 30th June, 1914". 1915. Ottawa: S.E. Dawson.
- Justice, Minister of. "Report of the Minister of Justice as to Penitentiaries in Canada for the Year Ended 30th June, 1913". 1914. Ottawa: S.E. Dawson.
- Justice, Minister of. "Report of the Minister of Justice as to Penitentiaries in Canada for the Year Ended 30th June, 1911". 1912. Ottawa: S.E. Dawson.
- Justice, Minister of. "Report of the Minister of Justice as to Penitentiaries in Canada for the Year Ended 30th June, 1910". 1911. Ottawa: S.E. Dawson.
- Justice, Minister of. "Report of the Minister of Justice as to Penitentiaries in Canada for the Year Ended 30th June, 1909". 1910. Ottawa: S.E. Dawson.
- Justice, Minister of. "Report of the Minister of Justice as to Penitentiaries in Canada for the Year Ended 30th June, 1908". 1909. Ottawa: S.E. Dawson
- Justice, Minister of. "Report of the Minister of Justice as to Penitentiaries in Canada for the Year Ended 30th June, 1906". 1907. Ottawa: S.E. Dawson

Justice, Minister of. "Report of the Minister of Justice as to Penitentiaries in Canada for the Year Ended 30th June, 1905". 1906. Ottawa: S.E. Dawson.

Justice, Minister of. "Report of the Minister of Justice as to Penitentiaries in Canada for the Year Ended 30th June, 1904". 1905. Ottawa: S.E. Dawson

Justice, Minister of. "Report of the Minister of Justice as to Penitentiaries in Canada for the Year Ended 30th June, 1903". 1904. Ottawa: S.E. Dawson.

Justice, Minister of. "Report of the Minister of Justice as to Penitentiaries in Canada for the Year Ended 30th June, 1900". 1901. Ottawa: S.E. Dawson.

Justice, Minister of. "Report of the Minister of Justice as to Penitentiaries in Canada for the Year Ended 30th June, 1896". 1897. Ottawa: S.E. Dawson.

Justice, Minister of. "Report of the Minister of Justice as to Penitentiaries in Canada for the Year Ended 30th June, 1895". 1896. Ottawa: S.E. Dawson.

Justice, Minister of. "Report of the Minister of Justice as to Penitentiaries in Canada for the Year Ended 30th June, 1894". 1895. Ottawa: S.E. Dawson.

Justice, Minister of. "Report of the Minister of Justice as to Penitentiaries in Canada for the Year Ended 30th June, 1892". 1893. Ottawa: S.E. Dawson.

Justice, Minister of. "Report of the Minister of Justice as to Penitentiaries in Canada for the Year Ended 30th June, 1891". 1892. Ottawa: S.E. Dawson.

Justice, Minister of. "Report of the Minister of Justice as to Penitentiaries in Canada for the Year Ended 30th June, 1890". 1891. Ottawa: S.E. Dawson.

Justice, Minister of. "Report of the Minister of Justice as to Penitentiaries in Canada for the Year Ended 30th June, 1889". 1890. Ottawa: S.E. Dawson.

Justice, Minister of. "Report of the Minister of Justice as to Penitentiaries in Canada for the Year Ended 30th June, 1888". 1889. Ottawa: S.E. Dawson.

Justice, Minister of. "Report of the Minister of Justice as to Penitentiaries in Canada for the Year Ended 30th June, 1886". 1887. Ottawa: S.E. Dawson

Justice, Minister of. "Report of the Minister of Justice as to Penitentiaries in Canada for the Year Ended 30th June, 1885". 1886. Ottawa: S.E. Dawson

Justice, Minister of. "Report of the Minister of Justice as to Penitentiaries in Canada for the Year Ended 30th June, 1884". 1885. Ottawa: S.E. Dawson

Justice, Minister of. "Report of the Minister of Justice as to Penitentiaries in Canada for the Year Ended 30th June, 1883". 1884. Ottawa: S.E. Dawson.

- Justice, Minister of. "Report of the Minister of Justice as to Penitentiaries in Canada for the Year Ended 30th June, 1882". 1883. Ottawa: S.E. Dawson.
- Justice, Minister of. "Report of the Minister of Justice as to Penitentiaries in Canada for the Year Ended 30th June, 1881". 1882. Ottawa: S.E. Dawson.
- Justice, Minister of. "Report of the Minister of Justice as to Penitentiaries in Canada for the Year Ended 30th June, 1880". 1881. Ottawa: S.E. Dawson.
- Justice, Minister of. "Report of the Minister of Justice as to Penitentiaries in Canada for the Year Ended 30th June, 1879". 1880. Ottawa: S.E. Dawson.
- Kelm, M.E., 1998. *Colonizing bodies: Aboriginal health and healing in British Columbia, 1900-50*. UBC press.
- Kilian, Crawford "Black Pioneers of B.C." Vancouver: Douglas and McIntyre" Go Do Great Things, 1972:
- Lai, David Chuenyan. "A brief chronology of Chinese Canadian history: From segregation to integration." (2016).
- Lupick, Travis. "B.C. prisons are filled with hugely disproportionate numbers of indigenous inmates, Stats Canada finds," *The Georgia Straight*, June 25, 2018.  
<https://www.straight.com/news/1094481/bc-prisons-are-filled-hugely-disproportionate-numbers-indigenous-inmates-stats-canada>
- MacDonald, David B. *The Sleeping Giant Awakens: Genocide, Indian Residential Schools, and the Challenge of Conciliation*. University of Toronto Press, 2019.; Redford, James W. "Attendance at Indian residential schools in British Columbia, 1890-1920." PhD diss., University of British Columbia, 1978.
- Marks, Lynne. *Infidels and the Damn Churches: Irreligion and Religion in Settler British Columbia*. UBC Press, 2017: 4.
- Mawani, Renisa. *Across oceans of law: The Komagata Maru and jurisdiction in the time of empire*. Duke University Press, 2018.
- Mawani, Renisa. "Law's archive." *Annual Review of Law and Social Science* 8 (2012): 337-365.
- Mawani, Renisa. *Colonial proximities: Crossracial encounters and juridical truths in British Columbia, 1871-1921*. UBC Press, 2010.
- Mawani, Renisa. "The Island of the Unclean': Race, Colonialism and 'Chinese Leprosy' in British Columbia, 1891-1924'." *Law, Social Justice & Global Development Journal (LGD)* 1 (2003)

- Matheson, Malcolm Angus. "A survey of British Columbia penitentiary." PhD diss., University of British Columbia, 1958.
- Melossi, Dario, and Massimo Pavarini. *The prison and the factory: Origins of the penitentiary system*. Springer, 2018.
- McCoy, Ted. *Hard time: reforming the penitentiary in nineteenth-century Canada*. Athabasca University Press, 2012.
- McCoy, Ted. "The unproductive prisoner: Labor and medicine in Canadian penitentiaries, 1867-1900." *Labor: Studies in Working-Class History of the Americas* 6, no. 4 (2009): 95-112.
- Mitchell, Roger Haydon. *Church, Gospel, and Empire: How the Politics of Sovereignty Impregnated the West*. Wipf and Stock Publishers, 2011.
- Monaghan, Jeffrey. "Settler governmentality and racializing surveillance in Canada's north-west." *Canadian Journal of Sociology* 38, no. 4 (2013): 487-508.
- Munro, John A. "British Columbia and the "Chinese evil": Canada's first anti-Asiatic immigration law." *Journal of Canadian Studies* 6, no. 4 (1971): 42-51.
- "Murder at Kamloops" *The Prospector*, August 3, 1900: 2.
- Nikater, "Map of traditional Qayqayt tribal territory" *Wikipedia*, December 17, 2007.
- Perry, Adele. *On the edge of empire: gender, race, and the making of British Columbia, 1849-1871*. University of Toronto Press, 2001.
- Polk, Khary Oronde. *Contagions of Empire: Scientific Racism, Sexuality, and Black Military Workers Abroad, 1898-1948*. UNC Press Books, 2020.
- Razack, Sherene. *Dying from improvement: Inquests and inquiries into Indigenous deaths in custody*. University of Toronto Press, 2015.
- "Reclaiming Roots: Unearthing the lost history of Qayqayt First Nation," Urban System, Indigenous Communities, Our Stories, Accessed August 13, 2020, <https://urbansystems.ca/reclaiming-roots-unearthing-te-lost-history-of-qayqayt-first-nation/>
- Roy, Patricia E. "A white man's province: British Columbia politicians and Chinese and Japanese immigrants, 1858-1914". *UBC Press*, 1990.
- Roque, Ricardo, and Kim Wagner, eds. *Engaging colonial knowledge: reading European archives in world history*. Springer, 2011.

- Scholefield, Ethelbert Olaf Stuart, and Frederic William Howay. *British Columbia from the Earliest Times to the Present*. Vol. 4. SJ Clarke Publishing Company, 1914.
- Scicluna, Sandra, and Paul Knepper. "Prisoners of the sun: The British empire and imprisonment in Malta in the early nineteenth century." *The British Journal of Criminology* 48, no. 4 (2008): 502-521.
- Scott, Jack David. "Four Walls in the West: The Story of the British Columbia Penitentiary." *Retired Federal Prison Officers Association of British Columbia* (1985).
- Scott, Laura Elaine. "The imposition of British culture as portrayed in the New Westminster capital plan of 1859 to 1862." PhD diss., Theses (Dept. of Geography)/Simon Fraser University, 1983..
- Silvey, Diane. *From Time Immemorial: The First People of the Pacific Northwest Coast*. (2002)
- Stanley, Timothy J. "'Chinamen, Wherever We Go': Chinese Nationalism and Guangdong Merchants in British Columbia, 1871–1911." *Canadian Historical Review* 77, no. 4 (1996): 475-503.
- Starblanket, Tamara. *Suffer the little children: Genocide, Indigenous Nations and the Canadian state*. SCB Distributors, 2018.
- Stauffer, Byron "Sir John A. MacDonald, Empire Builder" The Empire Club of Canada, February 18, 1915. <http://speeches.empireclub.org/62057/data?n=3>
- Stoler, Ann Laura. *Along the archival grain: Epistemic anxieties and colonial common sense*. Princeton University Press, 2010: 25.
- Sudbury, Julia, ed. *Global lockdown: Race, gender, and the prison-industrial complex*. Routledge, 2014.
- Taylor, C. J. "The Kingston, Ontario penitentiary and moral architecture." *Histoire sociale/Social History* 12, no. 24 (1979).
- "Taint" Merriam-Webster Dictionary, Accessed August 13, 2020. <https://www.merriam-webster.com/dictionary/taint>
- Tennant, Paul. *Aboriginal peoples and politics: The Indian land question in British Columbia, 1849-1989*. UBC Press, 2011.
- "Uncovering her roots". *Canwest News Service*. New Westminster Record. June 6, 2009. Archived from the original on November 14, 2010. Retrieved August 13, 2020.
- Volona, A. "The role of chaplaincy in restorative justice." In *Women in Corrections: staff and Clients Conference, Adelaide*. 2000.

Ward, Peter. *White Canada forever: Popular attitudes and public policy toward Orientals in British Columbia*. McGill-Queen's Press-MQUP, 2002.

Ward, W. Peter. "Class and Race in the Social Structure of British Columbia, 1870-1939." *BC Studies: The British Columbian Quarterly* 45 (1980): 17-36.

Wetherell, Donald Grant. "REHABILITATION PROGRAMMES IN CANADIAN PENITENTIARIES, 1867-1914. A STUDY OF OFFICIAL OPINION." (1981): 4803-4803.

Wherry, Aaron. "Was John A. Macdonald a White Supremacist?" *Macleans*, August 21, 2012. <https://www.macleans.ca/politics/ottawa/was-john-a-macdonald-a-white-supremacist/>

Whittingham, Michael D. "Canadian corrections: Confederation to the First World War." *Chitty's LJ & Fam. L. Rev.* 48 (2000): 14.

Winant, Howard. "Race and race theory." *Annual review of sociology* 26, no. 1 (2000): 169-185.