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TO HIS EXCELLENCY SIR JOHN COLBORNE, *Knight Commander of the Most Honorable Military Order of the Bath, Lieutenant Governor of the Province of Upper Canada, and Major-General commanding His Majesty's Forces therein, &c. &c. &c.*

Canada
The Commissioners appointed by an Act passed at the last Session of the Legislature, entitled, "An Act granting to His Majesty a sum of money to defray the expense of erecting a Penitentiary in this Province," and for other purposes therein mentioned,—

BEG LEAVE MOST RESPECTFULLY TO REPORT:—

That in pursuance of the Act, their first object was to select a good site for the Prison. After examining, with great care, all the grounds in and near the Town of Kingston, it was found that no situation combining the advantages of perfect salubrity, ready access to the water, and abundant quarries of fine lime stone, could be obtained nearer the Town, than Lot Number Twenty, in the First Concession of the Township of Kingston, which is about a mile west of the Town,—The west half of this Lot, belonging to the heirs of the late Philip Pember, which contains One Hundred Acres of Land, reaching from Hatter's Bay, on Lake Ontario, to the rear of the First Concession, was accordingly purchased for the sum of One Thousand Pounds. The space between the Lake and the Highway, is about fifteen acres in extent, of which nine or ten acres will be enclosed by the walls of the Penitentiary; and on the west side is a fine Harbour, where vessels may approach within a few feet of the shore. Nothing, indeed, can surpass the convenience and beauty of this site, on which is found a quarry of the best lime-stone, amply sufficient for the construction of all the buildings and walls of the proposed Establishment. Twenty, or twenty-five acres on the front of this lot, would, perhaps, furnish all the room that is required for the buildings connected with the Penitentiary; and the Legislature might therefore (if they should see fit) direct the residue to be sold. The Commissioners are, however, of opinion that the land is worth the purchase money, and should be retained for public uses, especially as it appears to abound with quarries of the finest lime-stone, which it will, doubtless, be found profitable to open when Convicts are sentenced to hard labor at the Penitentiary. Probably it may become advisable to let a part of the lot on the rear, as soon as a system of Prison Discipline has been organized for the Establishment—but certainly it would not be desirable that any portion of it should be sold before the nature and value of the quarries had been fully and closely enquired into and understood. The Deed of conveyance for this land from the Heirs of Mr. Pember to the Government, is submitted with this Report. It has been drawn up by a professional Gentleman of this place, and is supposed by the Commissioners to be sufficient to secure the investment of the Title to it, according to the terms of the Act, in His Majesty, his Heirs and Successors. After having determined on the site of the intended structure, the next step on the part of the Commissioners was to select suitable assistants for building it—and with this view, two of their number proceeded in the month of June to Auburn, in the State of New-York, where, after some enquiry and negotiation, they engaged Mr. William Powers, the Deputy Keeper of the State Prison at that place, to superintend the building of the Penitentiary at Kingston, and agreed to allow him Three Hundred and Fifty Pounds per annum, for the space of two years. When it is recollected that this Gentleman was the individual who furnished the plan which was submitted to the Legislature during its last Session, and which then received its approbation, the value of his services in the construction of a Prison, in conformity to that plan, will be readily perceived. The Commissioners also engaged Mr. John Mills, of the same place, at the rate of Two Hundred and Fifty Pounds per annum, to act as Master Builder and general Foreman of the works;—they considered his assistance very important, on account of his experience in this particular branch of architecture—and they are satisfied that as his general knowledge of every department of mechanical labor that is carried on at the Penitentiary, will enable him to act as foreman in each of those departments, a considerable saving of expense will arise from employing him in his present capacity.

And in order that a correct account of labor performed might be faithfully kept, and the occasional absence or neglect of workmen be duly noted and checked, a Clerk has been hired at the rate of One Hundred Pounds per annum. The duty of this Clerk, besides what has been already stated, is to keep the general accounts of the Board, draw up Contracts, examine Bills, pay the men under the eye of the Superintendent, and record, when requisite, the proceedings of the Board. The total expense thus incurred, for salaries of Officers, amounts to Seven Hundred Pounds per annum—and the Commissioners do not think it can be reduced, with due regard to the public advantage, or the effectual and really economical attainment of the object of the Legislature.

The amount appropriated by the Act for the erection of the Penitentiary is Twelve Thousand Five Hundred Pounds, payable in three equal sums of Four Thousand One Hundred and Sixty-six Pounds, Thirteen Shillings and Four Pence, available on the first day of May in each year, commencing with the present one. The sum received this year for the building of the Prison, has been reduced, by the purchase of the land, to Three Thousand One Hundred and Sixty-six Pounds, Thirteen Shillings and Four Pence, and the manner in which that amount has been applied will appear by the account current, abstract and vouchers, herewith respectfully submitted.

In commencing the building, it was a matter of great and serious deliberation with the Board, whether they should proceed to do the whole by contract, or by the employment of day laborers. They at length resolved that they ought not to build the Prison by contract, and for these reasons:

1st,—The plan of the building was entirely novel; and no person in this country could safely be allowed to undertake it.

2ndly,—It was very probable that alterations and improvements might suggest themselves to the mind of the Superintendent while the building was in progress; in making which, the existence of a contract might be found embarrassing.

3rdly,—It was most important that the whole of the work should be done in the most substantial and faithful manner.

4thly,—It was considered that the expense of superintendence by experienced persons was unavoidable; and, that, when incurred, the profit that would be reaped by contractors might well be saved, for the vigilance and skill of the Master Builder, combined with the management and experience of the Superintendent, ought to realize to the public all the benefits usually obtained by means of contracts.

With such views, the Commissioners, in all practicable cases, have had the mechanical work performed on the spot by persons hired by the day; and in order to explain in what respect savings are in this manner effected, of sums of money that would otherwise have been paid as profit to contractors, it may be stated that by the erection of a lime kiln near the quarry, the article of *Lime* is now provided at nearly half the cost at which it was formerly obtained by contract.

The Commissioners herewith beg leave to lay before your Excellency a new plan of the Penitentiary, exhibiting the alterations and improvements that have been introduced by Mr. Powers, since the subject was last under the consideration of the Legislature. It will be remarked that instead of placing the Kitchen, Hospital, &c. in a building contiguous to the south wing, as in the original plan, they are now allowed to occupy the north, or front wing, adjoining the keeper's hall, at the entrance of the Prison; and that seventy cells have been added to the three other wings, (each being thus to contain two hundred and seventy cells,) in order to preserve accommodation for the full number of convicts, for which the plan of the building, before the Legislature at its last Session, undertook to provide. The advantage of this more methodical and compact arrangement of the Prison accommodation, will, it is thought, be so obvious as not to require a minute explanation—to the Commissioners at least the alteration appears a very decided improvement. If the Legislature should, however, entertain a different opinion, they may still direct, if they please, a return to the original plan, which may be again adopted without injury to the work already done. Another alteration is the addition of the attic story—which (though it will materially improve the appearance of the structure) was not designed strictly with that view, but intended chiefly for the accommodation of the sick, in the event of any epidemic assailing the convicts, and as spare room for other useful purposes when required. It is also proper to notice another deviation from the original plan, which respects the dimensions of the cells. Their present length inside is eight feet and four inches clear, which is eight inches less than those of the original plan—but they are considered sufficiently long, as there is a further space at the door of six inches. The opening for the door is six feet one inch, by twenty inches in size. That, for the grated window in the rear of each cell, is three feet by twenty inches. The height of the stories is seven feet six inches each. No risk is hereby incurred of communication among the prisoners—because the grates are set well back from the outer face of the wall; and there will exist an admirable system of inspection by an invisible watch; at the same time it is to be remarked, that this Prison, owing to the width of the areas on each side of the single ranges of cells, and the large openings for the doors and windows, will, doubtless, excel all others—yet built, as regards its ventilation and consequent salubrity.

But it is not merely as it regards ventilation that the large size of the windows is important. They are also of use in assisting to warm the Prison during the winter,—the greater the apertures at each end of the cell, the more free will be the circulation of air; and of course the air that is heated in the areas by the stoves will be the sooner communicated with the air of the cells, and an equality of temperature sooner produced. When the convicts are to be taken out of their cells in the morning, the outer windows must be raised to ventilate the whole interior of the building; which will render the air within as cold as the air without. The exterior windows must be closed a little before night, and in cold weather fire must be put into the stoves to warm the building before the convicts go to their cells. This is necessary, because convicts (the tailors and shoe-makers for instance) coming from their warm shops would take cold in going immediately into an unwarmed cell. In the north wing of the Auburn Prison, and in most other prisons, there is only a small grated window in the doors of the cells for the admission of air, light and heat, which is quite insufficient for the purpose, at least, as respects heat; the warm air in the area being in a great measure, *shut out*—and the cold air enclosed within the cold walls of the cells, *shut in*. Hence it is plain, that the larger the openings into the cells, the more readily and effectually are they heated, ventilated and lighted;—and the superior advantages of the plan of the cells adopted in the 'Provincial Penitentiary,' over all others yet built, cannot fail to be appreciated. The Commissioners have commenced upon the south or rear wing of the building, which is ninety feet and four inches in length, by sixty-four feet in breadth—and will, when completed, contain, as already stated, two hundred and seventy cells. The outer wall of this wing is on an average carried up about seven feet in height, all round. The number of cells built is forty-one, which are complete, with the exception of the plastering, iron grated doors and locks. There are thirteen others well advanced. The middle inspection avenue is in a corresponding state, and is built entirely of brick, with apertures for the sight opposite every cell; from each of which, two cells may be looked into fully, and four others partially. The total expense of this wing, when completed, is estimated, in a paper which accompanies this Report, at Ten Thousand Pounds.

In consequence of the addition of seventy more cells to this wing, and the additional building in the rotunda or centre part of the Prison, (now thought advisable to be carried on,) it will cost more than was stated by the Report made last year, as requisite for the wing described on the incomplete plan, then adverted to in the estimate of Mr. Powers. It may be observed that there is not so much to shew for the money expended this year, as will be exhibited by an equal disbursement in another year. Besides the cost of the land purchased, much expense has unavoidably been incurred in opening the quarry, purchasing iron, lumber and other materials, and in building lime kiln sheds, forges and work shops—all of which are in readiness for next year's service. An inventory of materials, buildings, and other property will be found among the documents hereunto appended.

The manifest necessity of the constant presence of the Superintendent and Master builder at the works induced the Commissioners to construct a stone cottage on the north side of the highway, large enough for the use of two families, which is nearly finished and will cost about three hundred and seventy-five pounds. It is their intention that this building shall be occupied by Colonel Powers and Mr. Mills, while they are employed in their present capacity. As soon as there is a law passed establishing a system of discipline for the Penitentiary, the cottage may serve for the accommodation of the Warden and Deputy Warden, until their proper residences within the walls, as designated on the plan, shall be erected; afterwards it will furnish commodious quarters for two of the assistant keepers, from whom a suitable yearly rent may be exacted.

The Commissioners being extremely desirous of ascertaining, as nearly as possible, the actual cost of the Penitentiary, when entirely completed according to the plan, have had estimates for every part of the establishment carefully drawn up by the Superintendent and Master builder, which they now have the honor of laying before your Excellency. Of the south or rear wing, which has been commenced, a separate estimate in detail is furnished. The gross amount of the estimates for the other parts of the work is all that it has been thought necessary at present to submit. They amount together to the sum of fifty-six thousand, eight hundred and fifty pounds, currency,—a total which may at first view be considered large. It is however to be observed, that the plan of the prison contemplates the ultimate reception of eight hundred and ten male convicts, besides the female department; and that several years must elapse before space can be required in this Province for the confinement of so large a number of convicted culprits. It is at present only intended to finish the south wing, containing two hundred and seventy cells, and the Rotunda, containing one hundred and twenty more,—leaving the east and west wings to be successively added by convict labor, as the increasing number of commitments shall require them. The Commissioners conceive that an appropriation from the public funds of about twenty-five thousand pounds is wanted to cover the three first items of the general estimate, and that the labor of the convicts may subsequently be applied to the completion of the remainder, and thus materially reduce the expense. It is not probably expected that the labour of the convicts will, during the first two or three years, be so productive as to relieve the public treasury from annual appropriations for the support of the establishment; which will be especially required while the Convict labour is chiefly applied to the completion of the Prison;—ultimately, however, a profit cannot fail to arise from the proceeds of the compelled labour of the Prisoners, as in similar establishments in the neighbouring States.

In the estimates and statements now submitted, the Commissioners have endeavoured to place the whole matter as fully and clearly as possible under the view of the Legislature.

They beg respectfully to add, that it is, on the grounds of public economy and benefit, most desirable that such a modification of the law should be made as would supply the means of carrying on the works with greater expedition than is now warranted. The present unavoidable expense for salaries of the Superintendent, Master builder, and Clerk, as will be seen, is seven hundred pounds per annum; and it cannot be wished that those officers should be left half their time without employment, which must nevertheless be the case while the Commissioners are restricted to the disbursement of four thousand pounds a year. It is at this moment important that blacksmiths should be kept at work without ceasing upon the grates and locks, and that the quarry-men and stone-cutters should continue the preparation of building stone, in order that the works may be prosecuted with vigour on the opening of the next season, and the south wing got in readiness before autumn for the reception of Convicts, if the Legislature should see fit, during the present Session, to organize a system of Prison Discipline, and provide for the government and maintenance of the Penitentiary.

JOHN MACAULAY.
H. C. THOMSON.
H. SMITH.

KINGSTON, NOVEMBER 25TH, 1833.

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REPORT

Of the Commissioners appointed to
superintend the erection of a
Penitentiary in Kingston.

GUARDIAN OFFICE PRINT.