

**PRESERVING THE "MORAL FORMATION OF THE CHILD":  
THE REGULATION OF CATHOLIC GIRLS IN WINNIPEG, 1908-1948**

by

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**BY**

**Tanya Woloschuk**

**A Thesis/Practicum submitted to the Faculty of Graduate Studies of The University of**

**Manitoba in partial fulfillment of the requirement of the degree**

**Of**

**MASTER OF ARTS**

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## **Abstract**

This thesis explores the moral regulation of female juvenile delinquents in Winnipeg and their regulators, including juvenile justice system officials, social workers, medical personnel and Catholic nuns. It draws on and contributes to gender, childhood and juvenile justice history.

Three main questions underlay this project: how was the juvenile justice system set up to regulate children and youth? How did the juvenile court and its ancillary agencies implement control over youth whose behaviour was considered wayward? And how did the girls respond to regulation? It explores how regulation reflected and perpetuated the city's class, religious and ethnic divisions and, unlike much of the work on English Canada's juvenile justice system, it analyses the role of a female Catholic order's institution in juvenile justice. The goal is to focus on the motivations and techniques of the regulators as well as the impact of regulation on the lives of the girls.

The history of social regulation offers a fascinating glimpse into the various ways the state and institutions constructed femininity. By examining female delinquents it is possible to gain a better understanding of the operation of the juvenile justice system, reform institutions, and, ultimately, power in the early twentieth century. The treatment of female delinquents by the juvenile court and its ancillary institutions raises questions about inequality and how it was represented.

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## Introduction

In February 1909 four immigrant girls under the age of sixteen ran away from home.<sup>1</sup> When they were caught and brought before the Winnipeg Juvenile Court, they became the first to be processed under the 1908 federal Juvenile Delinquents Act. The establishment of the 1908 Act and the resultant juvenile court system reflected new standards regarding children and youth crime that were distinctively child-welfare orientated and which emphasized rehabilitation rather than punishment. Reform institutions emerged as a reflection of this new social thought. The juvenile court and reform schools were preoccupied with girls' sexuality, and their offences were often sexualized as a result. Regulatory agents like the state, the law, the medical profession and the Catholic Church united to establish the definition of appropriate feminine behaviour.

The goal of this thesis is to explore the moral regulation of girls in Winnipeg through the roles played by the juvenile justice system and its ancillary agencies. It hopes to determine the details of the regulation of minor girls in Winnipeg and provide insights into a dominant Catholic institution for girls and will be located within the larger historiography of Canadian juvenile justice system analyses. The history of female juvenile delinquency and the regulatory attempts made on girls by juvenile justice and reformatory authorities related to law, power, morality, identity, and crime largely direct exploration and facilitate analysis of the topic.

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<sup>1</sup> "First Session of the Juvenile Court," Manitoba Free Press, 6 February 1909, 9; D.W. McKerchar, "Juvenile Court," in Department of Education, Annual Reports, 1919-1920, 120; Manitoba Free Press, 1 February 1919; See also Roy St. George Stubbs, "The First Juvenile Court Judge: The Honourable Thomas Mayne Daly KC," MHS Transactions, Series 3, no. 34 (1977-1978 Season). Available from [http://www.mhs.mb.ca/docs/transactions/3/daly\\_tm.shtml](http://www.mhs.mb.ca/docs/transactions/3/daly_tm.shtml) [15 January 2004].

This thesis examines the girls who progressed through the Winnipeg juvenile justice system and ended up in Marymount, the only Catholic reform institution for girls and one of only two institutions for female delinquents in the province. In 1911, five French-speaking nuns left Montreal and founded Marymount in Winnipeg. Despite anti-Catholic sentiment in the province, their establishment in the prairie city was facilitated by the initial request and subsequent support of Thomas Mayne Daly, the first judge of the Winnipeg Juvenile Court. The sisters accepted neglected and delinquent girls but eventually established St. Agnes Priory as an adjacent institution to keep neglected and orphaned girls separate from juvenile delinquents. Yet the distinctions between the institutions and the categories of girls often became blurred for social agencies, which tended to refer to St. Agnes and Marymount as a single institution. St. Agnes housed neglected and orphaned girls but, within Marymount, the sisters' objective was to reform bad girls through incarceration and religious training.

This thesis explores not only the lives of girls but also the system of regulation and those responsible for juvenile justice in the city. Three main questions underlay this project: how was the juvenile justice system set up to regulate children and youth? How did the juvenile court and its ancillary agencies implement control over youth whose behaviour was considered wayward? And how did the girls respond to regulation? I am especially interested in the creation of delinquents, the techniques used to control them, and their strategies of resistance. This thesis therefore asks a number of questions regarding the relationship between the regulators and the youth, and examines the operation of regulation in early twentieth-century Winnipeg.

The history of social regulation offers a fascinating glimpse into the various ways the state and institutions constructed femininity. Sexual norms were products of class, gender and ethnicity but were not consistent across class and ethnicity.<sup>2</sup> By examining female delinquents it is possible to gain a better understanding of the operation of the juvenile justice system, reform institutions, and, ultimately, power in the early twentieth century. The treatment of female delinquents by the juvenile court and its ancillary institutions raises questions about inequality and how it was represented.

In many ways, the girls were regulated but not necessarily controlled. State, local and institutional attempts to treat wayward behaviour were characterized by successes as well as failures. The juvenile court, probation officers, education officials, social workers, psychologists and psychiatrists, religious orders, and the girls themselves each exercised power unevenly. Each of these was a moral agent with different motivations and priorities, which added to the complexities of the regulation of children and youth.

### **Historiography**

There has been substantial scholarly interest in juvenile delinquency but until recently historians tended to focus on institutional responses to youth crime rather than on the youth themselves. Though it is fairly easy to impose a social control model on the lives of delinquent youth in the juvenile justice system, a move away from this theory, especially by feminist scholars, has attributed important historical agency to youth. However, with the significant exception of Bruno Théorêt's sociological analysis, historians of the juvenile justice movement in Canada have missed the Winnipeg example

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<sup>2</sup> Karen Dubinsky, Improper Advances: Rape and Heterosexual Conflict in Ontario, 1880-1929 (Chicago: University of Chicago Press, 1993), especially Chapter 5.

entirely.<sup>3</sup> In this sense, this thesis draws on Théorêt's portrait of the rise of social welfare and regulation in Winnipeg during the early and mid-twentieth century.

Théorêt describes the conflict between legal and social penal approaches in the sentencing decisions of the first Canadian juvenile court in Winnipeg between 1930 and 1959. Yet while the state's attempts to regulate youth and the function of the court are documented, adolescent agency is absent in his analysis. As a result, his study takes on a single interpretation of the process of regulation in the court system, one that requires examples of youth resistance to the state oppression to provide a sense of balance. Similar to Carolyn Strange, Joan Sangster and Tamara Myers, I have attempted to focus on the motivations and techniques of the regulators as well as the impact of regulation on the lives of the girls.<sup>4</sup> The success or failure of the state's regulatory attempts rests finally with the level of youth resistance, a question Théorêt's analysis cannot answer without examples of youth resistance, but one this study addresses by providing examples of adolescent female agency.

Social regulation provides a theoretical framework for this thesis. Studies of regulation and agency in Canada and the United States are fundamental in understanding the complex process of regulation in Winnipeg. In the last two decades, much work has been done on female delinquency. Historians have shown that female delinquency was

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<sup>3</sup> Bruno Théorêt, "Espace social et régulation juridique des jeunes: le fonctionnement du tribunal des jeunes de Winnipeg." Thèse du doctorat, Université du Québec à Montréal, 1993.

<sup>4</sup> Carolyn Strange, Toronto's Girl Problem: The Perils and Pleasures of the City, 1880-1930 (Toronto: University of Toronto Press, 1995); Joan Sangster, Girl Trouble: Female Delinquency in English Canada (Toronto: Between the Lines, 2002); Tamara Myers, "Criminal Women and Bad Girls: Regulation and Punishment in Montreal, 1890-1930." Ph.D. Dissertation, McGill University, 1996; Tamara Myers, "Qui t'a débauchée?: Female Adolescent Sexuality and the Montreal Juvenile Delinquents' Court," in Family Matters: Papers in Post-Confederation Family History, eds. Lori Chambers and Edgar-Andre Montigny (Toronto: Canadian Scholar's Press, 1998), 377-394.

often designated as sexual.<sup>5</sup> As a result, the court officials' preoccupation with female sexuality is a dominant theme in most juvenile justice and reform institution analyses.

Strange and Tina Loo note that the new laws enacted to protect children served as regulators of morality. The 1908 federal Juvenile Delinquents Act, therefore, "symbolized the state's growing inclination to enlist non-state actors to regulate morality."<sup>6</sup> While the JDA increasingly imposed regulation on youth, its control was limited by various regional differences. Scholars have often discussed English Canada as a single entity sharing similar traits, regardless of possible regional differences that may have existed. This historiographical tendency to homogenize English Canada is problematic and the differences and similarities between Winnipeg and Toronto need to be explored in order to discover whether it is valid. Though juvenile justice in Ontario and Quebec was similar, the influence of the Catholic Church and its role in the rehabilitation process made the situation in Quebec distinct from Ontario.<sup>7</sup> Additional regional research, especially in Manitoba, is needed to determine how common the Ontario and Quebec experiences of juvenile justice were. Closer examination of

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<sup>5</sup> Kathy Peiss, "'Charity Girls' and City Pleasures: Historical Notes on Working-Class Sexuality, 1880-1920," in *Passion and Power: Sexuality in History*, eds. Kathy Peiss and Christina Simmons (Philadelphia: Temple University Press, 1989), 57-69; Mary Odem, *Delinquent Daughters: Protecting and Policing Adolescent Female Sexuality in the United States, 1885-1920* (Chapel Hill: University of North Carolina Press, 1995); Sangster, *Girl Trouble*; Joan Sangster, "Girls in Conflict with the Law: Exploring the Construction of Female 'Delinquency' in Ontario, 1940-60," *Canadian Journal of Women and the Law* 12, no. 1 (2000): 1-29; Myers, "Criminal Women and Bad Girls"; Myers, "Qui t'a débauchée?"; Joanne Meyerowitz, "Sexual Geography and Gender Economy: The Furnished-Room Districts of Chicago, 1890-1930," in *Unequal Sisters: A Multicultural Reader in U.S. Women's History*, 3<sup>rd</sup> ed., eds. Vicki L. Ruiz and Ellen Carol Dubois (New York: Routledge, 2001), 307-323.

<sup>6</sup> Carolyn Strange and Tina Loo, *Making Good: Law and Moral Reform in Canada, 1867-1939* (Toronto: University of Toronto Press, 1997), 96.

<sup>7</sup> Tamara Myers and Joan Sangster note that girls in reform schools shared common experiences despite differences in the "institutional culture". See their "Retorts, Runaways and Riots: Patterns of Resistance in Canadian Reform Schools For Girls, 1930-60," *Journal of Social History* 34, no. 3 (Spring 2001), 669-697, 688.

Winnipeg reveals that differences existed in the way juvenile justice was experienced in comparison to Toronto and Montreal.

Although the juvenile courts in Toronto, Montreal and Winnipeg were independent of the police courts, the Toronto and Winnipeg juvenile courts were created through the extension of the police court magistrate's jurisdiction.<sup>8</sup> The similarities between the Winnipeg and Toronto systems appear, at first glance, to sustain English Canadian homogenization, yet the most revealing similarities existed between the Manitoba and Quebec systems. Despite anti-Catholic sentiment in the province, the large minority of Catholics in Manitoba necessitated the emergence of religious institutions to incarcerate delinquent youth according to their religious affiliation. Moira Maguire observes that scholars seem reluctant to examine the work of Catholic institutions "in a critical and probing light that would facilitate understanding of the nature of Catholic power and influence in the twentieth century."<sup>9</sup> This observation is especially true for English Canada. This study analyses the role of a female Catholic order's institution in juvenile justice, thereby adding a new dimension to the history of English Canada's juvenile justice system.

Religious conflicts complicated the breadth of social regulation, as Protestants and Catholics disagreed over styles of reform. While few Catholic officials participated in the operation of the Winnipeg Juvenile Court, reform institutions were dominated by religious orders. The Catholic community had the infrastructure to create such institutions

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<sup>8</sup> Dorothy E. Chunn, "Rehabilitating Deviant Families in Ontario: From Police Courts to Family Courts," in *Juvenile Crime and Delinquency: A Turn of the Century Reader*, ed. Ruth M. Mann (Toronto: Canadian Scholar's Press, Inc., 2000), 336-337.

<sup>9</sup> Moira Maguire, "The Myth of Catholic Ireland: Unmarried Motherhood, Infanticide and Illegitimacy in the Twentieth Century." Ph.D. Dissertation, American University, 2000, 9.

whereas Protestants did not. Where the state was slow to move in, the local Catholic Church did. Given the anti-Catholic sentiment in Manitoba, the question of why the state enabled a Catholic order to fill a void in youth reform takes on greater significance.

In her study of Quebec, Andrée Lévesque shows that the Catholic Church remained an important source of family regulation well into the twentieth century.<sup>10</sup> While not as prominent in Manitoba, the high concentration of Catholics did ensure that the Catholic Church played an important role in the regulation of girls in Winnipeg.<sup>11</sup> The issue of religion and religious discord in the juvenile justice system as examined within this research project will complement the numerous studies done by Myers on female juvenile delinquency in Quebec. She reveals how, despite their differences regarding styles of reform, both Protestants and Catholics could agree on legal definitions and the management of delinquency although they produced very different models of reform institutions.<sup>12</sup> Myers explores the agency of girls within the oppressive juvenile justice system established in Montreal. She has convincingly shown that the Montreal Juvenile Delinquents' Court sexualized female offences and subjected girls to social and sexual reconditioning.

The secondary historical literature shows that juvenile justice system officials advocated standards of middle-class morality, especially when they dealt with minority youth. This study also complements Sangster's analysis of female delinquency in

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<sup>10</sup> Andrée Lévesque, Making and Breaking the Rules: Women in Quebec, 1919-1939 (Toronto: McClelland & Stewart, Inc., 1994).

<sup>11</sup> The early history of the province contributes to an explanation for the high level of Catholics in the area since settlement with Metis (Catholics) population inspired Catholic orders to move to the region.

<sup>12</sup> Tamara Myers, "On Probation: The Rise and Fall of Jewish Women's Anti-Delinquency Work in Interwar Montreal," in Negotiating Identities in Nineteenth and Twentieth Century Montreal, eds. Bettina Bradbury and Tamara Myers (Vancouver: University of British Columbia Press, forthcoming 2005).

Ontario, in which she includes Aboriginal youth. Sangster examines the racial biases of the juvenile justice system and reformatories to reveal how race has intertwined with gender and sexuality. She looks at the experiences of Aboriginal girls in reform institutions to show that their experiences were both similar and different to those of non-Aboriginal girls. Aboriginal girls, she notes, often came into conflict with the law for the same reasons other girls did, but once ensnared within the juvenile justice system, were subjected to increased control based primarily on their race.<sup>13</sup> The long-held belief that Aboriginals were “primitive” in comparison to Euro-Canadians was a justification for the inherent racism underlying the juvenile justice system. The cultural differences presented problems for Aboriginal girls, furthering the belief that they were indeed primitive.

Given the similarities between the juvenile justice systems, American studies are essential to an understanding of the development of regional juvenile justice in Canada. Anne Meis Knupfer examined America’s first juvenile court, the Cook County Juvenile Court in Chicago. Her analysis of the successes and failures of the House of the Good Shepherd, run by the same Catholic order that operated Marymound in Winnipeg and the reform school for girls in Montreal, offers this study an interesting comparison. The House of the Good Shepherd in Chicago, she observes, had a high number of commitments for second and third time offenders. The success rates, determined by the number of girls who “made good” are particularly difficult to measure and she suggests success stories were most likely exaggerated in an effort to secure juvenile court

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<sup>13</sup> Sangster, *Girl Trouble*, 144-170; Joan Sangster, “‘She Is Hostile to Our Ways’: First Nations Girls Sentenced to the Ontario Training School for Girls, 1933-1960,” *Law and History Review* 20, no. 1 (Spring 2002): 59-96.

funding.<sup>14</sup> A comparison of the development and operation of female institutions run by the Sisters of the Good Shepherd in Chicago and Winnipeg provides insight into the standard of reform advocated by the sisters, and how that standard was shaped by regional and national differences.

Ruth M. Alexander's study of two early twentieth century reformatories for girls in New York State offers an analysis of institutions that were not Protestant, nor Catholic, nor Jewish in orientation. She examines girls who challenged and attempted to reinvent the accepted standards of female adolescence and the resulting consequences. State regulatory attempts of female behaviour were, she notes, class and race specific.<sup>15</sup> Alexander concludes that the notion of protection supported class, gender and ethnic-biased surveillance and control.

### **Sources and methodology**

Significant federal, provincial and municipal interest in juvenile delinquency between 1908 and 1948 has meant there is rich primary source material from which to draw upon. This study is based on two main types of source material: Manitoba Department of Education Annual Reports and Marymound case files.<sup>16</sup> These documents offer important insights into the purpose and nature of the regulatory institutions; the

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<sup>14</sup> Anne Meis Knufer, Reform and Resistance: Gender, Delinquency, and America's First Juvenile Court (New York: Routledge, 2001), 96, 159-176.

<sup>15</sup> Ruth M. Alexander, The "Girl Problem": Female Sexual Delinquency in New York, 1900-1930 (Ithaca, New York: Cornell University Press, 1998), 150.

<sup>16</sup> The study of social regulation could draw upon a wide variety of sources but many are beyond the scope of this project. For example, in 1957 all inactive Winnipeg Juvenile Court records prior to 1938 were destroyed. Although the files that have survived could further clarify the history of social regulation in the city by fleshing out how the girls negotiated the juvenile court process, the limited number of available years was problematic and the decision was made to omit them.

ideology and character of their officials; and the “regulated” Catholic girls in the prairie city. This study explores the themes of gender, class, ethnicity, sexuality, religion and education as they relate to delinquency.

The annual reports from the Department of Education were utilized extensively. These reports contain a plethora of information related to the intersection of the education and juvenile justice systems. Importantly, they offer information regarding the status and efficiency of the juvenile court authored by judges. Also contained are detailed reports by the Superintendent of Neglected Children. The provincial Office of Neglected Children was responsible for the administration of the Children’s Protection Act throughout the province as well as for the administration of the Juvenile Delinquents Act in Winnipeg. The Superintendent of Neglected Children regularly commented on delinquency and provided detailed statistics. This study combines a qualitative analysis of these reports with a comparative quantitative analysis of the statistics to determine the breakdown of delinquency by type, ethnicity, class, gender and religion. The Department of Education records provide significant insights into the earliest period of the surveillance and control of youth wielded by the juvenile justice system in Winnipeg.

Only a minority of youth who appeared before the juvenile court were sent to reform institutions, with girls for whom probationary care had failed more likely to be incarcerated. Marymound is one of the earliest institutions for girls in early twentieth-century Winnipeg with surviving records. This study presents an analysis of a single-sex regulatory institution through an examination of the archival collections of the Sisters of the Good Shepherd. Along with education, religion played a fundamental role in the juvenile justice system, especially in regards to reform. The JDA considered the religion

of children important to their proper treatment and training and stated that the religion of the child had to be respected. This did not always occur in practice, however, with Protestant and Jewish girls often sentenced to Marymound. The differing styles of education and reform advocated by Protestant and Roman Catholic officials at times perpetuated the religious discord that had reached its height in the province in the late nineteenth century with the Manitoba Schools Question.<sup>17</sup> While not limited to French/English or Catholic/Protestant conflicts, the Manitoba Schools Question continued to cast a shadow over the relationship between politics and religion in the province. Conflicts over religion, ethnicity and education dominated relations between French and English-speaking, and Catholic and Protestant Winnipeggers. The influence of Catholicism in the early juvenile justice system appears to have been more significant in the reform institutions than in the juvenile court.

Marymound's case files offer a glimpse into the lives of girls who passed through the institution but it is important to understand the social construction of case files. The debate over how to read case files has forced researchers to interrogate the limitations of their sources.<sup>18</sup> Case files reveal information about the interaction between girls and the juvenile court, social workers, medical personnel and reform institution officials and these records can be read "against the grain" as long as they are critically assessed and

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<sup>17</sup> See Alexander Gregor and Keith Wilson, The Development of Education in Manitoba (Dubuque, Iowa: Kendall/Hunt Publishing Co., 1984).

<sup>18</sup> See Carolyn Strange, "Stories of Their Lives: The Historian and the Capital Case File," in On the Case: Explorations in Social History, eds. Franca Iacovetta and Wendy Mitchinson (Toronto: University of Toronto Press, 1998), 25-48; Joan Scott, Review of Heroes of Their Own Lives: The Politics and History of Family Violence, by Linda Gordon. Signs 15, no. 4 (Summer 1990): 852-853; Linda Gordon, "Response to Scott," Signs 15, no. 4 (Summer 1990): 853-858; Linda Gordon, Review of Gender and the Politics of History, by Joan Scott. Signs 15, no. 4 (Summer 1990): 859-860; Joan Scott, "Response to Gordon," Signs 15, no. 4 (Summer 1990): 860-864; See also Richard Evans, In Defence of History (London: Granta Books, 1997), 147; Sangster, "She Is Hostile to Our Ways."

the limitations acknowledged. Youth voices, though mediated, are often evident in official discourses and can reveal a great deal about their experiences and how officials understood them. By reading several hundred case files of delinquent girls, significant commonalities emerge.<sup>19</sup> For example, it is clear that the majority of girls came from disadvantaged families and all were working-class. I acknowledge the importance and usefulness of a poststructuralist analysis of case files but have also used these case files to uncover details about girls' lives.

Information from a variety of sources was often contained in the case files. Social worker summaries, juvenile court documentation, physical and mental exam reports, baptismal certificates, school records, and the institution's own commitment documentation and sisters' assessments all offer important information about who the girls were and how their regulators understood them. Different strategies were often required to decode and interpret these sources. The sources were designed for those involved in the juvenile justice system. Social workers' assessments of cases and medical reports were used by the juvenile court to help determine sentences but also provided the sisters with important background information about the girls that assisted decisions regarding treatments. These reports often revealed more about the regulators than they did about the girls. Still, it is possible to partially reconstruct the lives of girls, especially at the point of their institutionalization. I utilized a similar type of analysis for all the

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<sup>19</sup> Marymound created records on every girl it admitted and boxes of case files sit uncategorized in the attic. Some files are missing and according to personal correspondence with Sister Brigit Hussey, some of the individual documents in random files have been removed and/or destroyed but most remain intact. For the purposes of this study, every file in Marymound's three boxes of case files (numbering from 1 to 1227) between the early 1920s and 1948 was reviewed. Case files selected for closer analysis included only those files in which girls were identified as delinquent. Some of the files were very brief. The primary goal was ensuring there were case files that began in each year in order to obtain a good cross-section of files by date. No other criteria were used in selecting case files.

documentation included in the case files, questioning what was recorded, why it was recorded, who recorded it, who the intended audience was, and what biases were likely to appear. Since case files dated primarily from the 1920s, 1930s and 1940s, information about girls in the 1910s was taken from Marymound's logbook. Though the logbook contains minimal information, an analysis of the statistics gleaned from it do reveal important trends in the type of girl being incarcerated, the age at which girls were incarcerated, and their ethnic and religious backgrounds. In compliance with provincial and institutional regulations governing access to restricted files, I have altered the names of the subjects, thus only Christian pseudonyms are used when describing particular cases.

### **Structure**

The periodization of this project has been determined by the sources. The first two chapters concentrate on the juvenile justice system between the years 1908 and 1930. The third chapter extends from the creation of Marymound in 1911 until it changed its focus from a custodial facility to a treatment facility in 1948. Changes in the institution's program of reform after this date made for a natural termination point for the study.

This thesis is divided into three parts. The first chapter focuses primarily on how the juvenile justice system in Winnipeg was set up to regulate youth in the period 1908 to 1924. It argues that class, gender and religious ideals of delinquency and rehabilitation worked to shape the roles of the juvenile court and its ancillary agencies. The second chapter examines the actual practice of juvenile justice from 1909 to 1930 by illuminating the gendered nature of delinquency. It looks at the construction of the

delinquent and specifically at inherent class, gender, religious and ethnic discrimination in the juvenile court and its ancillary agencies.

Both chapters explore the impact of the late nineteenth century juvenile justice movement on Winnipeg and contribute to the study of childhood history and the histories of juvenile delinquency and education. Feminist historians have revealed the class, gender and racial biases of both the Canadian and American juvenile justice systems. This study complements the analyses of the juvenile courts and reformatories in Toronto and Montreal, and adds the Canadian prairie city to the historiography. It differs from other studies of the juvenile court and child welfare policies in Winnipeg by including an institutional study which, when taken together with an analysis of the education system during the same period, reveals a web of surveillance and control characterized by class, gender, religious and ethnic tensions.

The third chapter explores the processing of girls from 1911 to 1948 and one of the institutional facilities designated to treat them. It looks at the construction of the “bad” girl and how resocialization reflected the city’s class, religious and ethnic divisions. The second and third chapters examine the interaction between moral agents and the youth. Moral agents had different relationships to the youth but they were ultimately concerned with altering youth’s identities. Controlling femininity became increasingly important as new moral agents entered the scene and the definition of delinquency expanded.

Historians of Winnipeg and juvenile justice in Canada have been slow to address the country’s first juvenile court, which opened in 1909. This thesis contributes to Canadian history and studies of juvenile justice and gender by adding the story of

delinquent girls in early twentieth-century Winnipeg. In Winnipeg, the juvenile court and associated agencies were interested in the education of youth and, therefore, truancy, but also in the regulation of the sexuality of minority and immigrant girls. Specific to Winnipeg, a female Catholic order's reform institution played a large role in the juvenile justice system despite strong anti-Catholic sentiment. Girls sent to Marymound were subjected to a Catholic regime of rehabilitation which they negotiated, resisted, and in some cases accepted.

## **Chapter 1**

### **The Structure of the Early Juvenile Justice System in Winnipeg**

Before the establishment of the Winnipeg Juvenile Court in 1909, youth cases were heard in city police court and offenders were incarcerated in adult gaols, prisons and penitentiaries. In 1908, the federal Juvenile Delinquents Act (JDA) took a social welfare approach to youth crime. It built on the existing legislation and late nineteenth-century social thinking that held that children required guidance and rehabilitation rather than punishment. Underneath the progressive thought lay anxieties regarding expanding criminality and declining morality and suspicions of “dangerous” classes of youth. The establishment of the Winnipeg Juvenile Court reflected significant changes in the way the city treated its children. It also allowed for earlier child protection laws, like the provincial Children’s Protection Act of 1898, to be better enforced. The close association of the juvenile court with separate but parallel institutions in the city provided a distinct level of surveillance and regulation. This chapter explores how the juvenile justice in Winnipeg was structured to regulate youth. It will offer a portrait of the early juvenile justice system in Winnipeg and analyse how it was intended to function through an examination of the juvenile court and its intersection with the education system. It concludes with a discussion of the establishment of Marymount, a Catholic reformatory for girls.

#### **The Establishment of the Winnipeg Juvenile Court**

In the November 1908 issue of the Canadian Law Times and Review, W.L. Scott, a key author of the federal Juvenile Delinquents Act and head of the Ottawa Children’s

Aid Society, provided both a commentary and analysis of the newly established legislation. He held that children were products of their environment, thus furthering the belief that flawed surroundings contributed to the making of criminals. It was widely accepted, most notably by social reformers and legal authorities, that delinquent youth had a prepossessing tendency to develop into hardened adult criminals if their behaviour was not reformed.<sup>1</sup> Colin H. Campbell, the Attorney-General of Manitoba from 1900 until 1911, agreed with Scott. Further, he felt it was wrong for children to be treated as common criminals for youthful indiscretions and was fundamental in establishing the juvenile court in Winnipeg.<sup>2</sup> In a letter to his son, Campbell wrote that he

had long thought that we were very unwise in dealing with little boys and girls for errors of judgment and harmless escapades, forgetting all the time that they were guided a great deal by their instincts, and that they were not fully capable of exercising a mature judgment. Many a little boy has been injured for life by being dragged to a Police Court for doing something which in a more fortunate boy would go unnoticed.<sup>3</sup>

He noted the implication of social class and felt that children who were forced to undergo the ordeal of police court proceedings would be permanently scarred by the experience. He realized that even though a child may commit a crime, it was the “act of a child that deserved treatment in a more kindly way” because even though they may have committed a legal offence, their “hearts were in reality full of goodness if properly directed.”<sup>4</sup> Campbell explained that by having a separate juvenile justice system “hundreds of

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<sup>1</sup> W.L. Scott, “The Juvenile Delinquent Act,” Canadian Law Times and Review 28, no. 11 (November 1908), 892-894.

<sup>2</sup> Colin H. Campbell, *Letter to His Son*, 2 December 1913, as quoted in Stubbs, “The First Juvenile Court Judge.”

<sup>3</sup> Ibid.

<sup>4</sup> Ibid.

children are made better, and their homes are made better, and child life is made an inspiration for better things.”<sup>5</sup>

Campbell, Thomas Mayne Daly, the Police Court Magistrate, and Felix J. Billiarde, the Superintendent of Neglected Children, all shared similar progressive thought regarding youth crime and the rehabilitative system of juvenile justice.<sup>6</sup> All three were also committed to bettering the lives of the working class. Along with improving the conditions criminal youth faced in the justice system, Campbell was particularly interested in new methods of reforming hospitals and children’s homes. He wrote several letters to various hospitals and children’s homes in England requesting tours of the facilities when he was next visiting in order to improve his knowledge and apply the techniques to Winnipeg.<sup>7</sup> The Children’s Hospital was subsequently established in Winnipeg on 6 February 1909 and administered similarly to those he had visited in England.<sup>8</sup> According to the Winnipeg Telegram, at the opening ceremony of the Children’s Hospital, “Daly gave a declaration of his faith, stating categorically that there is no work that brings such ultimate satisfaction to a man, or a woman, as the work he, or she, does for the betterment of the lot of children in life.”<sup>9</sup> Daly also took a special interest in the welfare of youth and was active on the board of the Children’s Hospital

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<sup>5</sup> Ibid.

<sup>6</sup> On progressive juvenile justice, see Victoria Getis, The Juvenile Court and the Progressives (Urbana: University of Illinois Press, 2000); Neil Sutherland, Children in English-Canadian Society: Framing the Twentieth-Century Consensus (Waterloo: Wilfrid Laurier University Press, 2000); Steven Schlossman, Love and the American Delinquent: The Theory and Practice of “Progressive” Juvenile Justice, 1825-1920 (Chicago: University of Chicago Press, 1977).

<sup>7</sup> Archives of Manitoba, Campbell Papers, MG14, B21, Box 2, Correspondence, 1890-1912.

<sup>8</sup> The Children’s Hospital was originally established on Beaconsfield Street on the banks of the Red River. It is currently a state-of-the-art facility affiliated with the University of Manitoba at 840 Sherbrook Street.

<sup>9</sup> Stubbs, “The First Juvenile Court Judge.”

from 1909 until his death in 1911. Daly's efforts in this capacity were evident in his various requests for funding published in the Manitoba Free Press between 1908 and 1911 on behalf of the Children's Hospital. He was also a member of both the Board of Education for Winnipeg and the Public School Board.<sup>10</sup> If the intersection of the education system and the juvenile court were an eventuality given the personalities of both Campbell and Daly regarding youth, it was solidified with the addition of Billiarde.

Billiarde was also a strong advocate of education and the welfare of children. In 1910, Campbell directed Billiarde to compile a pamphlet entitled, *Laws for the Protection of Children*, in order to educate the general population in the laws devised especially for youth. In both this pamphlet and in his subsequent 1917 publication entitled, *Canada's Greatest Asset: Are We Safeguarding It?* Billiarde outlined the various ways to keep children from falling prey to degradation and immorality.<sup>11</sup> While this message was directed at all classes, the implication that more must be done to protect working-class children from their own environment is clear. It is very unlikely that Billiarde would have considered children with "proper" middle and upper-class families at risk of becoming delinquent due to neglect or other poor family conditions. All three men believed that delinquent children were products of their environment and required guidance and rehabilitation rather than punishment. It was their progressive thinking that helped successfully establish the juvenile court in Winnipeg.

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<sup>10</sup> Thomas Mayne Daly (Winnipeg: Manitoba Department of Cultural Affairs and Historical Resources, 1982), 4.

<sup>11</sup> Felix J. Billiarde, Laws for the Protection of Children. From the Dominion and Manitoba Statutes (Attorney-General, Manitoba, 1910); Felix J. Billiarde, Canada's Greatest Asset: Are We Safeguarding It! A Vital Question for all Canadians! (Winnipeg: s.n. 1917).

In early 1908, in anticipation of federal legislation regarding juvenile delinquents, Billiarde was appointed provincial Superintendent of Neglected Children under the Children's Protection Act and as probation officer for juvenile delinquents.<sup>12</sup> The Juvenile Delinquents Act was enacted on 20 July 1908 and the Department of the Attorney General for Manitoba took steps towards establishing a detention home and appointing the necessary officers "to secure the bringing into force in the City of Winnipeg of 'The Juvenile Delinquents Act'."<sup>13</sup> The Detention Home, established in Winnipeg in October 1908, was an incarceration facility used to "keep children away from the environments of ordinary courts of criminal justice."<sup>14</sup> It became the home of the juvenile court in February 1909.

A general theme running through the annual reports of the Department of the Attorney General and the Department of Education is the importance of the JDA and its significance to Winnipeg. While the JDA effectively gave the provinces the right to establish and run juvenile courts, local and provincial laws were required to bring the federal legislation into force in cities. Other than a brief reference by Campbell in 1909<sup>15</sup>, there is little mention of the role the province and the city played in the process. An explanation for this lies in the fact that section 35.1 of the JDA stated that it could be put into force in a city where an act had not been passed by the provincial legislature if the Governor in Council was satisfied that "proper facilities for the due carrying out of the

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<sup>12</sup> Campbell, "Report of the Department of the Attorney-General for the Year Ending 31<sup>st</sup> of December 1908," Sessional Papers, 1909, 745-746.

<sup>13</sup> *Ibid*, 746.

<sup>14</sup> *Ibid*, 747.

<sup>15</sup> *Ibid*, 746-748.

provisions of this Act have been provided in such city, town, or other portion of a province, by the municipal council thereof or otherwise.”<sup>16</sup> Section 34 stated that these “proper facilities” included a juvenile court and detention homes.<sup>17</sup> In Manitoba, the provincial legislature did not pass an act as referred to in section 34; instead, the JDA was brought into force in Winnipeg through section 35.1. Through a proclamation issued by the Governor in Council and published in the Canada Gazette, the JDA was declared in force in Winnipeg on 22 January 1909.<sup>18</sup>

After successfully establishing the first juvenile court, Attorney-General Campbell was instrumental in the appointment of Daly as its first judge. This appointment is not surprising given they shared a similar philosophy regarding child welfare. The fact that he was already the presiding Police Court Magistrate and had a reputation of having a kind temperament and for being fair and just when dealing with young offenders brought before his court is significant. Daly’s colleagues and the press frequently described him as being sympathetic toward the poor. His perception of youth crime was based on a belief that a poor environment contributed to criminal behaviour. As a result, Daly advocated social change and probation as the most effective means of preventing delinquent behaviour.<sup>19</sup> In this sense, his ideas were parallel to Campbell’s.

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<sup>16</sup> Canada. The Juvenile Delinquents Act, 1908, Section 35.1.

<sup>17</sup> Ibid, Section 34.

<sup>18</sup> Canada Gazette 42, no. 39 (27 March 1909), 2693-2694. A proclamation dated 22 January 1909 and published in the 6 February 1909 Canada Gazette intending to bring the JDA into force in Winnipeg inadvertently omitted the words “in the said City of Winnipeg” thereby making it ineffective. This clerical error was corrected in the proclamation issued in the 27 March 1909 Canada Gazette and related back to the 22 January 1909 date.

<sup>19</sup> See especially Thomas Mayne Daly, A Treatise on the Winnipeg Juvenile Detention Home (Toronto: Salvation Army Printing House, 1909).

The first session of the juvenile court occurred on the afternoon of 5 February 1909 in the dining room of the Detention Home at 226 Simcoe Street, a building operated by the Salvation Army as an institution for neglected children. Present with Daly at the first session of the juvenile court were Billiarde, Inspector Newton of the Winnipeg Police Department, Polish interpreter Jacob Kwiatowsky, Salvation Army Staff Captain McAmmond and his wife, the matron of the Detention Home. Kwiatowsky's role as an interpreter for the court indicates, at least to some degree, that Slavic immigrants were considered a target group. Four immigrant girls under the age of sixteen were the first to be tried under the JDA for running away from home. They were given a suspended sentence and placed in the care of Billiarde.<sup>20</sup>

Reports regarding the passage of the Juvenile Delinquents Act in 1908 and its enactment in Winnipeg are absent from major Winnipeg newspapers. While the Winnipeg Tribune was mysteriously silent on the establishment of the juvenile court in Winnipeg, the Manitoba Free Press of the following day detailed the first session and then concluded its report with the following: "Mr. Daly, who is the first judge of a juvenile court in Canada, is vested with much higher powers in this office than in that of magistrate, which he holds, and he decides the disposition of the children who come before him absolutely."<sup>21</sup>

When the juvenile court first began operation, it was held whenever juvenile cases arose. It took until 1911 to establish regular sessions of the court on Monday and

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<sup>20</sup> "First Session of the Juvenile Court," 9; McKerchar, "Juvenile Court," in Department of Education, Annual Reports, 1919-1920, 120; Manitoba Free Press, 1 February 1919; See also Stubbs, "The First Juvenile Court Judge."

<sup>21</sup> "First Session of the Juvenile Court," 9.

Thursdays.<sup>22</sup> In these early years, delinquent boys made up the majority of the early cases heard by the court. Of the 335 cases Daly heard between 7 February 1910 and 28 December 1910, 81.5% (273) were boys and 18.5% (62) were girls. He described the twenty-eight boys he sent to training school as “smart, clever little chaps” and predicted that many of them would “turn out bright and capable citizens.”<sup>23</sup> Excerpts from Daly’s report reveal that 44% (30 of 68) of the girls who appeared before him in 1909 were described as “immoral.” In 1910, 24.2% (15 of 62) of the girls were charged with “immoral delinquencies”.<sup>24</sup> Of the nine girls he sent to training school in 1910, he commented:

Words fail to express my gratitude to the Government for undertaking the training of these girls; it relieves all concerned of a great responsibility and means the saving of these children and their being turned from sin and trouble to usefulness and goodness. From the reports so far received, their training is working wonders.<sup>25</sup>

Daly commented further on “immoral” girls when he gave evidence to the Royal Commission in 1911 regarding prostitution in the city:

I was constantly face to face with the fact that numbers of young girls were being brought before me, the juvenile court, and these girls were taken from immoral surroundings in houses and blocks and other places through the city, and on investigation everyone of these girls were found to be immoral. Their ages ran from 13 years of age to 15, some of them were diseased ...<sup>26</sup>

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<sup>22</sup> Felix J. Billiarde, Annual Report of the Superintendent of Neglected Children for the Province of Manitoba, 1912 (Winnipeg: Attorney General’s Department, 1912), 55.

<sup>23</sup> Campbell, “Report of the Department of Attorney-General for the year ending 31<sup>st</sup> of December 1910,” Sessional Papers, 1911, 609.

<sup>24</sup> *Ibid.*

<sup>25</sup> *Ibid.*

<sup>26</sup> Proceedings of the Royal Commission on Vice in Winnipeg, 1911, as quoted in Stubbs, “The First Juvenile Court Judge.”

The Winnipeg juvenile justice system closely followed the guidelines set by the JDA. The JDA functioned under *parens patriae*, a philosophy which held that the state was responsible for acting in the best interest of the child. This doctrine had its roots in English common law where the King had legal authority to care for persons with legal disabilities (including age). In medieval England's chancery courts, the Crown used it to deal primarily with orphan estates by assuming the role of guardian of children to administer their property. The doctrine grew and by the nineteenth century, it focused almost exclusively on the state assuming guardianship of minor children who either had no parents or whose parents were deemed unfit.<sup>27</sup> In Canada and the United States, in the early twentieth century, that role was performed by the provinces or states, respectively, which delegated certain aspects of the *parens patriae* function to local officials.

Since there was no Canadian precedent for establishing a court for juvenile delinquents, the Winnipeg Juvenile Court, while distinct from other courts, borrowed ideas and practices from the juvenile court established in Chicago, Illinois, in 1899 and to a lesser degree the juvenile court established in Denver, Colorado, in 1903, which both emphasized informal procedure and correction rather than punishment.<sup>28</sup> In his analysis of child welfare and the implementation of the JDA in Canada, however, Neil Sutherland argues that Canadians looked to Philadelphia, which established its juvenile court in

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<sup>27</sup> Randall G. Sheldon and Michelle Hussong, "Juvenile Crime, Adult Adjudication, and the Death Penalty: Draconian Policies Revisited," in Justice Policy Journal: Analyzing Criminal and Juvenile Justice Issues and Policies 1, no. 2 (Spring 2003), 4-5.

<sup>28</sup> There is some controversy among scholars regarding the actual date the Denver Juvenile Court was founded. While most agree it was established in March 1903, some argue it was established as early as 1899, when a truancy law created a status for juvenile offenders separate from adult criminals. Others claim that the court was not established until 1907, when the juvenile court was officially separated from the county court. For an example of the generally accepted 1903 establishment date, see Elizabeth J. Clapp, Mothers of All Children: Women Reformers and the Rise of Juvenile Courts in Progressive Era America (University Park: Pennsylvania State University Press, 1998), 105-132, especially 113.

1901, rather than Chicago or Denver for the model for their juvenile courts.<sup>29</sup> The evidence in Winnipeg seems to suggest otherwise, at least in regards to the juvenile court in the prairie city. Reference is frequently made to the Chicago and Denver juvenile courts in the Manitoba Department of Attorney General and Department of Education reports.<sup>30</sup> Campbell and Billiarde followed the progress of prominent American juvenile courts and regularly commented on their successes, and sporadically utilized statistics from these courts in their own reports. Billiarde also corresponded with Benjamin Lindsey, judge of the Denver Juvenile Court, sending him updates on the work of the Winnipeg Juvenile Court.<sup>31</sup>

Like American juvenile court judges, Daly embraced the *parens patriae* philosophy and attempted to establish a non-threatening courtroom environment. Hearings were informal and confidential and he did not wear a robe. A particularly complimentary article in the Manitoba Free Press portrayed Daly as a man who chose not to utilize a dock, raised platform or bench. He acted in the role of a firm yet caring parent, looked for individualized ways to correct a child's misbehaviour, and disregarded generalized approaches to justice. Daly promoted himself as both a friend and a father-like figure, assuming the appropriate role as the circumstances dictated and the Manitoba Free Press eulogized him in this construction of his reputation. This is especially evident from this quote by Staff Captain McAmmond, the superintendent of the Detention Home:

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<sup>29</sup> Sutherland, 119.

<sup>30</sup> For an example of reference to the Denver Juvenile Court, see Billiarde, Annual Report of the Superintendent of Neglected Children for the Province of Manitoba, 1912, 51.

<sup>31</sup> Benjamin B. Lindsey, *Letter to F.J. Billiarde*, 31 October 1911, as reprinted in Billiarde, Annual Report of the Superintendent of Neglected Children for the Province of Manitoba, 1912, 117.

It was the greatest thing in the world to se [sic] him handle a headstrong boy who had got into trouble. He never used two of them alike. He seemed to be able to tell at a glance just how to take every one of them. Some he was severe with, others he joked with, but he was kind to every one of them and every one of them loved him. ... They all confessed everything to Mr. Daly, just like telling it to one of their chums.<sup>32</sup>

The fact that the article was so favourable is due, at least in part, to the fact that it was printed following Daly's death on 23 June 1911.

The character of the early juvenile court in Winnipeg was paternalistic in nature and, like the Cook County Juvenile Court in Chicago and the courts later established in Toronto and Montreal, was heavily influenced by its officials.<sup>33</sup> The court's heavy reliance on probation officers and, subsequently, the school attendance officers, is strikingly similar to the way Judge Benjamin Lindsey ran the early Denver Juvenile Court. Before the juvenile court laws were passed in 1903, Lindsey used Colorado's compulsory school attendance law to protect and reform children. Yet where the early Denver Juvenile Court did not have access to systematic investigations of a child's history, the Chicago and Winnipeg juvenile courts did.<sup>34</sup>

Most historical studies of the juvenile justice system focus on how the laws and institutions developed and reflected changing attitudes towards children. The role of police, who often assumed the roles of probation officers, has often been omitted in

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<sup>32</sup> "Children's Confessor," Manitoba Free Press, 26 June 1911, 16.

<sup>33</sup> In Winnipeg, the concerns of male reformers dominated efforts to find new ways of dealing with wayward children while female reformers played minor and supplementary roles. Increasing feminine influence in the Winnipeg juvenile justice system began to surface upon the appointment of a regular female probation officer in 1920 and another in 1923. See D.S. Hamilton, "Department of Neglected Children and Juvenile Court," in Department of Education, Annual Report, 1920-1921, 128; and D.B. Harkness, "Juvenile Court for the Eastern Judicial District of Manitoba," in Department of Education, Annual Report, 1923-1924, 69-70. For a discussion of the differences between masculine and feminine influences in the juvenile court movement, see Clapp, 77-132.

<sup>34</sup> Clapp, 113-114; Knupfer, 80, 82.

historical studies of juvenile justice. Only recently have studies concerning the role of police in the process of regulating juvenile delinquency begun to appear. American historian David Wolcott's study of Detroit, Chicago and Los Angeles examines how the exercise of discretionary authority by the police influenced the operations of late nineteenth and early twentieth-century juvenile justice systems. He argues that the creation of juvenile courts increased rather than reduced the discretionary authority of the police.<sup>35</sup>

In the earliest years of the Winnipeg Juvenile Court, police often assumed the roles of probation officers.<sup>36</sup> This was especially true before school attendance officers largely assumed the role following the provincial compulsory schooling legislation in 1913. Probation officers played a significant role in the juvenile justice system. They quickly became central to the success of the court in dealing with delinquent youth. Judges relied on their investigations of children's backgrounds and their assessments of the cases in order to make informed decisions regarding sentences.

In the spirit of *parens patriae*, the juvenile court required special facilities to function alongside it. The Detention Home was run in connection with the juvenile court and served as a short-term jail in which youths were isolated from adult criminals. In 1911, a Truant School was established in connection with the Detention Home in

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<sup>35</sup> David Wolcott, "Chicago Police and the Emergence of Juvenile Court, 1899-1930" in A Noble Social Experiment?: The First 100 Years of the Cook County Juvenile Court, 1899-1999, ed. Gwen Hoerr McNamee (Chicago: Chicago Bar Association, 1999), 48-51; David Wolcott, "Cops and Kids: The Police and Juvenile Delinquency in Three American Cities, 1890-1940." Ph.D. Dissertation, Carnegie Mellon University, 2000; David Wolcott, "'The Cop Will Get You': The Police and Discretionary Juvenile Justice, 1890-1940," Journal of Social History 35 (Winter 2001), 349-371.

<sup>36</sup> Campbell, "Report of the Department of Attorney-General for the year ending 31<sup>st</sup> of December 1910," 607; and "Report of the Department of Attorney-General for the year ending 31<sup>st</sup> of December 1911," Sessional Papers, 1912, 403, 405-406.

Winnipeg.<sup>37</sup> It operated all year long and enabled delinquent youth to obtain an academic education while in detention so they would be able to resume in the appropriate grade once they were released from the juvenile justice system and returned to the regular school system. This feature distinguished Winnipeg from subsequent juvenile courts in other jurisdictions. For example, the Detention House for Young Delinquents in Montreal only occasionally included basic academic education as part of its teachings, which usually focused on discipline and morality. It was not until after 1914 that the education of incarcerated youth became regular sessions twice a week.<sup>38</sup>

The Winnipeg Juvenile Court was a special division of an existing magistrate's court and the police court magistrate doubled as the juvenile court judge. This situation could often be problematic for the police court magistrate who was required to change frame of mind quickly between hearing adult and juvenile cases. As a result, the juvenile court was not completely independent of the police court, nor was it required to be. Section 34 of the JDA stated that existing courts could be designated as juvenile courts.<sup>39</sup> Despite the establishment of the Winnipeg Juvenile Court and its related facilities, some youth cases continued to be heard in city police court. The promise of the juvenile court as a more humane proceeding was seen as an alternative to the criminalized police courts. According to an article and statements given by juvenile justice system officials in the Manitoba Free Press, the judges of the juvenile court were appointed according to their

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<sup>37</sup>Billiarde, Annual Report of the Superintendent of Neglected Children for the Province of Manitoba, 1912, 28; Billiarde, "Truancy Report of Mr. Billiarde, Superintendent of Neglected Children," in Department of Education, Annual Report, 1912-1913, 147.

<sup>38</sup> Myers, "Criminal Women and Bad Girls," 1996, 163-165.

<sup>39</sup> Canada. The Juvenile Delinquents Act, 1908, Section 34.

ability and talent with children and embodied similar traits of compassion, moderation and patience when dealing with them.<sup>40</sup>

There were distinctions between the juvenile court and the police court in Winnipeg when it heard youth cases. The JDA specified “the Juvenile Court” meant “any court duly established under any provincial statute for the purpose of dealing with juvenile delinquents.”<sup>41</sup> The juvenile court was established specifically to hear juvenile cases, while the police court had a more encompassing role. The JDA explicitly stated that children who were arrested were to be taken to the juvenile court unless they appeared before a judge of the juvenile court or a justice who was authorized to act in that capacity.<sup>42</sup> For children over the age of fourteen, however, indictable offences could, at the discretion of the juvenile court, be transferred to the regular criminal court.<sup>43</sup>

The youth cases heard in the Winnipeg Police Court were heard following the completion of regular adult cases scheduled for that day. This ensured that the trials of youth in police court complied with Section 10.2 of the JDA, which explicitly stated that the trials of children

may be held in the private office of the judge or in some other private room in the court house or municipal building, or in the detention home, or if no such room or place is available, then in the ordinary court room; provided that when held in the ordinary court room, an interval of half an hour must be allowed to elapse between the close of the trial or examination of any adult and the beginning of the trial of a child.<sup>44</sup>

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<sup>40</sup> “Judge Walker to Succeed Daly,” Manitoba Free Press, 28 June 1911, 3; “Hon. T. M. Daly Died Suddenly Early Saturday,” Manitoba Free Press, 26 June 1911, 13, 16, 24.

<sup>41</sup> Canada. The Juvenile Delinquents Act, 1908. Section 2 (f).

<sup>42</sup> Ibid, Section 6.1 and 6.2

<sup>43</sup> Ibid, Section 7.

<sup>44</sup> Ibid, Section 10.2.

Since the police court magistrate was also the judge of the juvenile court, some youth cases were heard in the police court according to the parameters set out by the JDA.

While the early juvenile court records have been destroyed, those of youth cases heard in police have survived. These records are not detailed dossiers and do not provide transcripts of the proceedings. They are merely log books containing the case number, date, name of the individual who brought the charge, name of the accused, pleas, sentences, and any fines that were levied.

Daly set a precedent for hearing youth cases in his capacity as police court magistrate. Following Daly's death in 1911, David M. Walker was appointed police magistrate and succeeded Daly as judge of the Winnipeg Juvenile Court.<sup>45</sup> Due to the high number of police court cases, however, Walker was unable to devote much attention to juvenile cases and sought the assistance of Billiarde. Walker and Billiarde jointly presided over the juvenile court, with Billiarde assuming full control during Walker's absence in the winter months.<sup>46</sup> It was not until 1915 when Walker retired and D.W. McKerchar was appointed Police Court Magistrate and juvenile court judge that a single individual again filled both positions on a full-time basis.

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<sup>45</sup> "Judge Walker to Succeed Daly," Manitoba Free Press, 28 June 1911, 3. It is curious to note, however, that in their legal analysis of Manitoba, Dale and Lee Gibson state that Hugh John Macdonald, the son of Sir John A. Macdonald, immediately succeeded Daly as Police Court Magistrate, though the historical evidence supports no valid reason for making such a claim. See Dale Gibson and Lee Gibson, Substantial Justice: Law and Lawyers in Manitoba, 1670-1970 (Winnipeg: Peguis, 1972), 204-205. Regardless of the historiographical controversy, Walker presided over the juvenile court following Daly's death.

<sup>46</sup> Billiarde, Annual Report of the Superintendent of Neglected Children for the Province of Manitoba, 1912, 18.

In March 1917, the jurisdiction of the JDA was extended to the entire Eastern Judicial District in Manitoba.<sup>47</sup> According to his annual report, McKerchar was designated the juvenile court judge of this district and his reports began to include numbers for nearly half the geographical area of the province and more than half of its population.<sup>48</sup> His main focus, however, remained on Winnipeg. He was especially appreciative of the School Attendance Act, amended and brought into force on 10 March 1916, because it gave the court access to all school attendance officers as probation officers (both men and women). This, he felt, would “be of great assistance in carrying out the provisions of ‘The Juvenile Delinquents’ Act’ in the proper manner and spirit.”<sup>49</sup> Beginning in April 1920, McKerchar established regular meetings with probation staff, the superintendent and matron of the Detention Home and the school attendance officers of Winnipeg on Mondays to discuss the work of the juvenile court.<sup>50</sup> While the Winnipeg Juvenile Court had always been regarded by its judges as a combination of legal and social service work,<sup>51</sup> the amendment to the School Attendance Act helped to further entrench the education system in the functioning of the juvenile court.

The jurisdiction of the early juvenile court was limited to Winnipeg children under the age of sixteen, except in cases where the child was determined to be a “juvenile delinquent” and therefore made a ward of the court until discharged or until he or she

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<sup>47</sup> Canada Gazette, 9 March 1917; McKerchar, “Juvenile Court,” in Department of Education, Annual Report, 1917-1918, 139.

<sup>48</sup> McKerchar, “Juvenile Court,” in Department of Education, Annual Report, 1917-1918, 139.

<sup>49</sup> McKerchar, “Juvenile Court,” 1917-1918, 139; See also “Report of J.F. Greenway, Supervisor of School Attendance,” in Department of Education, Sessional Papers, 1915-1916, 391.

<sup>50</sup> McKerchar, “Juvenile Court,” 1919-1920, 125.

<sup>51</sup> McKerchar, “Juvenile Court,” 1916-1917, 261.

reached the age of twenty-one.<sup>52</sup> Cases against non-ward adolescents between the ages of sixteen and twenty-one in police court, however, help illustrate the latitude of the definition of delinquency. Adolescents whose cases were heard by Daly in police court were frequently sentenced to the Detention Home, an incarceration facility for youth. When Emma and Billy were brought to the police court on vagrancy<sup>53</sup> charges, Billy was given a suspended sentence but Emma was handed over to the Detention Home.<sup>54</sup> Alfred was convicted of theft and sentenced to six months in the Detention Home.<sup>55</sup> Grace was sentenced to the Detention Home after she was found guilty of being an inmate of a bawdy house.<sup>56</sup> In a final case, Geo was found guilty of vagrancy but instead of being sentenced to the Detention Home, he was sent to an industrial and training school for two years.<sup>57</sup>

Adolescent cases that were heard in police court offer some insight into the mindset of the sitting judge. Though neither Daly nor Walker left written statements regarding adolescent cases in the police court, McKerchar did comment on the adolescents who appeared before him in his capacity as police court magistrate:

It frequently happens that youths and maidens who have passed their sixteenth birthday fall into the hands of the police as first offenders. In order to save these young people from the stigma of a police record, the police bring them to the

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<sup>52</sup> Canada. The Juvenile Delinquents Act, 1908. Chapter 40.

<sup>53</sup> Vagrancy was an all-encompassing offence with broad definitions and open to different interpretations and therefore often included immorality.

<sup>54</sup> Winnipeg Police Court [hereafter WPC], no. 24125 (15 February 1909).

<sup>55</sup> WPC, no. 26911 (15 August 1910).

<sup>56</sup> WPC, nos. 40522 and 40523 (Both 15 December 1910).

<sup>57</sup> WPC, no. 41152 (10 January 1911).

Juvenile Court to be dealt with by me in my capacity of a Police Court magistrate.<sup>58</sup>

In his 1916-17 report, McKerchar noted that he had arranged for the juvenile court and the Crown prosecutor for Winnipeg to co-operate when dealing with adolescents between the ages sixteen and twenty-one. The cooperation was believed necessary to prevent a gradual decline from delinquency into criminal activity and was generally regarded as successful.<sup>59</sup>

In 1924, the Child Welfare Act replaced the amended Children's Protection Act (1913) and raised the age of children under its jurisdiction to eighteen.<sup>60</sup> Throughout his annual reports, Billiarde had repeatedly expressed the need for the age limit of the Juvenile Delinquents Act to be raised to eighteen as well. This did not occur until 1930, when Manitoba extended the application of the Juvenile Delinquents Act of 1929 to all juvenile offenders under eighteen years of age.<sup>61</sup>

Canadian and American historians have argued that parents assumed a very active role in the juvenile justice system and family decisions to engage the early juvenile court

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<sup>58</sup> McKerchar, "Juvenile Court," in Department of Education, Annual Report, 1919-1920, 122-123; Hamilton, "Department of Neglected Children and Juvenile Court," 1920-1921, 128.

<sup>59</sup> McKerchar, "Juvenile Court," in Department of Education, Annual Report, 1916-1917, 264.

<sup>60</sup> For a thorough discussion of the Children's Protection Act and its application in Manitoba, see Théorêt, "Espace social et régulation juridique des jeunes," 122-130. For a discussion of the enactment and application of the Child Welfare Act, see 142-161. See also Lorna Hurl, "The Politics of Child Welfare in Manitoba, 1922-1924," Manitoba History 7 (Spring 1984). Available from [http://www.mhs.mb.ca/docs/mb\\_history/07/childwelfare.shtml](http://www.mhs.mb.ca/docs/mb_history/07/childwelfare.shtml) [6 June 2004]; and Lorna Hurl, "An Analysis of Social Welfare Policy: A Case Study of the Development of Child Welfare Policies and Programmes in Manitoba, 1870-1924." MSW Thesis, University of Manitoba, 1981.

<sup>61</sup> Manitoba, Royal Commission Appointed by Order-in-Council Number 747/28 to Inquire into the Administration of the Child Welfare Division of the Dept. of Health and Public Welfare, 1928, 1; Canada, Report on Special Provisions for the Care of Delinquent and Pre-Delinquent Girls, 1930, 1.

were at the core of the new system.<sup>62</sup> The evidence in Winnipeg does not support this conclusion for the prairie city, though the early records are quite limiting. Despite the limitations, the entries in the Winnipeg Police Court between 1909 and 1911 do provide information regarding who initiated charges and the sentences adolescents received. I have not come across any cases that were initiated by family members. Based on the police court records from 1909-1911, the majority of girls were convicted of vagrancy and boys were convicted largely of theft.<sup>63</sup>

Less than a year into its operation, the juvenile court moved to a three-storey building on the site of Grace Hospital. (See Figure 1) According to Daly's *Treatise on the Winnipeg Juvenile Detention Home* and Billiarde's annual report for 1913-14, the building had its own courtroom (See Figure 2), a schoolroom, and living accommodations, with girls residing on the second floor and boys on the third floor. The general atmosphere was conceived to be a homey one, bearing no resemblance to a prison. Throughout his annual reports, Billiarde repeatedly expressed that the Winnipeg Juvenile Court was less a court of justice than "an aid to the home, the school and the church in the moral training of the child. If the latter fail, the court, through probation methods, does the best it can to supply the deficiency."<sup>64</sup> In 1920, McKerchar reinforced the idea that the juvenile court was a last resort in ensuring the proper upbringing of the child and added: "The court has no jurisdiction to deal with the moral, ethical or religious

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<sup>62</sup> Myers, "Criminal Women and Bad Girls," 167-169; Tamara Myers, "The Voluntary Delinquent: Parents, Daughters, and the Montreal Juvenile Delinquents' Court in 1918," *Canadian Historical Review* 80, no. 2 (June 1999), 242-268; Odem, 158.

<sup>63</sup> WPC, 1909-1911.

<sup>64</sup> See especially "Superintendent Billiarde's Report, 1914-1915," 170.

standards of any child who has not transgressed some man-made law, or who has not been neglected or ill treated by its parents or guardians.<sup>65</sup>

In his report on the first year of the juvenile court's operation, Daly discussed how youth were treated during their initial processing:

Instead of children being taken to the Police Station and locked up in cells, they are taken to the Detention Home, where everything is so homelike and unprison-like, that the child is not terrorized and frightened half to death. Instead of being locked up in cells or wardrooms, they are put into comfortable bedrooms, first being scrubbed and cleansed.<sup>66</sup>

Billiarde noted similar conclusions in his report, stating that:

in nearly every case where a child has been detained for any length of time ... a marked improvement has taken place in its physical appearance; no doubt this is due to regular hours or sleep, good plain food and absolute cleanliness, together with the absence of exciting causes of injurious and deleterious nature ...<sup>67</sup>

Daly concluded that, "the influence for the betterment of the child must surely be with our present mode of treatment."<sup>68</sup>

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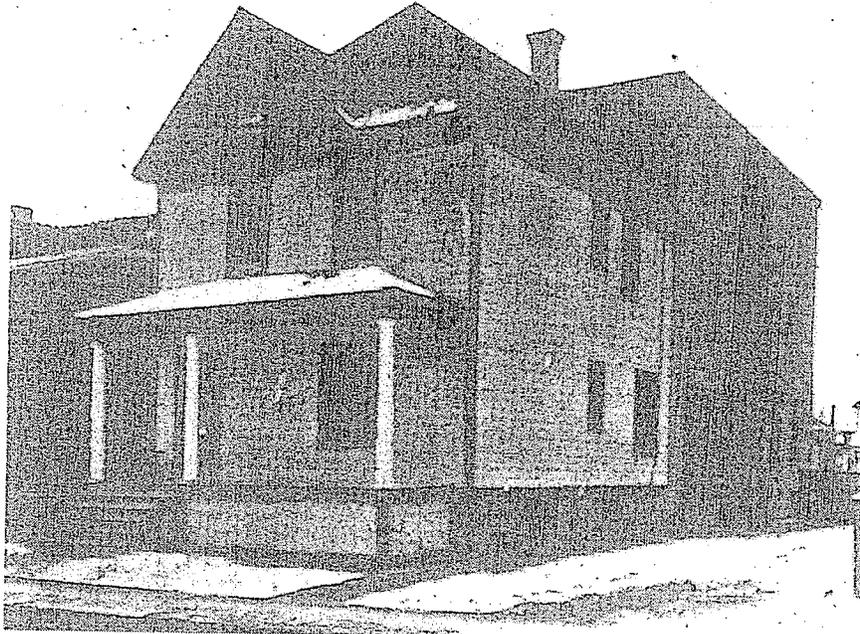
<sup>65</sup> McKerchar, "Juvenile Court," 1920-1921, 132.

<sup>66</sup> Daly, 10.

<sup>67</sup> Billiarde, "Superintendent Billiarde's Report" in the Report of the Department of Education for the Year Ending June 30<sup>th</sup> 1914 (Winnipeg: James Hooper, 1914), 162.

<sup>68</sup> Daly, 10.

**Figure 1: New Detention Home**



Source: Thomas Mayne Daly, *A Treatise on the Winnipeg Juvenile Detention Home* (Toronto: Salvation Army Printing House, 1909), 3.

**Figure 2: Juvenile Courtroom in the New Detention Home**



Source: Thomas Mayne Daly, A Treatise on the Winnipeg Juvenile Detention Home (Toronto: Salvation Army Printing House, 1909), 9.

## The Nature of Offences

The definition of delinquency proved to be an extremely wide net that could be applied to any number of behaviours deemed inappropriate. Young girls were consistently brought before the court to answer charges of sexual immorality, even before the charge of sexual immorality was officially added to the JDA in 1924.<sup>69</sup> In 1914, as the number of juvenile cases continued to increase rapidly, Billiarde requested larger facilities from G.R. Coldwell, the Minister of Education. Buried in his request is a description of delinquent girls. In his capacity as a juvenile court judge, Billiarde explained that in his experiences with girls “of an immoral tendency,” many were “of a feeble mind or of a mentally defective type.”<sup>70</sup> He requested an additional room at the Detention Home be equipped for use by a doctor “with the necessary instruments for testing and examining such children.”<sup>71</sup> In her study, Canadian historian Joan Sangster explains that the rise of eugenics at that time promoted the view that feeble-mindedness was a significant cause of crime and delinquency.<sup>72</sup>

Billiarde devoted significant attention to the link between “mental defectives” and alcohol. He raised the question of separate treatment facilities in his 1915-16 report, and noted that they “require[d] a very special type of institution and very skilful care.” He also stated that all Children’s Aid Society (CAS) wards should be examined to avoid

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<sup>69</sup> On the 1924 amendment adding sexual immorality to the JDA, see Bruno Théorêt, “Régulation juridique pénale des mineures et discrimination à l’égard des filles: la clause de 1924 amendement la Loi sur les jeunes délinquents,” *Canadian Journal of Women and the Law* 4 (1990-91): 539–555.

<sup>70</sup> “Superintendent Billiarde’s Report, 1913-1914,” 163.

<sup>71</sup> *Ibid.*

<sup>72</sup> Sangster, *Girl Trouble*, 22-23. See also Mariana Valverde, *Diseases of the Will: Alcohol and the Dilemmas of Freedom* (Cambridge: Cambridge University Press, 1998).

having “sub-normal” children placed out in foster homes. He acknowledged that some were capable of “a certain degree of education” and should receive the maximum possible. Then, curiously, he questioned how the degree of feeblemindedness was determined in “mental defectives.”<sup>73</sup> He seemingly resolved this dilemma when he stated, “children whose delinquency appears to be of an obstinate and persistent character which does not yield to ordinary methods of supervision and probation should be examined by a competent medical specialist.”<sup>74</sup> He felt all child-care institutions had to fall under strict government supervision in order to adequately provide for the children’s housing and recreational needs.<sup>75</sup> Billiarde noted that the institutional and placing-out methods were productive to the community only when “wisely planned” and “strictly supervised.” Some children, he held, could only be dealt with through institutionalization: delinquent children for whom probationary care had failed, “defective” or “sub-normal” children, destitute children, and those with physical disabilities.<sup>76</sup>

McKerchar noted that an overwhelming number of juvenile delinquents were “defective” because they were children of parents who were “addicted to the use of intoxicants.”<sup>77</sup> Both this statement and Billiarde’s linkage between “mental defectives” and alcohol consumption are highly indicative of the prohibition rhetoric in the province between 1916 and 1923. At the time McKerchar penned his report in 1918, however, he

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<sup>73</sup> Billiarde, “Report of Superintendent Billiarde - Juvenile Court,” in Department of Education, Sessional Papers, 1915-1916, 386.

<sup>74</sup> Ibid.

<sup>75</sup> Ibid.

<sup>76</sup> Billiarde, “Juvenile Court,” in Department of Education, Annual Report, 1915-1916, 266.

<sup>77</sup> Billiarde, “Report of Superintendent Billiarde,” 1915-1916, 386; McKerchar, “Juvenile Court,” 1917-1918, 140.

admitted that the Manitoba Temperance Act legislation had not been in effect long enough to know its ultimate result, but was confident that the “decrease in defectives [would] result in a similar decrease in juvenile offenders.”<sup>78</sup> He believed this could be measured by comparing the number of defectives in the next generation with those “now requiring attention.” In his report to R.S. Thornton, the Minister of Education, McKerchar mentioned that the lack of a properly equipped psychopathic clinic hindered the work of the juvenile court.<sup>79</sup>

Prior to 1919 in Winnipeg mental examinations were ordered by the juvenile court, but it often fell to a social welfare agency or reformatory personnel to make the necessary arrangements. In March 1919, Dr. Alvin T. Mathers opened the Psychopathic Department of the Court and began to examine and report on children referred by the juvenile court.<sup>80</sup> Physical and mental exams became an increasingly important component in the creation of profiles of individual delinquents for use by the courts in deciding juvenile cases in Winnipeg, Montreal and Toronto. By the early 1920s, the Toronto Juvenile Court had established a mental hygiene clinic.<sup>81</sup> Probation officers prepared these profiles for the courts by working closely with a variety of different agencies, including police officers, medical officials, social agencies, and the education system.

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<sup>78</sup> McKerchar, “Juvenile Court,” 1917-1918, 140.

<sup>79</sup> Ibid.

<sup>80</sup> McKerchar, “Juvenile Court,” in Department of Education, Sessional Papers, 1919-1920, 123-124, 128.

<sup>81</sup> Bryan Hogeveen, “‘Impossible Cases Can Be Cured When All the Factors Are Known:’ Gender, Psychiatry and Toronto’s Juvenile Court, 1912-1930,” Canadian Bulletin of Medical History 20, no. 1 (2003): 43-74; Sutherland, 176.

## Education and the Office of Neglected Children

The Manitoba Schools Question had been a bitter fight over who controlled education and who had the right to define what it entailed. The debate had not been resolved with the Laurier-Greenway Compromise of 1896 or subsequent legislation in 1897 and continued to cast a shadow over the relationship between politics and religion in the province.<sup>82</sup> Catholic resentment and attempts to influence the education system persisted into the early twentieth century. Catholics generally believed that the nondenominational school system was inherently anti-Catholic and “considerable religious distrust of one group for another was a significant divisive factor in society.”<sup>83</sup> While “Catholic” and “French” were no longer interchangeable terms in the late 1900s and early 1910s, the debate over denominational schools continued. Since schools played an important role in the moral education of the child, Catholics argued that the absence of religious instruction threatened the “moral formation of the child.”<sup>84</sup> The juvenile court, through its Protestant officials, largely subscribed to non-sectarian ideals of education.

The early juvenile court targeted delinquency, especially truancy, which was defined as a “pre-delinquency”, and in the process gained control over the provincial definition of what a “proper” education entailed. Compulsory school attendance was the main element. Chunn has noted that truancy was often the major preoccupation of juvenile courts in Canada by the late 1910s and early 1920s, though Myers shows that

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<sup>82</sup> The Manitoba Schools Question debate was not limited to the Roman Catholic/French issue. The Laurier-Greenway Compromise gave rise to numerous bilingual schools (Ukrainian, Polish, German, etc.), which presented a unique problem for the established Anglo-elite, who believed it made assimilation a more difficult task.

<sup>83</sup> Gregor and Wilson, 84.

<sup>84</sup> Gregor and Wilson, Chapter 5; See also “Report of the Department of Education, 1909,” 335; Manitoba Free Press, 1 March 1912.

this was not the case in Quebec because compulsory schooling did not exist until 1943.<sup>85</sup> This preoccupation with truancy reflected changing attitudes toward education and directly corresponded to the compulsory schooling laws established by the provinces. The early strict truancy regulation in Winnipeg supports this statement, though Manitoba's compulsory schooling laws were not introduced until 1913.

The Manitoba Legislature amended the Children's Protection Act in 1913 to include compulsory school attendance for children between the ages of seven and fourteen. Probation officers supervised the enrolment and school attendance of children between those ages by patrolling streets during the day and regularly enquiring about truancy from schools and teachers.<sup>86</sup> Though school principals commended the work of the probation officers in reducing truancy, sociologist Bruno Théorêt notes that the compulsory school legislation was unrealistic with the circumstances faced by working-class families in Winnipeg who relied on children's wages to supplement the family income. The legislation forced these families to limit their expectations of wage contributions to the work of adults and children over the age of fourteen. Théorêt writes that this meant, "*il devient donc plus important pour le législateur d'éduquer les jeunes que de s'assurer que les familles auront les revenus suffisants pour survivre.*"<sup>87</sup>

The Office of Neglected Children was responsible for the administration of the 1898 Children's Protection Act throughout the province. The Act had established the

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<sup>85</sup> Dorothy Chunn, "Boys Will Be Men, Girls Will Be Mothers: The Legal Regulation of Childhood in Toronto and Vancouver," *Sociological Studies in Child Development* 3 (1990), 97; Tamara Myers and Mary Anne Poutanen, "Cadets, Curfews, and Compulsory Schooling: Mobilizing School-Age Children in WWII Quebec," *Histoire sociale/Social History*, forthcoming.

<sup>86</sup> See Billiarde, "Neglected and Delinquent Children," in Report of the Department of Attorney-General for the Year Ending 31<sup>st</sup> of December 1911, *Sessional Papers*, 1912, 402-403.

<sup>87</sup> Théorêt, "Espace social et régulation juridique des jeunes," 157.

position of superintendent but it remained unfilled until 1908. The federal JDA and the resultant juvenile court provided the most significant means of enforcing the Children's Protection Act in Winnipeg, thus necessitating the position of the Superintendent of Neglected Children. The provincially-appointed Office of Neglected Children was separate but parallel to the juvenile court. Both the Office of Neglected Children and the Juvenile Court resided within the Department of Education until September 1924 when the Juvenile Court was transferred to the Department of the Attorney General. Where the jurisdiction of the JDA was limited to the Eastern Judicial District after 1917, however, the Children's Protection Act was not.

Though the juvenile court significantly assisted in the enforcement of the Children's Protection Act, it extended throughout the province whereas the jurisdiction of the Winnipeg Juvenile Court was restricted to Winnipeg until 1917. Prior to the extension of the juvenile court's jurisdiction, there was a general belief amongst the public that the work of the juvenile court extended throughout the province, prompting Billiarde to distinguish it as unique to Winnipeg in his annual report to the Minister of Education for 1913-14.<sup>88</sup> The belief that the juvenile court was "simply a form of police court for children" or an "ethical training school whose duty it is to train all the children in the community" led McKerchar to detail the actual function of the juvenile court in his 1920-21 annual report. He stated that it was the "function of the home, the school, the church and other agencies to train children in morals, ethics and religion" and that the court's

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<sup>88</sup> Billiarde, "Superintendent Billiarde's Report, 1913-1914," 163.

jurisdiction only applied when the child was neglected or mistreated or when a child violated any provincial statute or municipal by-law.<sup>89</sup>

Delinquent youth were targeted for threatening the morality, property, and ultimately the stability of middle-class society. Delinquency was a very broad term that encompassed behaviours like incorrigibility and truancy, but probation officers and court officials in Winnipeg made a distinction between the various kinds of delinquency; they always isolated truancy and targeted it most. The exposure to schooling was believed to be important because education served as a preventative measure against delinquency. Therefore, keeping children and youth in school was of primary importance, especially if they came from immigrant or working-class homes.

The juvenile court, therefore, used schools and compulsory attendance to regulate, discipline and socialize children into “proper” middle-class examples of femininity and masculinity. Interestingly, this coincided with an increasing demand for universal, compulsory education. Truancy was one of the primary concerns of the Office of Neglected Children and methods of enforcing regular school attendance included a patrol of the city streets, established in 1910. Billiarde divided the city into different districts and assigned a probation officer to each of these districts during regular school hours. The majority of probation officers patrolled working-class neighbourhoods in the city’s North End and particular attention was devoted to streets near schools.<sup>90</sup> Children observed on the streets were questioned regarding their absence from school, their current activities, the school they attended, their grade, and how long they had been absent.

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<sup>89</sup> McKerchar, “Juvenile Court,” 1920-1921, 132.

<sup>90</sup> See Billiarde, “Neglected and Delinquent Children,” in Report of the Department of Attorney-General for the Year Ending 31<sup>st</sup> of December 1911, Sessional Papers, 1912, 402-403.

Parents were also questioned to corroborate the children's statements.<sup>91</sup> While many cases of truancy were the result of errands, illness, insufficient clothing, or parental unemployment, others were simply of children playing "hookey." Billiarde pointed out in his report for 1912-13 that probation officers were under strict instructions to cooperate with the parents and the school authorities in order to ensure the child's regular attendance at school.<sup>92</sup>

Probation officers regularly inquired about irregular attendance and school principals referred cases to the Department of Neglected Children. Once a child was found to be truant, the probation officer would visit his or her home to ascertain the reason for the absence. If no reasonable explanation was provided and the officer determined the parents had failed in their responsibility, they would first be warned and subsequently issued a summons to appear before the court. Parents were held accountable for their child's irregular attendance at school in the same way that they were accountable for their child's delinquent behaviour. Billiarde stated that warnings were often sufficient in ensuring regular school attendance and despite cases where fines were imposed to "impress upon them a sense of their responsibility in the matter," the officers found parents "most anxious to cooperate with them."<sup>93</sup>

Children under the constant supervision of probation officers had their school attendance closely monitored. No distinction was made between delinquent adolescents, children who were under supervision for irregular school attendance and those who were

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<sup>91</sup> Billiarde, "Truancy Report of Mr. Billiarde, Superintendent of Neglected Children," Department of Education, Annual Report, 1912-1913, 147-148.

<sup>92</sup> Ibid, 147.

<sup>93</sup> Ibid, 147-148.

under supervision because, as Billiarde stated, “the parents do not appear to realize the necessity of giving them a proper education.”<sup>94</sup> Children were consistently followed up until they received good reports from their school principal. The probation officers assigned to these cases reported on the child weekly, calling both the school and home regularly to ensure a complete history of the case. Individual visitations produced good results and Billiarde proclaimed them “...worth the time, thought and labour that has been expended upon this particular class of child.”<sup>95</sup>

Children who persisted in being absent from school were confined to the Detention Home and attended the Truant School. The length of stay was based on the reports received from the teacher. Since confinement to the Detention Home required regular attendance at the Truant School, it operated year round without summer holidays. Billiarde reported that the threat of year round schooling proved to be a valuable deterrent to those under constant supervision, though absences were dealt with more severely during the regular academic term than during the last two or three weeks as the summer holiday approached. Nightly patrols of the city streets during the summer months occurred between 9 pm and midnight and focussed on loitering or idle children in the city streets in “undesirable company.”<sup>96</sup> Billiarde noted that patrolling the streets had “played a very important part in reducing the number of girls charged with immoral conduct.”<sup>97</sup>

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<sup>94</sup> Ibid, 148.

<sup>95</sup> Ibid.

<sup>96</sup> Billiarde, “Superintendent Billiarde’s Report, 1913-1914,” in Department of Education, Annual Report, 165-166.

<sup>97</sup> Billiarde, “Neglected and Delinquent Children,” in Department of the Attorney-General, Sessional Papers, 1912, 403.

Probation officers entered department stores, “cheap picture” shows, bowling alleys, saloons and pool rooms during their patrols to ensure adolescents did not frequent those places, and also attempted to deter adolescents from reading dime novels.<sup>98</sup> These reveal a great deal about contemporary beliefs regarding the causes of delinquent behaviour. The cause of delinquency, according to the annual reports of juvenile court judges and the Superintendent of Neglected Children, was encompassing and included things like poor home environment (especially broken homes and poverty) and feeble-mindedness. Poverty was rarely regarded as the sole cause of delinquency, however; instead a combination of factors leading to immoral behaviour was believed to be an explanation for delinquency.

Neglect and truancy were generally regarded to be pre-delinquent behaviours. Billiarde identified neglect, indicated by a child’s lack of food, as a pre-condition for truant and subsequent delinquent behaviour. McKerchar also noted that truancy was often the first step towards delinquency.<sup>99</sup> Consistently higher numbers of delinquency did not occur during the summer months when school was not in session, which seems to contradict the prominent contemporary belief that idleness contributed to delinquency. In 1909, for example, Billiarde authored a series of articles that he compiled into a single collection entitled, *Public Playgrounds for Winnipeg Children*. In this collection he advocated this belief when he stated that “idleness appears to be one of the most prolific germs of criminality,” quoted an unknown source stating, “idleness is the father of all

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<sup>98</sup> Billiarde, “Truancy Report of Mr. Billiarde, Superintendent of Neglected Children,” 147-148; “Superintendent Billiarde’s Report, 1913-1914,” 162; “Superintendent Billiarde’s Report, 1914-1915,” 168.

<sup>99</sup> Billiarde, Annual Report of the Superintendent of Neglected Children for the Province of Manitoba, 1912, 64-69; McKerchar, “Juvenile Court,” 1916-1917, 262.

crime,” and then reiterated that “idleness and vagabondage are almost always, with children, the source of crime.”<sup>100</sup> This was a widely accepted contemporary notion.

In his collection of articles, Billiarde argued for the inauguration of a playground system to help reduce the level of delinquency among youth. While attendance at school would help ensure that children were protected from criminality, playgrounds, Billiarde held, would offer children a healthy alternative to the temptation of the streets. Taken together, schools and playgrounds would help ensure the proper character development in children and reduce the factor of idleness that was believed to be a primary cause of delinquency. The Attorney General of Manitoba, Daly, and a variety of other prominent citizens joined Billiarde with their support for the idea of public playgrounds. Playgrounds would, according to Daly, “uplift, elevate or engage their [youth’s] minds after school hours.”<sup>101</sup>

Surveillance and control of children remained constant through schools, probation and school attendance officer’s regular patrols of streets, and the juvenile court, with immigrant, working-class and “dangerous” children subjected to increased supervision. Truancy, delinquency, or any other behaviour deemed deviant resulted in a child coming under supervision. The degree of discipline in Winnipeg, however, differed depending on how they were categorized by the court and viewed by society. Children were categorized as “neglected”, “truant”, or “delinquent”, with a considerable amount of fluidity among the terms, and discipline for each category differed. Distinguishing the types of

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<sup>100</sup> Felix J. Billiarde, Public Playgrounds for Winnipeg Children: A Series of Articles (Winnipeg: Parliament Buildings, 1909), 8, 14.

<sup>101</sup> Thomas Mayne Daly, *Letter to R.H. Smith, Esq., Secretary of the School Board, Winnipeg*, 15 December 1908, as quoted in Billiarde, Public Playgrounds for Winnipeg Children, 25-26.

delinquency was an effort to prevent delinquent behaviour. For example, though they were not technically delinquent, neglected and/or truant youth were seen as exhibiting pre-delinquent behaviour and in need of pre-emptive reform. Neglected children were removed from “undesirable” homes and admitted into orphanages when poor conditions demanded it; officials focused on ensuring truant adolescents’ school attendance through the use of assigned probation officers, though, because truancy was considered a pre-delinquency, truant children were often detained in the Detention Home to ensure regular school attendance; and delinquent youth were monitored through confinement in the Detention Home, probation, and the juvenile court. When all other methods of treatment were deemed to have failed, they were sentenced to reform institutions.

Once children entered the system, their lives were subjected to sporadic scrutiny by probation officers, schools, and the juvenile court. Surveillance was believed to be necessary to prevent delinquency and did not abate after the child’s behaviour was reformed. Once children were determined to be prone to delinquent behaviour, they were monitored closely to ensure their behaviour was reformed and they were subjected to constant supervision and follow-ups to prevent a relapse.

### **Religious and Institutional Regulation**

Beyond categories of behaviour, delinquent adolescents sentenced to reform institutions were initially grouped by religious affiliation. Section 19.1 of the JDA explicitly stated the religion of the child is to be respected. By this definition, Protestant children could not be placed in Roman Catholic reform institutions, and vice versa, though this rule did not apply to temporary homes or shelters established by the province or if only one such institution existed in the municipality. If sentencing occurred that did

not respect the child's religion, an application could be made to the juvenile court to have the child properly sentenced according to his or her religion.<sup>102</sup> In their analysis of reform schools, Myers and Sangster note that

the reform institutions in Quebec were either Catholic or "non-Catholic." In the Catholic institutions inmates were overwhelmingly francophone, although a minority of Irish Catholics whose mother-tongue was English were also present. The non-Catholic institutions were English-speaking and mostly Protestant in orientation, although they embraced an interdenominational notion of reform. Jewish girls, who made up a significant minority of inmates, were sent to the Girls' Cottage School.<sup>103</sup>

In Winnipeg, the reform institutions were Protestant or Catholic.<sup>104</sup> For girls, these included the Salvation Army Industrial Home and Marymound. Reform institutions were dominated by Catholic orders since the Catholic community had the infrastructure to create such institutions whereas Protestants did not. Catholic institutions quickly affiliated themselves with other children's organizations in the city and the province, including the Children's Bureau of Winnipeg, the Children's Home of Winnipeg, Providence Shelter, the Jewish Orphanage, Knowles School for Boys, and the St. Joseph's, St. Boniface, Benedictine and St. Norbert Orphanages.

Besides respecting the religion of the child, part of the reason for separate religious institutions was to keep children of different religious backgrounds separate to prevent their religious contamination. Another possible reason was that reform institutions run by religious orders were considered "old-style" and inferior because they

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<sup>102</sup> Canada. The Juvenile Delinquents Act, 1908. Sections 19.1 and 19.2.

<sup>103</sup> Myers and Sangster, "Retorts, Runaways and Riots," 690. See also 670-671.

<sup>104</sup> There were no Jewish reform institutions in the city, suggesting that Jewish girls were likely admitted to Marymound or the Salvation Army Industrial Home. It is also possible that Jewish orphanages absorbed delinquent Jewish children. A Jewish orphanage opened in 1912 and another in 1913 but merged in 1917 to form the Jewish Orphanage and Children's Aid Society of Western Canada.

subscribed to the “backwards” ideal of restitution instead of those that focused on the rehabilitation of delinquent youths.<sup>105</sup> Winnipeg families who wished to place their children in the care of social agencies or in reformatories often actively requested religious separation or otherwise indicated a preference for a specific institution.<sup>106</sup>

The JDA considered the religion of children important to their proper treatment and training. Probation officers and social agencies in Winnipeg made special efforts to identify the delinquent’s religious background. Yet while early attempts were made to sentence children to institutions according to their religion, it quickly became apparent that this could not always be accomplished. Detention homes and reform institutions filled quickly and overcrowding became a problem.<sup>107</sup> A general trend in all provinces once juvenile courts began operation was that the numbers of cases grew rapidly and detention homes were quickly filled to capacity and unable to accommodate all the children.

In Winnipeg, there were simply not enough institutions to meet the growing number of cases, let alone provide for separate religious confinement. Protestant institutions, which accepted significantly fewer children and youth than their Catholic counterparts, struggled to meet the demands. Of the seven Protestant institutions in the city, three closed after only a couple of years of operation. One that survived was the Methodist Social Service Home at 226 Simcoe Street, the location of the first session of

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<sup>105</sup> Myers, “The Voluntary Delinquent,” 264.

<sup>106</sup> Marymound Case Files, 1924-1948.

<sup>107</sup> Marymound Logbook, 1911-1948; “Superintendent Billiarde’s Report, 1914-1915,” 170.

the juvenile court. It was renamed the United Church School Home (Teulon)/United Church Teulon Residence in 1917 and closed in 1996.

The Catholic reform institutions proved to be much longer lasting. This is partly due to their long experience in providing convent-style reform, including the free labour of nuns in running the reform institutions. The Soeurs Grises du Manitoba operated the St. Joseph's Orphanage from 1900 to 1938 before it was taken over by the Sisters of Providence of St. Vincent de Paul and renamed St. Joseph's Vocational School. It finally closed its doors in 1978. Benedictine Orphanage was run by the Sisters of the Order of St. Benedict and operated from 1912 until 1940.<sup>108</sup> The Soeurs du Bon Pasteur (Sisters of the Good Shepherd) operated Marymound from 1911, and continue to provide educational and therapeutic services to girls in Manitoba and Southwestern Ontario.

The success of the Catholic institutions meant that Protestant and Jewish adolescents were very often sentenced to them. Given the strong anti-Catholic sentiments in Winnipeg, it is surprising that the court would sentence Protestant children to Catholic reform institutions, but the value of rehabilitation and reform seems to have outweighed the risks of religious mixing. Despite the success of Catholic reform institutions, the court and juvenile justice system continued to be run predominantly by Protestant officials. Religious interaction became a way for Catholics to establish their presence in a juvenile justice system dominated by Protestant officials.

The early juvenile justice system wielded significant surveillance and control but the small percentage of girls who fell through the cracks were sentenced to reform institutions. Marymound is one of the earliest Catholic institutions for girls in early

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<sup>108</sup> The various institutional details were found in the Association for Manitoba Archives, Index of Childcare Institutions, Winnipeg, 2002, 1-3.

twentieth-century Winnipeg. The institution opened in April 1911 when five nuns of the Soeurs du Bon Pasteur order came to Winnipeg from Montreal at the request of Thomas Mayne Daly. They settled at 373 William Street and began to work with fallen women and bad girls.

Daly's reasons for requesting that the French-speaking Soeurs du Bon Pasteur from Montreal come to the prairie city rather than the English-speaking sisters of the same order from Toronto are not known. It is possible, however, that their reputation for running industrial and reform schools and a women's jail in Montreal was well known.<sup>109</sup> Though established after the Montreal order and smaller in size, the Toronto order held jurisdiction over English Canada. Given the anti-Catholic sentiment in the province, largely remaining from the Manitoba Schools Question debate of the 1890s, Daly's request raises questions regarding the religious conflict in the province at that time. The Soeurs du Bon Pasteur is an odd choice, with its origins in France and its history dating back to 1831.<sup>110</sup> Despite its diverse population, the city largely subscribed to British ideals of Empire and a French Catholic order seems contradictory to this.

Stubb's article on Daly may contribute to an explanation of why he looked to the French-speaking Soeurs du Bon Pasteur. Daly was Anglican and an opponent of separate schools, but he defended the remedial legislation that would restore separate schools to the Catholics. Stubbs notes that, "for his part in the debate, Daly received a word of appreciation from Archbishop Langevin of Saint Boniface."<sup>111</sup> Excerpts from Daly's

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<sup>109</sup> Myers, "Criminal Women and Bad Girls," Chapters 5 and 6.

<sup>110</sup> Gabriel Francis Powers, *Redemption: The Life of Saint Mary Euphrasia Pelletier*, 3rd Reprint (Cincinnati, Ohio: Good Shepherd Sisters, 1993), 100-373; Knupfer, Chapter 9; Myers, "Criminal Women and Bad Girls," especially Chapters 5 and 6.

<sup>111</sup> Stubbs, "The First Juvenile Court Judge."

personal letters indicate sympathy for the Roman Catholic attempts to maintain sectarian schools as well as a respect for the Archdiocese in St. Boniface. His request to have the Soeurs du Bon Pasteur come to Winnipeg was processed through the French Catholic Archdiocese in St. Boniface.

Daly's request offers a unique glimpse into the rehabilitative mindset of the period. Educational and religious training of the child were regarded as necessary to either prevent or reclaim a child from delinquency. Though Catholicism was not the preferred religion in the province, it was believed to be beneficial when used along with social agencies. By 1920, however, McKerchar noted:

Whilst the sectarian classification of delinquents is not indicative of the superiority of one religious teaching over another, it does tend to show that, so far as delinquents who have appeared before the Juvenile Court at Winnipeg during the past year ... are concerned each religious denomination or sect has been about equal in its failure to reach all the children of parents claiming adherence to such denomination of sect.<sup>112</sup>

His statement is indicative of the declining tendency to single out children of Catholic affiliation when discussing juvenile delinquency.

## **Conclusion**

The Juvenile Delinquents Act of 1908 provided the framework for the establishment of the Winnipeg Juvenile Court in 1909. Fears about delinquency and ideals of rehabilitation in the early twentieth century determined how the juvenile justice system was set up to regulate youth. The juvenile justice system and the Office of Neglected Children shared similar regulatory motivations, facilitating a close relationship. This provided a distinct level of child and family surveillance that focused

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<sup>112</sup> McKerchar, "Juvenile Court," in Department of Education, Sessional Papers, 1919-1920, 125.

on school attendance. The result was a campaign that promoted education as the most accessible alternative to delinquency. Surveillance was believed to be the primary factor in the reduction of delinquency among working-class and immigrant populations, and was especially targeted at those adolescents who displayed pre-delinquent behaviour. This raises the question: to what extent were the increased numbers of delinquent children in the juvenile court an object of the juvenile justice system itself? Increasing numbers of juvenile court cases assisted the emergence of religious institutions for incarcerating youth who failed to correct their wayward behaviour through school attendance and probation. Concerns over the failure of education and probationary care of some delinquent children led to the medicalization of delinquency. The next chapter will look at those children who appeared in juvenile court and who were incarcerated in reform institutions.

## **Chapter 2**

### **Regulating Delinquent Youth in Winnipeg: Girls as a Minority**

There has been significant interest in the history of the Canadian juvenile justice system. The private trials and separate confinement of youth assisted the juvenile court and its ancillary agencies to define, analyse and treat delinquent behaviour. The causes contributing to delinquency were difficult to trace with accuracy but the juvenile court and its ancillary institutions believed that there were certain explanations that were more or less suggestive. This chapter continues the exploration from the previous chapter into the gendered nature of the juvenile justice system. The structures of juvenile justice were set up to regulate delinquent behaviour but the actual practice fell into deeply ingrained patterns of discrimination based on class, gender, ethnicity and religious affiliation. The discrimination varied along class, ethnic and religious lines but remained consistent across gender lines. The regulation of juvenile delinquents in Winnipeg between 1911 and 1948 reveals applications of gendered strategies intended to protect children and reform offensive behaviour.

#### **The Early Years of Juvenile Justice**

The Superintendent of Neglected Children's Annual Report for 1911-12 contains a detailed appendix of statistics regarding juvenile delinquents and neglected children dealt with by the Winnipeg Juvenile Court between 1 January 1911 and 1 January 1912. Though the annual report itself is both qualitative and quantitative, the case file information of children and youth has been converted into an appended table of statistics. These statistics include the case number; age, sex, ethnicity and religion of the child;

number of times convicted; disposition by the court; character of the parents; how long the family resided in Winnipeg; home, physical and mental conditions; number of weekly probation officer visits; monthly conduct reports from teachers and parents; length of time on probation; and the final result of the case. An examination of these statistics, as well as those contained within the statistical tables of the annual report, provide an overall impression of the type of offences and the ethnicity and religion of those youth labelled delinquent in the early years of the juvenile court's operation.

Statistical information taken from Billiarde's annual report reveals that of the total 538 youth who were brought to the juvenile court on delinquency charges in 1911, 83.8% (451) of these were male and 16.2% (87) were female. Truancy, theft, and incorrigibility were the most common charges listed. A gender breakdown is as follows: 14.4% (65) of boys and 5.7% (5) of girls were charged with truancy; 32.4% (146) of boys and 10.3% (9) of girls were charged with theft; and 4.7% (21) of boys and 14.9% (13) of girls were charged with incorrigibility. Canadian and English were the most dominant ethnicities listed while Catholic (Roman and Greek)<sup>1</sup> and Anglican were the most dominant religions represented among the statistics.<sup>2</sup> The average length of probation was 2.9 months and probation officers visited with each child an average of twice per week. The probation officers noted that the character of the parents was generally good, the home conditions were usually recorded as fair or good, and physical and mental conditions

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<sup>1</sup> Greek Catholic was identified distinctly from Roman Catholic and Greek Orthodox.

<sup>2</sup> Billiarde, Annual Report of the Superintendent of Neglected Children for the Province of Manitoba, 1912, appendix i-xi. A discrepancy exists between the total number of cases listed in the statistical tables (532) and those listed in the appendix (542) though the reason is unclear. For the purposes of this study, I have chosen to utilize the statistics contained within the appendix since they offer a more revealing look at each individual case. I have excluded four out of the total 542 cases from my analysis since reference was made to families but no information on children was given.

were overwhelmingly recorded as being normal.<sup>3</sup> The rate of incarceration in a reformatory was 26.4% (23 of 87) for girls and 8% (36 of 451) for boys. These statistics reveal a significant gender difference since girls were more likely to face reform school than boys.

The detention home was used to confine children and youth while they awaited their appearance in juvenile court and following their hearings. Only a small number of the youth who appeared before the court were sentenced to the detention home. Incarceration in the detention home remained fairly consistent along gender lines. Girls were confined a rate of 9.2% (8 of 87) while boys were confined at a rate of 11.8% (53 of 451). Most youth, however, simply stayed there until subsequent placement in a reform or industrial institution.

The statistical tables offer a breakdown of ethnicity and religion of children who were detained in the detention home either through placement by the juvenile court or by other means and allow a glimpse of which children were unable to avoid becoming ensnared within the juvenile justice system. Of the total 259 children who passed through the detention home in 1911, Canadian was listed as the most dominant “nationality” with 22.4% (58) while 13.9% (36) were listed as English, 13.1% (34) were listed as Polish and 12% (31) were listed as German. In Winnipeg, in that same year, the British percentage of the population, measured in terms of ethnic origin, was 62.1%; Polish was 3.5%; and German was 6.5%.<sup>4</sup> This reveals an under-representation of children of British ethnicity

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<sup>3</sup> Billiarde, Annual Report of the Superintendent of Neglected Children for the Province of Manitoba, 1912, appendix i-xi.

<sup>4</sup> Statistics for Winnipeg in 1911 taken from Alan Artibise, Winnipeg: An Illustrated History (Toronto: J. Lorimer, 1977), 204.

in the detention home, while those children with Polish and German ethnicities tended to be slightly over-represented. The religion most represented in the detention home was Roman Catholic with 27% (70) of the total cases.<sup>5</sup> This statistic also does not reflect the city's population since the percentage of Roman Catholics in the city was 14.5% in 1911.<sup>6</sup> Of the children who passed through the detention home, a monthly breakdown is as follows: five were admitted in February, 13 in March, 17 in April, 28 in May, 32 in June, 34 in July, 28 in August, 30 in September, 33 in October, 21 in November, and 18 in December.<sup>7</sup> Consistently higher numbers occurred during the summer months, when school was not in session, which seems to support the prominent belief during this time that idleness contributed to delinquency.

Between 1908 and mid-1914, the Office of Neglected Children had dealt with over 3100 cases. Of those, the number of boys dealt with was over 2068 and the number of girls over 438. The juvenile court and the Office of Neglected Children separated truancy from delinquency in their statistics, since truancy was officially regarded to be a precursor to delinquency, but not as a delinquent behaviour on its own. The actual practice of policing truancy in the juvenile court's first decade, however, reveals that truancy was generally regarded to be a minor delinquency. Children and youth who appeared before the juvenile court for chronic truancy could be detained in the Detention Home for months or years to ensure their regular school attendance but they were not sentenced to reform or industrial schools.

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<sup>5</sup> Billiarde, Annual Report of the Superintendent of Neglected Children for the Province of Manitoba, 1912, 136.

<sup>6</sup> Statistics for Winnipeg in 1911 taken from Artibise, 204.

<sup>7</sup> Billiarde, Annual Report of the Superintendent of Neglected Children for the Province of Manitoba, 1912, 142-147.

Statistics for 1913-14 show that delinquency dominated with 51.3% (505 of 985) of the cases heard by the juvenile court while truancy occupied 36.1% (356 of 985) of the cases. In 1914-15, truancy dominated with 75.1% (997 of 1327) of the total cases. In both years, the highest number of delinquency and truancy cases were reported among Anglican and Roman Catholic children.<sup>8</sup> A careful survey of the statistics included with Billiarde's annual reports reveals that most delinquent cases occurred among children between the ages of twelve and fifteen. Children between the ages of twelve and fifteen were, therefore, labelled the "dangerous" ages by Billiarde in his capacity as Superintendent of Neglected Children.<sup>9</sup>

The strict regulation of truancy was especially true in the first years of compulsory schooling legislation enacted by the province in 1913. Winnipeg Juvenile Court cases show a move away from policing truancy as other delinquencies increased. In its first decade, the juvenile court dealt with the majority of its total number of truancy cases. Truancy cases rose rapidly following the introduction of Manitoba's compulsory schooling laws in 1913, peaking at 997 in 1915 before dropping significantly and remaining quite low. For example, in 1917, only five cases were dealt with and in 1922, only six. In 1923 and 1924 the juvenile court heard no truancy cases. This reflects a move away from truancy as a delinquency issue and suggests that the definition of delinquency was dynamic. Cases for delinquencies other than truancy or neglect and destitution, however, remained relatively and consistently low until almost tripling from 325 in 1917 to 948 in 1918, after which cases rose steadily. In 1914 the juvenile court faced an

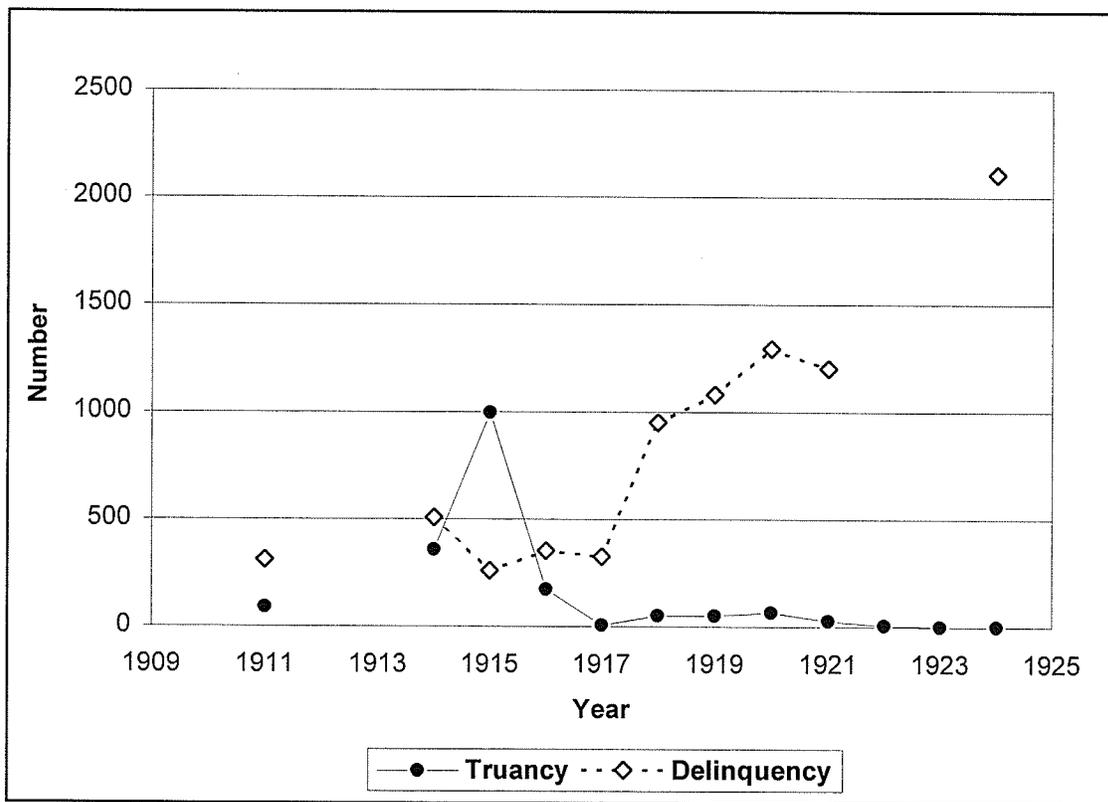
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<sup>8</sup> Billiarde, "Superintendent Billiarde's Report, 1913-1914," 169; Billiarde, "Superintendent Billiarde's Report, 1914-1915," 172-174.

<sup>9</sup> Billiarde, "Superintendent Billiarde's Report, 1913-1914," 167.

increase accelerated by World War I but all cases other than truancy immediately declined in 1915. The juvenile court only experienced a steady rise in delinquency cases in 1918 that continued through the 1920s. (See Figure 3) This was likely due, in part, to the conclusion of the First World War and increased immigration to the city.

**Figure 3: Truancy and Delinquency Cases in the Winnipeg Juvenile Court, 1911-1924<sup>10</sup>**



Sources: Manitoba, Department of Education, Sessional Papers, 1912-1920; Manitoba, Department of Education, Annual Reports, 1911-1924; Manitoba, Department of Attorney-General, Sessional Papers, 1911-1913, 1916; Felix J. Billiarde, Annual Report of the Superintendent of Neglected Children for the Province of Manitoba, 1912, appendix.

<sup>10</sup> Selected years based on statistics available. For those years where statistics could not be determined based on the annual reports by juvenile court judges, the statistics are taken from the annual reports of the Superintendent of Neglected Children.

## **Beyond the Usual Suspects: Class, Gender, Ethnicity and Religion**

Class, gender, ethnicity and religion were important factors in the definition of delinquency. Ethnic tensions between Winnipeg's Anglo-Canadian elite and the immigrant population were reflected in the juvenile justice system, where discrimination varied according to ethnicity and religion. The probation officers, like the education system officials, who regulated the behaviour of children in Winnipeg during the court's first decade were middle-class, Anglo-Canadian Protestants.<sup>11</sup> The Winnipeg juvenile justice system discriminated against minority populations and subjected them to serious regulation and over-incarceration.

The Juvenile Delinquents Act required that any action taken must "in every case, be that which the court is of the opinion the child's own good and the best interest of the community require,"<sup>12</sup> and allowing a child to return to a family home was considered the ideal standard. The family, it was believed, was the primary site of proper socialization. The court was regarded as a last resort in properly socializing adolescents and supposedly only sought out when the family failed. Based on their neighbourhoods and their fathers' occupations, the overwhelming majority of children and youth recorded in the annual reports of the Superintendent of Neglected Children and in Marymound's admission records were working-class. Working-class children in Winnipeg who lived under poor conditions with single parents or parents who were otherwise required to work long hours in order to support the family were immediate targets since neglect was generally

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<sup>11</sup> For a discussion of the population growth of the city and its class and ethnic divisions and hostilities, see Artibise, 38-55, 64-78, 126-133. Artibise notes that during the course of WWI, Anglo-Saxon reference changed to Anglo-Celtic and continued to reflect the ethnic division in the city between those of British and foreign origin. See 128.

<sup>12</sup> The Juvenile Delinquents Act, 1908, Section 16.5.

regarded by the court as a precondition of delinquency. Economic instability, as evidenced through transience, foster care or neglect, was a common characteristic among the girls sentenced by the juvenile court to Marymount.<sup>13</sup>

In terms of “suspectability” to delinquency, white, working-class, Protestant or Catholic, Canadian or English-born children ranked the lowest. Other European and Eastern European immigrants (or children of immigrants) were always suspect, no matter what age they were. Statistics for “Indians” rarely appear in official reports, though it is possible that they were simply categorized as “Canadian” or “Unknown” in terms of “nationality,” or ethnicity. D. Owen Carrigan states that the actual profile of the typical delinquent in the early twentieth century changed very little from that of the late nineteenth century. They were predominantly white, male and Canadian-born, middle or working class, and often from urban areas and troubled homes.<sup>14</sup> Statistics for Manitoba reveal that children who were Canadian or English born comprised the greatest number of delinquent cases and therefore support Carrigan’s statement. However, the actual profile of the delinquent did not correspond to the perceived delinquent. Gloria Geller’s work on adolescents in the juvenile justice system reveals that the contemporary classic image of the delinquent was an immigrant acting out against parental control, lower class, from a broken home, living in slums and acting aggressively.<sup>15</sup> The perception of adolescent delinquents by probation officers in Winnipeg corresponds to this image. There were few cases concerning Asian children. For example, Chinese children

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<sup>13</sup> Marymount Case Files, 1911-1948.

<sup>14</sup> D. Owen Carrigan, Juvenile Delinquency in Canada: A History (Concord, Ontario: Irwin Publishing, 1998), 104.

<sup>15</sup> Gloria Geller, “The Streaming of Males and Females in the Juvenile Justice System.” Ph.D. Dissertation, University of Toronto, 1981, 63.

represented only 0.1% (1) of the total number of children recorded in the Office of Neglected Children's statistics in 1914, 0.2% (3) in 1915, and none in 1917. In comparison, numbers tended to be consistently higher in children with Scottish, Polish and German ethnicities. In 1914, 7.7% (76) Scottish, 13.5% (133) Polish and 7.3% (72) German children were recorded; in 1915, 6.2% (82) Scottish, 4.8% (64) Polish and 5.5% (73) German; and in 1917, 6.6% (44) Scottish, 9.4% (62) Polish and 4.5% (30) German.<sup>16</sup>

Juvenile court statistics regarding the religious affiliation of delinquents reveal a startling overrepresentation of Catholic youth sentenced to reform institutions. While Catholics comprised approximately half of those youth brought before the court at any time, they were sentenced to reformatories much more frequently than their Protestant counterparts.<sup>17</sup> As early as 1917, the juvenile court had begun to rely on the voluntary assistance of Reverend Harry Atkinson, a Methodist minister, in supervising delinquent boys and securing them employment on farms,<sup>18</sup> but he had no Catholic complement. Perhaps in response to this as well as the high numbers of Catholics in the juvenile justice system, the court acquired its first Catholic priest as a voluntary worker on 1 February 1919. Reverend Father Heffron, at the request of Reverend Archbishop Sinnott, began to regularly attend the sessions of the juvenile court and juvenile court judge D.W. McKerchar stated that "the court ha[d] been favored during the year in having [Heffron]

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<sup>16</sup> Billiarde, "Superintendent Billiarde's Report, 1913-1914," 170; "Superintendent Billiarde's Report, 1914-1915," 173; "Report of Superintendent Billiarde-Report of Juvenile Court," 390.

<sup>17</sup> Data compiled from Manitoba, Department of Education, Sessional Papers, 1912-1920; Manitoba, Department of Education, Annual Reports, 1911-1924; Manitoba, Department of Attorney-General, Sessional Papers, 1911-1913, 1916; Billiarde, Annual Report of the Superintendent of Neglected Children for the Province of Manitoba, 1912.

<sup>18</sup> McKerchar, "Juvenile Court," in Department of Education, Annual Report, 1917-1918, 142; McKerchar, "Juvenile Court," 1920-1921, 131.

as a voluntary worker.”<sup>19</sup> McKerchar noted that Heffron had spent seven years dealing with institutionalized juvenile delinquents in New York City and that Heffron was a good addition to the court’s staff of volunteer workers because he was “a man of broad sympathy[,] good judgement and trained in welfare work.”<sup>20</sup>

### **Gendered Responses to Delinquency**

Boys appeared before the juvenile court much more frequently than did girls. Between 1917 and 1919 the court heard 2319 cases. Girls made up less than 10 percent and boys accounted for just under 88 percent.<sup>21</sup> From 1920 to 1924, the court formally dealt with about 1500 cases each year. Girls under 16 comprised 10.7 percent of these while girls between 16 and 21 made up 0.69 percent. In his capacity as Superintendent of Neglected Children, Billiarde labelled youth between the ages of twelve and fifteen as “dangerous” but his successor, D.S. Hamilton, indicated “amongst the delinquents requiring the most attentive supervision are girls from 15 to 17 years of age.”<sup>22</sup> Girls entering Marymount reflect the latter statement as they consistently fell between the ages of sixteen and eighteen. The numbers of girls between those ages increased noticeably after the province increased the maximum age limit of the JDA from sixteen to eighteen

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<sup>19</sup> McKerchar, “Juvenile Court,” in Department of Education, Annual Report, 1918-1919, 122.

<sup>20</sup> Ibid.

<sup>21</sup> The remaining 2 percent of cases heard in the juvenile court concerned adults who had contributed to the delinquency of children and youth.

<sup>22</sup> D.S. Hamilton, “Department of Neglected Children and Juvenile Court,” in Department of Education, Annual Report, 1920-1921, 128.

in 1930. (See Table 1) Between 1917-1921 and 1924-1925, boys under 16 made up 84 percent of these cases while boys between 16 and 19 made up a little over 2 percent.<sup>23</sup>

**Table 1: Girls and Women Admitted to Marymound, 1911-1948<sup>24</sup>**

Years	Ages							Not Given
	0-7	8-11	12-15	16-18	19-21	22-25	26+	
1911-1915	1	6	66	64	39	20	32	11
1916-1920	3	5	38	56	27	6	6	70
1921-1925	19	18	59	75	32	16	13	92
1926-1930	0	0	62	112	55	21	9	20
1931-1935	0	0	66	116	36	17	15	13
1936-1940	0	1	54	98	31	9	5	22
1941-1945	0	0	52	107	14	7	5	25
1946-1948	0	0	17	45	5	0	1	87

Source: Marymound Logbook, 1911-1948

The seemingly regular occurrence of theft, truancy, disorderly conduct and wilful damage to property by boys was noted throughout both court and probation officer reports. Theft was the most prominent offence among boys, while the most common cases dealt with among girls were incorrigibility and vagrancy. There is a noticeable lack of attention devoted to girls in official court reports while delinquent boys generated considerable interest on the part of court officials. Consequently, only one regular woman probation officer was attached to the juvenile court to investigate and report on girls

<sup>23</sup> Manitoba, Department of Education, Sessional Papers, 1917-1921, 1923-1924.

<sup>24</sup> Girls are identified as being under 16 years of age until 1929 and under 18 years of age after 1930. These ages correspond to the application of the Juvenile Delinquents Act in the city of Winnipeg and the province of Manitoba, respectfully.

while two regular male probation officers assisted by an entire staff of male volunteer workers dealt with boys' cases.<sup>25</sup>

The cases initiated against girls did, however, provide court officials with a means to regulate femininity and morality. Girls were more likely to be brought before the juvenile court for status offences. A status offence is an act or behaviour that would not be considered criminal if committed by an adult but is defined as an offence when committed by a minor. These were offences of character or morality and encompassed a wide variety of behaviours including truancy, running away, incorrigibility and sexual immorality. Detention Home statistics concerning commitment rates for status offences are not surprising. In 1911, 54% (21 of 39) of the cases against girls were for status offences. Cases against boys for status offences were significantly lower at only 22% (38 out of 171) cases.<sup>26</sup>

Feminist scholars have devoted much attention to how gender conditioned juvenile court responses to female delinquency. Canadian studies by Tamara Myers, Joan Sangster, Franca Iacovetta and Bryan Hogeveen have shown that while boys were charged with traditional crimes (theft, wilful damage, break and enter) girls' offences fell overwhelmingly into the category of immorality.<sup>27</sup> The girls brought before the Winnipeg

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<sup>25</sup> McKerchar, "Juvenile Court," 1918-1919, 122; Hamilton, "Department of Neglected Children and Juvenile Court," in Department of Education, Annual Report, 1920-1921, 128; D.B. Harkness, "Juvenile Court for the Eastern Judicial District of Manitoba," in Department of Education, Annual Report, 1923-1924, 69-70.

<sup>26</sup> Statistics compiled from Billiarde, Annual Report of the Superintendent of Neglected Children for the Province of Manitoba, 1912, 142-147.

<sup>27</sup> Myers, "Criminal Women and Bad Girls," 173-176; Joan Sangster, Regulating Girls and Women: Sexuality, Family, and the Law in Ontario, 1920-1960 (Oxford: Oxford University Press, 2001), 131-167; Sangster, Girl Trouble, 31-39; Franca Iacovetta, "Parents, Daughters, and Family Court Intrusions into Working-Class Life," in On the Case: Explorations in Social History, eds. Franca Iacovetta and Wendy Mitchinson (Toronto: University of Toronto Press, 1998), 312-337; Hogeveen, "Impossible Cases," 43-74, especially 57.

Juvenile Court and subsequently sentenced to Marymount confirm what these scholars have found.

### **Girls' Lives at the Point of Institutionalization**

Obtaining a profile of the girls who appeared before the court is difficult given the scarcity of available early juvenile court records and the relatively scarce information regarding delinquent girls in official annual reports detailing the work of the court. Piecing together profiles of girls admitted to Marymount by using case histories and logbooks and cross-referencing this information with the available data from the juvenile court, however, offers a glimpse of girls' lives at the point of institutionalization and some of the mechanisms of the juvenile justice system and its ancillary institutions.

Investigators for social agencies methodically recorded a girl's name, age and birth date, religion, grade level, baptism and confirmation dates, referring agency and the name of the sentencing juvenile court judge if applicable, as well as any "defects" the girl possessed, which included common diseases and infections, pregnancy, venereal disease, mental deficiencies and physical disabilities. These are especially evident in Marymount's admission records. Venereal disease was the most common "defect" recorded, with an average of 27 percent each year for the entire 1911-48 period. A significant increase in occurrence after 1928, however, pushed this average up to 38 percent each year.<sup>28</sup> The number of pregnant girls admitted to Marymount remained consistently low, averaging just over 2 percent each year.

Special attention was given to obtaining the proper baptismal and confirmation information for each girl in order to pass this information on to the sisters to aid in a girl's

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<sup>28</sup> 1911-1948 394/1484; 1928-1948 392/1038. Marymount Logbook, 1911-1948.

treatment. If this information was lacking in a girl's file when she arrived at Marymound, the sisters often sent several requests to Church organizations and social agencies in order to secure the necessary details and make informed decisions regarding a girl's treatment. The overwhelming majority of girls were Catholics. (See Table 2) When baptismal information could not be secured, the sisters arranged for conditional baptisms. This was a regular practice and usually occurred without exception.

**Table 2: Women and Girls Admitted to Marymound by Religion, 1911-1948**

Year	Roman Catholic	Protestant <sup>a</sup>	Greek Catholic	Other <sup>b</sup>	None Given
1911-1915	238	0	0	0	0
1916-1920	225	10	0	0	0
1921-1925	297	18	1	11	0
1926-1930	260	5	10	0	0
1931-1935	251	16	5	0	1
1936-1940	216	3	1	1	1
1941-1945	204	5	1	0	0
1946-1948	125	4	4	2	24

Source: Marymound Logbook, 1911-1948

<sup>a</sup> Includes Anglican and Lutheran

<sup>b</sup> Includes Jewish, Ruthenian, 'No Religion' and 'Non-Catholics'

In some cases, referring agencies requested the sisters baptize girls conditionally as favours. An example of this occurred following the admission of Kateryna, a ten-year-old Ruthenian, and her 8-year-old sister Aleksandra in 1925. Unable to determine the exact baptismal details of the girls from the accompanying St. Joseph's Orphanage documentation, the Mother Superior wrote to the referring agency, the Children's Aid Society of Winnipeg, in an attempt to gather the information. In a letter dated 21 June

1927 the CAS informed her that they had been unable to find any record of the girls' baptisms and requested she have the girls baptized conditionally at her institution. In a reply letter dated 6 July 1927 the Mother Superior wrote that both girls had been baptized conditionally in their chapel by Reverend Father Ryan on 3 July in "reply to your favor of June 21<sup>st</sup>."<sup>29</sup> Whether arranging for conditional baptisms at the request of referring agencies was simply a practicality is unknown, but subsequent requests made of the Winnipeg CAS by the sisters were always granted.

Marymound's case files indicate that only one case caused indecision and generated more correspondence than usual regarding baptisms. In 1923, ten-year-old English-Canadian Isabella was admitted to St. Agnes Priory along with her younger half-sister Maira. Upon their admission, the sisters attempted to ascertain the baptismal history of each of the girls. Upon discovering Maira had never been baptized, she was given a conditional baptism and her confirmation was recorded a year later on 23 May 1924.<sup>30</sup> Obtaining Isabella's baptismal information proved slightly more difficult for the sisters. They wrote to the Paroisse de Saint-Norbert and learned that she had been baptized conditionally on 16 March 1919 following some conflicting information regarding whether she had, in fact, already been baptized twice in Alberta by Protestant ministers. With this knowledge, the sisters arranged for another conditional baptism at the Priory. In fact, Isabella's parents had sought to have her baptized by a Protestant minister but when their request was denied, they had attempted to contract another without success before

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<sup>29</sup> Marymound Case Files, nos. 48 and 49 (Both 14 February 1925).

<sup>30</sup> Marymound Case File, no. 15 (1923).

eventually seeking out a Catholic baptism in St. Boniface. She received only a conditional baptism.<sup>31</sup>

In addition to securing information regarding a girl's history, social agencies recorded detailed information on her parents, including date and place of birth, ethnicity, religion, all marriage details (when applicable), current and past residences and occupations, and salaries. Also recorded were any agencies with previous knowledge of the case, the length of stay in any institution, and case numbers of other agencies' files if applicable. Character judgements regarding the parents were frequently included on the standardized forms submitted to Marymound by referring social agencies. These judgements, whether initially made by an external source or made later by the sisters, weighed heavily on a girl's method of treatment and length of stay.

As a result of their ethnicity and the predominant beliefs that immigrants were a source of delinquency, immigrant children and youth were subjected to increased scrutiny by the juvenile justice system and its ancillary institutions. Therefore, when the Eastern European immigrant population in the city rose significantly in the late 1920s, so too did concerns about delinquency, which resulted in differences in the degree of regulation. As we will see in the next chapter, Slavic<sup>32</sup> girls brought before the court for sexual delinquency and subsequently sentenced to Marymound were expected to both acknowledge and change their immoral behaviour. The problem was that many of the

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<sup>31</sup> Marymound Case File, no. 14 (1923).

<sup>32</sup> Though the juvenile court identified Slavic youth by country of origin and/or ethnicity, Slavic reference was broadly defined. Therefore, for the purposes of this study I have chosen to broadly define Slavic reference by including all of the Slavic countries of Europe (Russia, Poland, Ukraine, Belarus, Bulgaria, Czechoslovakia, Slovenia, Serbia and Croatia), as well as Ruthenians (since that term was formerly used broadly to include Ukrainians, Belarussians and Slovaks) and Galicians. Galicia is the region currently split between Poland and Ukraine. The eastern part of Galicia was previously called Ruthenia and was originally inhabited by Ruthenians (now split into Ukrainians and Belarussians).

Slavic girls did not regard their sexual behaviour as immoral. Settling in the red-light district at Point Douglas in Winnipeg's North End was also problematic. Though the city's red-light district had been largely deregulated by 1920, the area had become synonymous with Eastern European immigrants, the working-class, prostitution and immorality.<sup>33</sup> Approximately sixty percent of the girls admitted to Marymount resided in the North End and a significant number of the delinquent girls resided in the red-light district.

During this period, prostitution had again become an offence heavily targeted by the police and those remaining prostitutes slowly disappeared from the area, or at least became much less visible.<sup>34</sup> Yet, the mentality of the red-light district was generally regarded as one of sexual openness and individuality. As a result, probationary patrols focused heavily on Winnipeg's North End, especially the red-light district, a working-class area with a significant Eastern European immigrant population. The focus on this area suggests that working-class immigrant children and youth were subjected to increased scrutiny while youth residing in more affluent neighbourhoods, such as the Crescentwood area of Winnipeg, were less likely to be strictly regulated since those areas received little attention.

The widespread belief that immigrants were a major source of delinquency was seemingly supported by the juvenile court statistics. Though the numbers of children of Canadian and English ethnicity appearing before the court remained consistently higher

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<sup>33</sup> Christine Macfarlane, "'Unfortunate Women of My Class': Prostitution in Winnipeg, 1870-1910." MA Thesis, University of Manitoba/University of Winnipeg, 2002, 170, 176; Artibise, 104, 106; See also Joy Cooper, "Red Lights of Winnipeg," *MHS Transactions*, series 3, no. 27 (1970-71 season): 61-74.

<sup>34</sup> James H. Gray, *Red Lights on the Prairies* (Scarborough, Ontario: New American Library of Canada, Inc., 1973), 63-65.

than those of other ethnicities during the entire period examined, their numbers relative to the population of the city reveal they were under-regulated.<sup>35</sup> In 1911, for example, 62.2% of Winnipeg's population was of British ethnicity, yet represented only 17.4% of the children and youth who appeared before the juvenile court. In comparison, the Slavic population in the city was only 9.8% but Slavic children represented 20.8% of the total number of juvenile court cases. While British girls incarcerated at Marymount represented 10.5% of the institution's population in 1911, Slavic girls represented 23.7%.<sup>36</sup> The overrepresentation of immigrant girls at Marymount was a consequence of ethnic tensions in the city and the fact that working-class immigrants were targeted by the juvenile justice system. The discrimination lies in the fact that relative to their numbers in the population, more immigrant, especially Slavic, girls appeared before the juvenile court and were incarcerated at Marymount.

Marymount's first year of operation seems to have supported the widely accepted belief at the time that immigrants were a source of criminal activity in the city. This is the conclusion of a study of the cases of the first thirty-eight girls who came to Marymount and especially their lives before their arrival. Only 26 percent (10) of the girls were Canadian-born, of this group, nine were Metis. Of the foreign-born, seven were Irish and seven were Polish. More than half of the girls were first-generation Canadians. With the exception of a large majority of the Slavic girls, almost all spoke either English or French.

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<sup>35</sup> Data compiled from Manitoba, Department of Education, Sessional Papers, 1912-1920; Manitoba, Department of Education, Annual Reports, 1911-1924; Manitoba, Department of Attorney-General, Sessional Papers, 1911-1913, 1916, 1925-1948; Billiarde, Annual Report of the Superintendent of Neglected Children for the Province of Manitoba, 1912.

<sup>36</sup> Statistics compiled from Billiarde, "Annual Report of the Superintendent of Neglected Children for the Province of Manitoba 1912," 135; Artibise, 205.

By the end of the second decade of operation at Marymound a visible shift had occurred and the inmates were consistently and overwhelmingly Canadian born, a trend Myers also noted in her study of the Girls' Cottage Industrial School, a Protestant institution in Montreal.<sup>37</sup> Slavic girls dominated Marymound's admission statistics, particularly between 1926 and 1935 when their numbers were more than three times higher than girls of other ethnic groups. Relative to their numbers in the population, however, French-Canadian and Aboriginal girls were also over-represented in the late 1930s and early 1940s. In 1941, for example, French-Canadians made up 22.4% of Marymound's population despite comprising only 1.1% of the city's population.<sup>38</sup> The high number of French-Canadians is partially, though not completely, explained by the fact that the number of Roman Catholics in the city between 1911 and 1941 remained consistently around 14%.<sup>39</sup> Without question, however, the overwhelming number of girls at Marymound were Slavic. (See Table 3)

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<sup>37</sup> Myers, "Criminal Women and Bad Girls," 262.

<sup>38</sup> Statistics compiled from Marymound Logbook, 1941; Artibise, 203.

<sup>39</sup> The exception to this was in 1931 when the inclusion of Ukrainian Catholics inflated the statistic to 21.5%. See Artibise, 204.

**Table 3: Nationality of Women and Girls Admitted to Marymount, 1911-1948**

Years	French Cdn.		British & Irish		Western European		Central & Eastern European (Slavic)		Aboriginal		Other		Not Given		Total
	<i>n</i>	%	<i>n</i>	%	<i>n</i>	%	<i>n</i>	%	<i>n</i>	%	<i>n</i>	%	<i>n</i>	%	
1911-1915	33	17.2	45	23.4	16	8.3	72	37.5	52	27.1	17	8.9	2	1.0	192
1916-1920	39	19.8	38	19.3	22	11.2	65	33.0	37	18.8	18	9.1	16	8.1	197
1921-1925	44	15.9	45	16.3	35	12.7	87	31.5	40	14.5	15	5.4	55	19.9	276
1926-1930	34	13.5	25	10.0	34	13.5	115	45.8	39	15.5	15	6.0	14	5.6	251
1931-1935	35	14.9	35	14.9	11	4.7	147	62.6	27	11.5	11	4.7	4	1.7	235
1936-1940	47	23.4	20	10.0	9	4.5	80	39.8	45	22.4	6	3.0	14	7.0	201
1941-1945	49	24.7	11	5.6	13	6.6	68	34.3	49	24.7	4	2.0	15	7.6	198
1946-1948	17	10.1	9	5.4	10	6.0	31	18.5	30	17.9	3	1.8	68	40.5	168

Source: Marymount Logbook, 1911-1948

British: Includes English, Welsh and Scottish

Western European: Includes French, German, Austrian and Belgian

Central and Eastern European (Slavic): Includes Czechoslovakian, Galician, Hungarian, Romanian, Russian, Ruthenian, Ukrainian and Polish

Aboriginal: Includes Metis, Indian, Half-Breed, French Half-Breed, French-Canadian Metis and French-Canadian Half-Breed

Other: Includes Canadian, American, Italian, Swedish, Norwegian, Dutch, Danish, Greek, Icelandic, etc.

Aboriginal girls do not appear in the earliest records and the various statistics offered in the earliest sources rarely include Aboriginal youth. The term “half breeds”, used very infrequently, is the only reference to Aboriginal youth in the early detailed statistics regarding “nationality”. Despite irregular inclusion in official juvenile court statistics, judges failed to mention them in their annual summaries of the court’s work. They are also omitted from annual reports submitted by the Superintendent of Neglected Children and the supervisor of the School Attendance Branch.<sup>40</sup> Marymound’s efforts to be precise when recording the ethnicity of incoming girls, therefore, offers a chance to locate Aboriginal girls in the juvenile justice system and reformatories.

Marymound’s logbook systematically identified and recorded a girl’s ethnicity. Instead of assigning a generic Aboriginal ethnicity to girls the way juvenile court statistics did, however, Marymound used a more complex system that sociologists Len Kaminski and Bruno Théorêt have noted was also later used by the juvenile court.<sup>41</sup> Girls were classified into Metis, “Indian”, “Half Breed” and French “Half Breed” categories. In some years, they randomly identified certain girls more precisely by using terms like French-Canadian Metis and French-Canadian “Half Breed”. It is possible that the classification system employed at Marymound indicated a willingness on the part of the sisters to identify girls based on ethnic as well as regional identity. “Half Breed” referred to any girl with one Aboriginal parent and one parent of another ethnicity, except French or French-Canadian. Only those girls identified as French-Canadian “Half Breeds” could

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<sup>40</sup> The exclusion of Aboriginal girls from the early records of the juvenile justice system may be because residential schools siphoned off many Aboriginal children.

<sup>41</sup> Len Kaminski and Bruno Théorêt, An Historical Survey of Aboriginal Juvenile Delinquency in Manitoba: Court Case Records of the Eastern Judicial District, 1930-59 (Winnipeg: Faculty of Social Work, University of Manitoba, 1991), 3-4.

claim to have a parent of Aboriginal and French-Canadian ethnicity. Since Metis usually referred to girls of French and Aboriginal descent from the Red River area, attaching qualifying additional terms like French-Canadian helped identify those girls with both Metis and French-Canadian parents. It is also possible that language was an issue and the sisters wanted to keep track of the number of French-speaking girls for administrative reasons.

Marymound had been created for the confinement of Catholic youth in the province. Its population was therefore largely Catholic, though the institution did accept Protestant, Jewish and other 'non-Catholic' girls as well. Their numbers remained consistently low, however, with the combined total in any year never reaching higher than 22 percent of the total number of incoming girls. (See Table 2) In fact, Protestant girls were not sent to Marymound until 1918 and girls of other religions were only admitted in three years: 1925, 1936 and 1948. Given the lack of reformatories in the city, girls not sentenced to Marymound were likely sent to the Salvation Army Industrial Home.

Much more significant than the girls' ethnicities, places of birth or religion, however, was their overwhelming poverty. By the most modest estimate, more than seventy-five percent of their fathers, if they held employment at all, worked in semi-skilled or unskilled occupations. Most of the families relied heavily on social assistance, with those mothers who did work often performing menial tasks such as domestic labour. Many mothers were widowed or had been deserted by their husbands. Poverty forced some girls' parents to seek help from the city's institutions.

Two characteristics that applied to approximately two-thirds of the girls entering St. Agnes Priory throughout the period examined were their chronic poverty and familial reliance on social assistance, and the fact that many had spent time in orphanages or foster homes. For many of the girls admitted to Marymount, however, it was their first experience with custodial care. Two percent of their parents had been committed to asylums either prior to or during the girls' residence at Marymount. It is also significant that approximately forty-three percent of the girls had sisters at Marymount. In a small number of cases in the 1940s a girl represented the second generation entering the institution since some had mothers who had earlier been inmates.<sup>42</sup>

Besides economic difficulties, many girls also came from families with significant internal chaos. Consistently more than half of the girls at Marymount came from broken families. Almost two-thirds of the girls had at least one deceased parent; in 66 percent of these cases it was the mother. Twenty-four percent were without parents at all due to death or desertion; these girls had been living with either relatives or in orphanages. Similar to what Myers, Sangster and Barbara M. Brenzel have found in their studies, the absence of a natural parent, especially a mother, through death or abandonment was a common factor precipitating a girl's entrance into institutions like Marymount.<sup>43</sup>

## **Conclusion**

The structures of juvenile justice tended to predetermine which children and

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<sup>42</sup> Case studies are drawn from Marymount's records of individual entrants and the circumstances of their placement at the institution.

<sup>43</sup> Myers, "Criminal Women and Bad Girls," 264; Sangster, Girl Trouble, 112-113; Barbara Brenzel, Daughters of the State: A Social Portrait of the First Reform School for Girls in North America, 1856-1905 (Cambridge, Massachusetts: MIT Press, 1983), 77.

youth would appear before the juvenile court. The popular contemporary profile of the delinquent did not describe those youth who ultimately wore the label. Ethnicity and religion played important roles in determining which children and youth would likely be unable to avoid incarceration. There was a tendency to incarcerate Slavics, French-Canadians and Aborigines, as well as Catholics over Protestants. Boys in the juvenile court overwhelmingly and consistently outnumbered girls yet girls were over-represented in reform institutions. A higher percentage of status offence convictions for girls than boys demonstrated that the juvenile court's response to girls' delinquent behaviour was gendered. Beyond gender, class inequality was also inherently evident in the system. The social status of children and youth appearing before the juvenile court reveals a decision to target those believed to be most predisposed to delinquency: the working class. It also appears that those girls sentenced to Marymound were most likely to fare well in the institution's program of reform. They came from disadvantaged families with little chance of rising above their station.

## **Chapter 3**

### **Processing Girls in Winnipeg: Marymound and Institutional Regulation**

For many girls in Winnipeg judged delinquent, the final stage of the juvenile justice system was incarceration in a reform institution. This chapter continues the investigation from the previous chapter into the gendered nature of incarceration. Using Marymound as a focus, it attempts to clarify the experiences of girls who passed through the Winnipeg juvenile justice system and ultimately found themselves in a reform institution. Marymound was founded to work with bad girls and its program of reform was influenced by the dominant competing theories of delinquency. Female offences were often sexualized and girls were subjected to training based on appropriate class and gender roles. The reasons for girls' admissions varied but the resultant experience was similar: girls underwent a resocialization process that consisted of surveillance and discipline. The program at Marymound was designed to treat and rehabilitate girls and reflected the class, religious and ethnic divisions in the city. Girls' experiences within the institution were determined largely by the reason for their incarceration as well as their class and ethnic backgrounds. There was an unevenness in treatment, especially for girls deemed moral offenders, known as sex delinquents, and Slavic girls who often found themselves the subjects of increased scrutiny.

### **Incarcerating Girls in Manitoba from 1911**

There were few institutions devoted to the care of criminal women in the province, and even fewer devoted to delinquent girls. Created to inquire into and study the charitable and welfare work in the province, the Manitoba Public Welfare

Commission was appointed in October 1917 by Order-in-Council No. 28416 under the provisions of an Act Respecting Public and Other Institutions.<sup>1</sup> In the Third and Final Report of the Manitoba Public Welfare Commission in 1920, the Prisons and Reformatories committee, which included juvenile court judge David B. Harkness, described the provisions for the care of criminal women as “very inadequate and utterly unsatisfactory.”<sup>2</sup> It was noted, however, that provisions for delinquent girls fell primarily to the Home of the Good Shepherd (Marymound) and the Salvation Army Industrial Home, both of which were excluded from the stinging criticism and instead praised for their work. The only provision made for adult women other than gaol “to the detriment of the two institutions” was to “thrust [them] into the younger group.”<sup>3</sup> Criminal women were segregated behind institutional walls along with younger girls and this allowed for many convicted adult women to be given much lighter sentences or avoid confinement altogether while also avoiding thorough mental and physical examinations. This was considered to be not only “a serious miscarriage of justice, but a failure to protect society as well as a neglect of the best interests of the women themselves.”<sup>4</sup> It was unclear from the report, however, whether the failure to thoroughly examine adult women offenders outweighed the risk of confining adult women with girls, whose separation remained a staple of the Juvenile Delinquents Act.

The integration of younger girls and women within Marymound was especially problematic to reformers because it contradicted a premise of the child-saving movement

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<sup>1</sup> Manitoba. An Act Respecting Public and Other Institutions. 8 Geo. V, c. 69 (9 March 1917)

<sup>2</sup> Third and Final Report of the Public Welfare Commission of Manitoba (Winnipeg, Manitoba: Philip Purcell, King’s Printer for the Province of Manitoba, 1920), 24.

<sup>3</sup> Ibid, 24-25.

<sup>4</sup> Ibid, 25.

that held girls needed protective custody to insulate them from the negative influence of criminal women. But as Tamara Myers argues for Montreal, the Soeurs du Bon Pasteur were not reformers but rather were “motivated by Catholic faith and a conservative social ideology,” and their efforts focused primarily on the moral redemption of wayward girls and fallen women.<sup>5</sup> Without question, the order’s mandate focused on the rescue of fallen women and the protection of girls, and the sisters had been recruited to Winnipeg from Montreal specifically to work with wayward girls.

The purpose of Marymound was the instruction, employment and reformation of girls. Marymound and St. Agnes Priory admitted different categories of girls: those charged with criminal acts and those in conditions of poverty and neglect, respectively. While St. Agnes and Marymound were distinct institutions with separate purposes, some social agencies tended to refer to them as a single institution. As a result, delinquency and poverty became merged, highlighting a popular contemporary sentiment that poverty and crime were largely interchangeable terms. As Barbara Brenzel and Joan Sangster have argued, the criminalization of poverty was reflected in reform institutions, especially since the majority of the inmates came from the working class and were likely guilty of delinquency or becoming delinquent.<sup>6</sup>

Marymound opened in April 1911 in an old two-storey building at 373 William Street. (See Figure 5) This placed it within the Exchange District, the economic centre of Winnipeg located within an approximately thirty-block area north of Portage Avenue and Main Street. The number of girls admitted to Marymound rose quickly, necessitating a

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<sup>5</sup> Tamara Myers, Les Jeunes Filles Modernes: Gender and Juvenile Justice in Quebec, 1869-1945 (Toronto: University of Toronto Press, forthcoming), Chapter 2.

<sup>6</sup> Brenzel, 70; Sangster, Girl Trouble, 106; See also Dubinsky, 54-57.

move to larger quarters in September 1911, when the sisters moved to the periphery of the city and established the reform school in the old Leacock estate at 442 Scotia Street in West Kildonan. This building was a more substantial two-storey house with a large veranda and several acres of fenced-in property situated on the bank of the Red River. (See Figure 6) The geographical removal of the girls from the city is both significant and symbolic. Removing the girls from the city, which was generally considered to be a hub of western wickedness, was regarded as greatly assisting in correcting the deviant behaviour acquired in the city. The Lancaster Industrial School for Girls in Massachusetts had implemented this idea of “pastoral simplicity” in the 1850s and the trend was continued with the Girls’ Cottage Industrial School and Maison de Lorette outside Montreal and Marymound and the Salvation Army Industrial Home on the edge of Winnipeg.<sup>7</sup>

Within Marymound, girls were regulated according to middle-class values. These stressed, among other things, independence, academic achievement, respect for property, and control of aggression and sexuality. Regulating sexuality was based on notions of morality and girls were judged by the standards of the Catholic religious tradition. The idea that girls’ morality could be “preserved” through religious training and discipline is evident from the way the sisters distinguished between different types of delinquency and categorized the girls.<sup>8</sup> Delinquent girls were considered to be the most in need of reform while neglected girls were seen as exhibiting pre-delinquent behaviour and in need of

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<sup>7</sup> Brenzel, 69; Myers, “Criminal Women and Bad Girls,” 253.

<sup>8</sup> Judith Fingard and Tamara Myers have shown that the Sisters of the Good Shepherd in Halifax and the Soeurs du Bon Pasteur in Montreal used similar classification systems, though as Myers shows, it was more elaborate in Montreal. See Fingard, *The Dark Side of Life in Victorian Halifax* (Porters Lake, N.S.: Pottersfield, Press, 1989): 146-147; and Myers, “Criminal Women and Bad Girls,” 214-215.

pre-emptive reform. To maintain this distinction, the sisters designated a wing to house orphaned, abandoned and neglected girls. By 1916, the building again proved too small to accommodate the rising number of girls and the decision was made to establish two separate, adjacent institutions. A temporary frame building was erected at the north end of the existing building to house the orphaned and neglected girls and construction began on a three-storey building. Starting in 1921, the sisters admitted a small number of girls to the temporary frame building. Completed in 1925, St. Agnes Priory began to take in increased numbers of orphaned and neglected girls. (See Figure 7) The reason for girls' admissions, however, ranged from neglect to parental desire for educational services.<sup>9</sup>

Marymound was separated from the newer St. Agnes Priory building by fire doors. Each institution had separate dormitories, lavatories, dining rooms, work rooms, laundries, recreation, and chapel arrangements. In a 1928 report written following their visit, the Royal Commissioners described the dormitory as "one large airy room, with lavatory and bath room accommodation off it. There are single beds, scrupulously kept by the girls themselves, with individual basins, cupboards, etc."<sup>10</sup> (See Figure 8) The Commissioners reported that the dining room was "bright and attractive" but was "not as

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<sup>9</sup> Moira Maguire has found that Irish reform schools were similarly intended to provide protection, a residence and a basic education for children who had been abandoned by their parents or who could not support them due to poverty. Ireland had criminalized sexual immorality and the resident managers at reform schools refused to accept girls who had any sexual knowledge or association with sexual danger, necessitating the need for a separate institution. The Children Act of 1941 called for the establishment of a separate girls' industrial school specifically for the reception of girls between the ages of 12 and 16 who were associated with sexual immorality. Unlike North American reform schools, however, they were not predicated on notions of "success" or "failure". See her To Cherish all the Children Equally?: Precarious Childhood in Twentieth Century Ireland, forthcoming. For a discussion of the criminalization of sexual immorality in Ireland, see James M. Smith, "The Politics of Sexual Knowledge: The Origins of Ireland's Containment Culture and the Carrigan Report (1931)," Journal of the History of Sexuality 13, no. 2 (April 2004): 208-233.

<sup>10</sup> Manitoba, Royal Commission Appointed by Order-in-Council Number 747/28 to Inquire into the Administration of the Child Welfare Division of the Dept. of Health and Public Welfare, 1928, 9.

finely appointed as is that of the Priory, and provides for the girls being arranged all in one direction.”<sup>11</sup> Provisions were made for the “solitary diner” when necessary.

Despite the addition of the new building, overcrowding was frequently a problem, as indicated especially in the report of the Royal Commission in 1928. Marymound had a population capacity of approximately 45 girls but there were 57 inmates in care at the time of the Commissioners’ visit.<sup>12</sup> Its admissions, which had peaked at 84 in 1924, fluctuated over the course of the thirty-eight year period examined but tended to hover at an annual average of 51 girls. (See Table 4)

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<sup>11</sup> Ibid, 10. For St. Agnes’ dining room see Figure 9.

<sup>12</sup> Ibid, 9.

**Table 4**

**Population of Winnipeg Good Shepherd Institutions:  
Number of Women and Girls Admitted, 1911-1948**

<b>Year</b>	<b>St. Agnes Priory</b>	<b>Marymound</b>
1911	n/a	38
1912	n/a	45
1913	n/a	41
1914	n/a	56
1915	n/a	59
1916	n/a	51
1917	n/a	61
1918	n/a	37
1919	n/a	42
1920	n/a	44
1921	3	49
1922	4	54
1923	10	67
1924	6	84
1925	149	73
1926	68	48
1927	119	54
1928	87	46
1929	123	70
1930	90	62
1931	93	76
1932	66	63
1933	46	51
1934	55	43
1935	64	40

<b>Year</b>	<b>St. Agnes Priory</b>	<b>Marymound</b>
<b>1936</b>	53	56
<b>1937</b>	91	43
<b>1938</b>	104	31
<b>1939</b>	107	35
<b>1940</b>	103	57
<b>1941</b>	92	36
<b>1942</b>	106	45
<b>1943</b>	126	40
<b>1944</b>	113	37
<b>1945</b>	149	52
<b>1946</b>	118	53
<b>1947</b>	115	58
<b>1948</b>	75	44

Source: St. Agnes and Marymound Logbooks, 1911-1948

The average length of stay at Marymound varied from six months to four years. In the 1910s, the average stay was sixteen months; by the late 1920s this had fallen to slightly under nine months.<sup>13</sup> Sentences were often indeterminate for those girls judged delinquent by the juvenile court but were usually two years. The decreasing average length of stay was due in part to the number of voluntary admissions Marymound accepted. (See Table 5) Since the majority of these cases were not processed by the juvenile court and sentenced, parents and social agencies could admit and remove girls from the program at will. With such levels of fluidity, it seems odd that Marymound did not implement a minimum residency requirement for voluntary admissions.

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<sup>13</sup> Data compiled from Marymound Logbook, 1911-1929.

**Table 5**

**Marymound Admissions: Court vs. Voluntary Cases, 1911-1948**

Year	Court	Voluntary	Total	Year	Court	Voluntary	Total
1911	31	7 (18%)	38	1930	29	33 (53%)	62
1912	16	29 (64%)	45	1931	33	43 (57%)	76
1913	24	17 (41%)	41	1932	29	34 (54%)	63
1914	31	25 (45%)	56	1933	35	16 (31%)	51
1915	25	34 (58%)	59	1934	20	23 (53%)	43
1916	20	31 (61%)	51	1935	22	18 (45%)	40
1917	20	41 (67%)	61	1936	25	31 (55%)	56
1918	10	27 (73%)	37	1937	15	28 (65%)	43
1919	15	27 (64%)	42	1938	16	15 (48%)	31
1920	12	32 (73%)	44	1939	17	18 (51%)	35
1921	15	34 (69%)	49	1940	27	30 (53%)	57
1922	14	40 (74%)	54	1941	15	21 (58%)	36
1923	14	53 (79%)	67	1942	21	24 (53%)	45
1924	45	39 (46%)	84	1943	23	17 (43%)	40
1925	43	30 (41%)	73	1944	29	8 (22%)	37
1926	29	19 (40%)	48	1945	25	27 (52%)	52
1927	41	13 (24%)	54	1946	8	45 (85%)	53
1928	24	22 (48%)	46	1947	24	34 (59%)	58
1929	46	24 (34%)	70	1948	12	32 (73%)	44

Sources: Marymound Logbook, 1911-1948; Manitoba, Sessional Papers, 1911-1948.

The number of voluntary cases did not help alleviate Marymound's financial difficulties. Throughout the 1911-48 period, voluntary cases fluctuated from as low as 7

in 1911 to as high as 53 in 1924, reaching a high of 85% of the total admissions in 1946.<sup>14</sup> Since the province did not finance voluntary cases, parents and referring social agencies were required to pay monthly maintenance. This was determined on a per case basis, with fees averaging from \$10 in the 1910s to \$24 by the 1930s and 1940s.<sup>15</sup> Voluntary cases were not refused based on inability to pay, however, and Marymound's case files show that many parents often fell behind in their maintenance. Marymound's fees were at cost per girl but non-payments by parents and partial payments from the government for girls committed there by the juvenile court required the sisters to rely on income from the commercial laundry and charity in order to meet the financial demands of running their institution.

Despite frequent overcrowding and the financial difficulties that plagued Marymound from its inception, the province deemed it appropriate to incarcerate delinquent girls in the private and under-funded Catholic institution. The sisters were generally dissatisfied with the dormitory arrangement, stating that more provision for privacy and segregation was an "urgent need for this type of older and difficult girl."<sup>16</sup> Among a variety of proposed improvements, they were particularly interested in making changes that would allow for the separation of different types of offenders.<sup>17</sup> The sheer number of girls at Marymound made segregation and individual bedrooms out of the question and the institution's financial difficulties delayed the implementation of any of the changes proposed by the Royal Commission in its 1928 report.

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<sup>14</sup> 1910s 238/430; 1920s 306/589; 1930s 259/500; 1940s 238/422. Marymound Logbook, 1911-1948.

<sup>15</sup> Marymound Case Files, 1911-1948.

<sup>16</sup> Manitoba, Royal Commission Appointed by Order-in-Council Number 747/28 to Inquire into the Administration of the Child Welfare Division of the Dept. of Health and Public Welfare, 1928, 9.

<sup>17</sup> *Ibid*, 11.

From its first year, Marymound relied heavily on charity to offset operational costs. In its statement of receipts for 1911, for example, the institution recorded a \$10 000 bank loan for the first payment of its newly acquired estate property, donations totalled \$9 988.57, provincial assistance from the Public Works Department amounted to \$553 and industries provided another \$242.73 in income. Expenditures totalled \$20 784 and included a \$10 000 property payment, a \$500 mortgage payment, \$854.14 in interest, \$628 for rent, \$173.83 for insurance, and \$4 898.98 on repairs, alterations and additions to the buildings. Salaries and wages amounted to \$212.85. Other costs included a variety of foods, medicine, supplies and furniture. The statement did not include any remuneration for the services of the sisters and the institution closed the year with \$211.61 in available cash.<sup>18</sup>

The province's failure to provide adequate financial support for the delinquent girls incarcerated at Marymound perpetuated the cramped conditions. The 1928 report of the Royal Commission focused on the conditions of care for girls in the province. The findings reveal a tendency on the part of the province to disregard delinquent girls while focusing primarily on the care of delinquent boys. The province established and maintained the Portage la Prairie Industrial Training School and paid approximately \$1.77 per day for each of its boy delinquents. It provided no service for girl delinquents, that responsibility was delegated by the province to either Marymound in the case of Catholic girls or the Salvation Army Industrial Home for non-Catholic girls. The cost per girl at Marymound in 1927 was 89.3 cents per day but the province paid only 65 cents per day for each girl referred by the juvenile court. As a result, the sisters were forced to

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<sup>18</sup> Manitoba, "Report of the Department of Agriculture and Immigration for the year ending 31<sup>st</sup> December 1911," Sessional Papers, 1912, 246.

absorb a loss of 24.3 cents per day per girl. This worked out to a deficit of \$13.85 per day and approximately \$5 055 for the year.<sup>19</sup> This imposed deficit forced the sisters to raise part of their maintenance costs by ever-increasing appeals to charity. The Royal Commissioners noted the urgency of the problem, especially since the Federated Budget Board had responded to the “injustice to private charity of this situation ... [by] refus[ing] to include this amount any longer in its grants.”<sup>20</sup>

### **Initial Processing: Life Inside the Institution**

On being sentenced or voluntarily committed to Marymount, the girls underwent a medical examination process that included mental and physical testing. Thorough medical exams included dental and eye exams and were routinely given to the incoming girls. It is possible that parents who voluntarily committed their daughters to Marymount did so in order to take advantage of the medical treatment provided, which they likely could not have arranged for otherwise. The variety of tests allowed for “defects” to be identified, though as Mona Gleason has found, mental testing offered psychologists an opportunity to apply a label but little else beyond that.<sup>21</sup> The case files of girls sentenced to Marymount by the juvenile court contain summaries of their physical and mental examinations. The results of these exams ostensibly offered an explanation not only for

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<sup>19</sup> Manitoba, Royal Commission Appointed by Order-in-Council Number 747/28 to Inquire into the Administration of the Child Welfare Division of the Dept. of Health and Public Welfare, 1928, 4-9. See also Campbell, “Report of the Department of the Attorney-General for the Year Ending 31<sup>st</sup> of December 1909,” Sessional Papers, 1910, 614-615.

<sup>20</sup> Manitoba, Royal Commission Appointed by Order-in-Council Number 747/28 to Inquire into the Administration of the Child Welfare Division of the Dept. of Health and Public Welfare, 1928, 11.

<sup>21</sup> Mona Gleason, Normalizing the Ideal: Psychology, Schooling, and the Family in Postwar Canada (Toronto: University of Toronto Press, 1999), 23.

the girls' recent behaviour and inclination towards delinquency but also how much care they required once placed in reformatories.

Mental testing allowed supposed mental deficiency to be measured and assigned as the cause of delinquent behaviour. But it was not eugenics that influenced the Winnipeg juvenile justice system as much as it was the emerging professions of psychology and psychiatry. Eugenics allowed psychiatrists and other experts to claim authority over delinquency. Contemporary medical interpretations of juvenile delinquency, especially sexual delinquency, have been well documented by Canadian scholars.<sup>22</sup> Psychologists and psychiatrists utilized a range of intelligence tests, including the Binet and intelligence quotient tests, that measured supposed mental deficiency and provided classifications for children according to their mental age. As Bruno Théorêt has argued, the ability to measure "defectiveness" (feeble-mindedness) aided judges of the juvenile court in Winnipeg in deciding the disposition of cases.<sup>23</sup> Court-ordered mental examinations were regularly administered in Winnipeg as well as in Montreal and Toronto. In her study of delinquent girls in Ontario, Joan Sangster cites Jennifer Stephen's conclusion that for eugenicist advocates, "feeble-mindedness was often [a] synonym for working-class girls whose sexual behaviour flouted all middle-class norms

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<sup>22</sup> Sangster, *Girl Trouble*; Sangster, *Regulating Girls and Women*; Myers, "Criminal Women and Bad Girls"; Myers, "Qui t'a débauchée?"; Myers, "The Voluntary Delinquent," 242-268; Franca Iacovetta, "Gossip, Contest and Power in the Making of Suburban Bad Girls: Toronto, 1945-60," *Canadian Historical Review* 80, no. 4 (December 1999): 585-623; Iacovetta, "Parents, Daughters, and Family Court Intrusions into Working Class Life," 312-338; Myers and Sangster, "Retorts, Runaways and Riots,"; Dorothy Chunn, *From Punishment to Doing Good: Family Courts and Socialized Justice in Ontario, 1880-1940* (Toronto: University of Toronto Press, 1992): 108-110; Hogeveen, "Impossible Cases."

<sup>23</sup> Bruno Théorêt, "Psychiatry, Juvenile Justice, and Delinquent Identity: A Case Study at the Juvenile Court of Winnipeg, 1930-1959," *Journal of Human Justice* 6, no. 1 (Autumn 1994), 73.

and conventions.”<sup>24</sup> Feeble-mindedness was a social construct that combined poor education and deviant or suspect morality and was used to explain girls’ sexual delinquency.<sup>25</sup>

The case of nine-year-old Anna is particularly interesting because of the racial tension that underlies it. Born to a single Aboriginal working-class woman who allegedly neglected her other children, Anna was placed in a foster family with the Alexanders in 1926 and began to attend school regularly. Her “delinquent” behaviour began in the fall of 1928. While working on her foster family’s farm, Anna was repeatedly raped by Frank, an Aboriginal man between 27 and 35 years old, who worked nearby. He would follow Anna and take advantage of her when she took the family’s cows out to pasture. On one occasion when she did not take the cows out, Frank approached her foster father claiming the cows had strayed into his garden and felt Anna should be dispatched to drive them away. When her father agreed, Anna was subjected to another rape. Not long after the initial sexual encounter, Frank began to send small gifts to the house for her. When questioned as to the sender, Anna confessed who they were from but made no mention of rape until her foster mother happened to observe Frank in the old house near their farm one afternoon. When Mrs. Alexander called out to him, Frank ran away. When the Alexanders questioned Anna, she recounted her tale of sexual assault.

Mr. Alexander brought Anna before the juvenile court in the summer of 1929, claiming he was no longer able to manage her and asked to be relieved of the responsibility. The main problem, he stated, was that Anna had been born out of wedlock.

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<sup>24</sup> Jennifer Stephen, “The ‘Incorrigible,’ the ‘Bad,’ and the ‘Immoral’: Toronto’s ‘Factory Girls’ and the Work of the Toronto Psychiatric Clinic, 1918-1923,” as quoted in Sangster, *Girl Trouble*, 23.

<sup>25</sup> Angus McLaren, *Our Own Master Race: Eugenics in Canada, 1885-1945* (Toronto: McClelland & Stewart, Inc., 1990), 91-92; Gleason, 22; Myers, “Criminal Women and Bad Girls,” 183-188.

When the case was referred to the Children's Aid Society, Mr. Alexander told the caseworker that Anna had been engaging in a consensual sexual relationship and had met regularly with Frank during 1928 to have intercourse with him.<sup>26</sup> Because Anna had been born out of wedlock, it was easy for Mr. Alexander to assume her family history made her inclined towards immorality. Indeed, the CAS caseworker and the juvenile court judge also readily accepted this conclusion.

Inherent ethnic discrimination and classism in society as well as in the juvenile justice system helped ensure that Anna became labelled delinquent. Anna's guilt was determined primarily because she was Aboriginal. Child protection laws removed female sexual agency by assigning girls as helpless victims yet this application was inconsistent. In her analysis, Karen Dubinsky suggests that when both the participants in the sexual activity were of non-Anglo-Saxon origin, "the discourse of protection was replaced with one of punishment."<sup>27</sup> In this sense, a girl's sexual agency was accepted and she was constructed as "bad". The laws repressed sexuality and reinforced notions of gender and ethnicity. Sexual crime reveals insights into the standards of sexual behaviour and understandings of childhood and sexuality. The concept of childhood innocence flowed unevenly through Canadian society, which helped ensure its irregular application. The sexual innocence of children and the protection it afforded them was determined largely on class, gender and ethnic lines. In his analysis of sexual crimes against children in New York City, Stephen Robertson argues that modern ideas of childhood coexisted with older understandings. He suggests that "[n]o matter how resistant to the notion of the sexual child Americans proved to be, it is clear that one of most sexually charged

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<sup>26</sup> Marymound Case File, no. 348 (27 December 1929).

<sup>27</sup> Dubinsky, 83-84.

questions of the first half of the twentieth century was, 'What is your age?'"<sup>28</sup> In the Canadian context, Dubinsky has found that age and character in addition to the victim's class, gender and ethnicity were important determinant factors in the outcome of sexual assault cases.<sup>29</sup>

Anna's case fits the model Dubinsky describes of sexual assaults against children. She was under twelve years of age, she knew her assailant, her assailant used goods to extract sexual compliance, and her sexual activity was discovered inadvertently rather than being recounted immediately. Anna's case, then, corresponded to the conventional script about sexual encounters with children.<sup>30</sup> Yet to simply classify Anna as a sexual innocent in effect removes any sense of her agency. Her language when speaking about her experience indicated sexual assault, but her understanding of the discourse and even the sexual act itself is unclear. The line between what Anna actually experienced and how the social worker chose to record it has been blurred by time and distance. Anna's case does, however, reveal competing definitions of children's sexuality and respectability. And as Dubinsky points out, female children were less likely than male children to be believed and taken seriously when they reported a sexual encounter with an adult and poor girls were rarely treated as sexual innocents by the legal system.<sup>31</sup>

Sexual assault allegations by children expose a false dichotomy in the contemporary social construction of childhood innocence. Canadian girls tended to be

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<sup>28</sup> Stephen Robertson, Crimes Against Children: Sexual Violence and Legal Culture in New York City, 1880-1960 (Chapel Hill: University of North Carolina Press, 2005), 12.

<sup>29</sup> Dubinsky, 22-31, 54-57, 126-142, especially 139-141.

<sup>30</sup> Ibid, 56-57.

<sup>31</sup> Ibid, 54-55.

portrayed as victims yet were rarely regarded as sexually innocent.<sup>32</sup> Ethnicity further complicated the boundaries of sexual activity, whether voluntary or forced. Immigrant and Aboriginal men who sexually assaulted white girls crossed class, racial and sexual boundaries and resulted in their portrayal as sexual predators from whom innocent young girls needed protection. Anna's case reveals the tendency of the juvenile justice system to intertwine race with gender and sexuality. Because her Aboriginal heritage ostensibly dictated sexual permissiveness and her sexual activity threatened appropriate gender roles, her claims of rape were not believed and she was sentenced to three years at Marymount where she was subjected to sexual reconditioning that was based on notions of sexual expression only within the bounds of marriage.

Mental testing and physical exams were a regular practice of the juvenile justice system in Winnipeg. These exams measured supposed physical, intellectual, and moral "defects" that ultimately produced delinquency. In his work on psychiatry and the juvenile court in Toronto, sociologist Bryan Hogeveen has argued that court-ordered mental and physical examinations of juvenile delinquents were "only one element in a total investigation of deviant youths' entire milieu."<sup>33</sup> In Winnipeg, the juvenile court and social agencies usually ordered mental and physical exams but it often fell to the sisters to make the necessary arrangements for girls at Marymount. While some girls entered Marymount having already been subjected to physical, mental, eye and dental examinations at the request of the juvenile court, others did not undergo testing until weeks or months after their arrival. The system of administering these exams was not

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<sup>32</sup> Ibid, 54-57 and 83-84.

<sup>33</sup> Hogeveen, "Impossible Cases," 51.

formalized and it is not clear why not all girls at Marymount were required to undergo routine mental and physical testing.

In cases where mental and physical testing had taken place, however, treatments were heavily influenced by the results of these examinations.<sup>34</sup> In the case of sixteen-year-old French-Canadian Amélie, her theft at Eaton's of a customer's purse containing fifteen dollars resulted in her being brought before the juvenile court. When it was discovered that she had also been away from home without permission, her offence took on a sexual nature and she was ordered to undergo a physical examination. When she was given a gynaecological exam on 6 November 1942, Dr. W.R. Gorrell found her to have a ruptured hymen and syphilis. He determined that she needed eighteen months of medical treatment. Seven days later when Amélie appeared before juvenile court judge, D.S. Hamilton, she was sentenced to two years at Marymount not for the theft but for her offence of sexual immorality.<sup>35</sup> This case is illustrative of how the juvenile court relied on the results of physical exams and expert medical opinion when determining the appropriate treatment and length of sentences.

In 1918, Dr. Clarence Hincks, a mental health professional, founded the Canadian National Committee on Mental Health (CNCMH) and as Gleason notes, it was the "first national body dedicated to educating the public about the 'dangers of inherited mental deficiency.'"<sup>36</sup> In July 1918, the Manitoba Public Welfare Commission requested the CNCMH conduct a study of conditions in mental hospitals and other institutions in the

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<sup>34</sup> Marymount Case Files, 1911-1948.

<sup>35</sup> Marymount Case File, no. 1227A (November 1942).

<sup>36</sup> Gleason, 22.

province.<sup>37</sup> As part of its survey, the Medical and Associate Medical Director and Social Worker conducted mental testing on a sample of 52 girls incarcerated at Marymount. They examined forty cases, concluding that 20% (8) were definitely feeble-minded; 45% (18) were borderline cases but not feeble-minded; 2.5% (1) suffered from “Dementia Praecox”; and 30% (13) were considered normal. Of the eighteen borderline cases, 67% (12) were so classified because of “abnormality in emotional and volitional field”.<sup>38</sup> In its report, the CNCMH estimated that a considerable number of the borderline cases would become feeble-minded and recommended that provisions should be made in institutions designed for their special care. The Royal Commissioners stated that child-care institutions and reformatories felt that the presence of so-called feeble-minded children “upsets the routine and procedure of the care and training for the normal children.”<sup>39</sup> Twenty-year-old Marielle was committed to Marymount as a mental defective by the juvenile court at the request of the Department of Health and Public Welfare. The sisters noted in her case file that she was “not only feeble minded, but viciously inclined so much so that we deem it necessary to keep her apart from the others.”<sup>40</sup>

It is not clear to what degree the sisters at Marymount internalized the ideology of mental testing; it simply reinforced for them why some of the girls failed to respond to treatment. When originally sent to Marymount in November 1946, Franciszka, a twelve-year-old Canadian-born daughter of a single Czechoslovakian immigrant mother, was believed to be mentally defective. A year and a half later the sisters noted they were

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<sup>37</sup> Report of the Canadian National Committee for Mental Hygiene, 1918, 77.

<sup>38</sup> Ibid, 98.

<sup>39</sup> Manitoba, Royal Commission Appointed by Order-in-Council Number 747/28 to Inquire into the Administration of the Child Welfare Division of the Dept. of Health and Public Welfare, 1928, 10.

<sup>40</sup> Marymount Case File, no. 208 (16 March 1927).

“particularly anxious to have [her] psychometrically tested and psychiatrically examined” because it was difficult for them to “comprehend the child’s developing organizational abilities in terms of defective intelligence.”<sup>41</sup>

Girls entering Marymound were often subjected to invasive physical examinations. Special provisions existed for the treatment of girls with venereal disease and the care of pregnant girls. Girls with venereal disease were segregated from the rest of the girls while they received treatment. Pregnant girls were admitted until confinement in the hospital was deemed necessary. The girls did not, however, return to Marymound with their babies. The sisters did not feel that infants should be kept in Marymound, so while they formally remained under the care of the Sisters of the Good Shepherd, mothers with babies were transferred to the care of the Soeurs de Miséricorde at Asile Ritchot in St. Norbert for the duration of their sentences.<sup>42</sup>

This process of banishing inmates discovered to be pregnant was not unique to Winnipeg. In Montreal the Girls’ Cottage Industrial School sent pregnant girls to Bethany House, a home for unwed mothers, while others were admitted to the Hôpital de la Miséricorde.<sup>43</sup> From 1904 to 1944, children born to single mothers at Winnipeg’s Misericordia Hospital (which began as a maternity hospital for single mothers) were placed at Asile Ritchot with their mothers, who boarded there for six months to a year in

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<sup>41</sup> Marymound Case File, no. 1100 (8 November 1946).

<sup>42</sup> Manitoba, Royal Commission Appointed by Order-in-Council Number 747/28 to Inquire into the Administration of the Child Welfare Division of the Dept. of Health and Public Welfare, 1928, 10. Asile Ritchot was also called St. Norbert Infant’s Home. This institution was officially closed in 1945 and the Soeurs de Miséricorde later established Rosalie Home, a home for unwed mothers, in Winnipeg in 1945. It was renamed Villa Rosa in 1963 and continues to provide single pregnant women with residence and prenatal and postnatal programs.

<sup>43</sup> Myers, “Criminal Women and Bad Girls,” 270, 274-275; Lévesque, Making and Breaking the Rules, 101-116.

order to nurse their infants. In 1945 the Rosalie Home assumed this work and, if necessary, children were placed in foster care rather than an orphanage or similar institution. Similar to what Andrée Lévesque found in her study of unwed mothers at the Hôpital de la Miséricorde in Montreal, girls and women entering Asile Ritchot and Rosalie Home/Villa Rosa were given aliases upon their admittance (until 1965) and records were filed by the mother's alias.<sup>44</sup>

The juvenile court often designated girls' offences as sexual, whether the original offence was sexual in nature or not. Leniency with regards to sexual delinquency rarely occurred since sexual activity outside the prescribed boundaries of marriage threatened notions of appropriate gender roles. At Marymount, the sisters failed to assign female sexual delinquents a sense of agency, instead preferring to view them as victims of economic and sexual exploitation. The only exception was Slavic female sexual delinquents, who the sisters increasingly regarded as sexual aggressors rather than victims. As a result, they were deemed in need of more aggressive moral training. Refusal to accept and train for domesticity and proper feminine roles and an inability or refusal to admit that their sexual behaviour went against the accepted norm meant Slavic girls were often labelled obstinate. One girl, Catreena, a thirteen-year-old Ukrainian, was admitted to Marymount for being incorrigible. Her case file noted that she did not like teachers or nuns and objected to being sent to Marymount, expressing a desire to be sent to the Portage Jail instead. She did not regard work very highly, often performed her chores poorly if at all, and frequently protested: "I want to be with kids my own age so we can have fun." This inevitably led to numerous conflicts with the sisters who insisted she adhere to the same routine the other girls followed. Catreena was also noted to be

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<sup>44</sup> Association for Manitoba Archives, Index of Childcare Institutions, Winnipeg, 2002, 1-3.

“slightly boy crazy” and admitted to exchanging sex with older boys for ten cents spending money on several occasions. When questioned about her sexual experiences, Catreena would not confess any wrongdoing, admitting only that she was happy she had not become pregnant. As a result, she was noted to be “quite dogged and determined.”<sup>45</sup>

### **Program and Regime**

Once committed to Marymount, girls could expect a structured environment. Obedience was both expected and enforced through strict supervision. The girls were out of bed early to finish morning chores before breakfast and school. Talking between the girls was forbidden after lights out and was monitored by two sisters who provided close supervision of the girls at night.<sup>46</sup> Visiting occurred on Sunday afternoons and the Children’s Aid Society provided the sisters with a list of potential visitors a girl could expect during her incarceration.

Unexpected visitors were not usually allowed to meet with the girls; when it did occur, however, it appears that the sisters determined their suitability beforehand. In cases where the sisters suspected sexual immorality on the part of the visitors, they were refused visitation. For parents, this was often expressed in terms of ostensibly deviant lifestyles: examples of common-law relationships, illegitimate children, excessive alcohol consumption, and “suspicious” modes of living are found throughout the case files.<sup>47</sup> Caillean, a fourteen-year-old American-born daughter of a French-Canadian father and Irish immigrant mother, was sent to Marymount in December 1934 with her ten-year-old

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<sup>45</sup> Marymount Case File, no. 1211 (June 1947).

<sup>46</sup> Manitoba, Royal Commission Appointed by Order-in-Council Number 747/28 to Inquire into the Administration of the Child Welfare Division of the Dept. of Health and Public Welfare, 1928, 9.

<sup>47</sup> Marymount Case Files, 1925-1948.

Winnipeg-born sister Eilan. Their parents had married in Winnipeg in 1915 but had not lived together since May 1931; according to the girls' admission documentation, their mother was "[a]lleged to be loose morally."<sup>48</sup> In another case, Caitlin, a nine-year-old Irish-Canadian, was admitted to Marymound following domestic trouble. Her mother was noted to live with different men consecutively and visits were not permitted since the sisters "[did] not care about [Caitlin] being involved in that kind of life."<sup>49</sup> In a final case, when French-Canadian sisters Anne and Dominique, aged nine and seven, were admitted to Marymound it was believed their mother, Victoria, had abandoned them. However, when Victoria suddenly appeared at the institution to get her daughters, she claimed she had fled her husband's abuse. She was refused admission because her husband had told the sisters that she was a "bad" woman. According to the case notes of the Children's Bureau of Winnipeg, which held jurisdiction over the case, Victoria intended to take the girls with her to Emerson to live with her half-brother. An investigation of the home conditions revealed that he was "three parts Indian and lives more or less like real Indian."<sup>50</sup> The Children's Bureau felt the girls were "far better cared for" by the sisters than they would be by their mother but since there was no legal authority to hold the children, an appeal was made to Victoria persuading her to leave her children in the care of the sisters for six months. The sisters were made aware of the facts of the case and asked to allow the mother to see her children. The subtext was clear: the girls' institutionalization was preferred over an Aboriginal working-class home. In this case, ethnicity intruded on the category of class.

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<sup>48</sup> Marymound Case Files, nos. 512-513 (14 December 1934).

<sup>49</sup> Marymound Case File, no. 1019 (7 November 1938).

<sup>50</sup> Marymound Case Files, nos. 6-7 (11 September 1922).

The Children's Aid Society advised the sisters regarding visitation in cases with unsubstantiated reports of incest and ongoing domestic conflict. Nathalie, a fifteen-year-old French-Canadian, was caught in a custody battle between her parents for two years. She was frequently placed in institutions by her father and subsequently removed by her mother. When her father brought her to the Children's Aid Society and the case was brought to the juvenile court, custody was given to her father and she was sent to St. Joseph's Academy. Because the juvenile court and the Children's Aid Society regarded her mother as the disruptive influence, it was understood that she could only visit at the institution while her father was allowed to take Nathalie out for the day. Nathalie developed a pattern of running away and staying out all night following her father's visits and was sent to Marymount. Given the family's tumultuous history, the sisters allowed Nathalie's father to take her out on Sundays but that privilege was not given to the mother.<sup>51</sup>

In another case, thirteen-year-old French-Canadian Noémi was committed to Marymount in September 1946 for running away and being out of her parents' control. Her case took on a sexual nature when it was revealed she had "some type of sexual experience." Her placement summary noted several unconfirmed reports of incest. In July 1947, Noémi's father took her and her younger sister out of Marymount for a visit and did not return them. When they were found living with him at the Immigration Building the sisters were not willing to have Noémi back because they found her aggressive behaviour to be a "disturbing influence" over the other girls. The Children's Aid Society had arranged visitation in this case, suggesting the sisters were advised to allow the girls to visit with their father. The sisters could refuse visitors despite CAS instructions so it is

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<sup>51</sup> Marymount Case File, no. 1019 (1945).

not clear why they allowed Noémi's father to take her and her younger sister from the institution given the suspicions of incest.<sup>52</sup>

Marymound was an incarceration facility characterized by convent boarding school discipline. The religious atmosphere was a powerful reinforcement of religious and moral values. The sisters regarded their role as occupying a middle ground between the incarceration of the prisoner and the training and care functions of a reform institution.<sup>53</sup> As a result, though they were given certain recreation and other privileges, the girls were kept in fairly close confinement. The Mother Superior and her assistants oversaw all the activities of the girls at Marymound. All entrances and exits from the institution were recorded in the logbook along with the date, reason and name of the accompanying guardian. Curiously, there were only two recorded instances of successful runaway attempts in the case files. Between April 1934 and July 1935, eleven-year-old Aisling, a French-Irish girl, ran away twice. In one of these cases the sisters noted that she was able to escape by "[taking] advantage of the parlor being open on Friday at an unusual hour. (An out of twon [sic] visitor had come to see some of the children)." As a result, the sisters determined she required constant and close supervision.<sup>54</sup> Whether other girls failed to escape or whether the sisters failed to record those instances when it did occur is unknown, though it is unlikely that Aisling's runaways were isolated incidences.

The program at Marymound focused on two main areas: academic and domestic training. Girls lacking sufficient knowledge of English or French were given lessons in

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<sup>52</sup> Marymound Case Files, nos. 755-756 (September 1946).

<sup>53</sup> Manitoba, Royal Commission Appointed by Order-in-Council Number 747/28 to Inquire into the Administration of the Child Welfare Division of the Dept. of Heath and Public Welfare, 1928, 10.

<sup>54</sup> Marymound Case File, no. 492 (April 1934).

addition to the regular academic subjects appropriate to their respective grade levels. Formal education was limited in the institution's early years but the hours of schooling increased quickly. The sisters delivered a curriculum that followed that of other public schools in the city: reading, writing, spelling, arithmetic, social studies, science, literature, composition and grammar, French, home economics, music, art and health/hygiene.<sup>55</sup> Catechism was also a fundamental part of the school curriculum at Marymount since a religious education was considered essential in the "moral formation of the child."<sup>56</sup> A chapel formed a part of the institution and the staff consisted of religious women: a Mother Superior with fifteen sisters as assistants.<sup>57</sup> The academic standards at Marymount were supposedly higher than those in the city's public schools. The school reports of Helene, Marie, Anne, and Corinne, French sisters aged fourteen, twelve, ten and eight respectively, stated that "[Marymount's] standard is, apparently, higher than in most schools." Beyond the sisters' affirmations, however, it is unclear whether the girls could or did "easily work a full year ahead of their peers" in the public school system.<sup>58</sup>

Domestic training was also important and the program at Marymount focused heavily on this area. Since most of the girls did not have any training they were instructed in various aspects of domestic science: cooking, gardening, sewing, laundry work, skilled

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<sup>55</sup> This school information has been gleaned from Marymount Case Files, 1911-1948.

<sup>56</sup> Gregor and Wilson, 69-95; See also "Report of the Department of Education, 1909," 335; Manitoba Free Press, 1 March 1912.

<sup>57</sup> Report of the Canadian National Committee for Mental Hygiene, 1918, 98.

<sup>58</sup> Marymount Case Files, nos. 885-888 (All 11 February 1943).

embroidery, shoe mending, and cleaning.<sup>59</sup> All of the girls provided for themselves in regards to their clothes, beds and meals and were regularly employed in a variety of different activities within the institution but two in particular: the garment room and the laundry. In what the Royal Commissioners described as “fine modern units, excellently equipped, light and airy ... under conditions somewhat similar to factory employment” the girls learned hand and machine sewing and personal and commercial laundry work.<sup>60</sup> This type of “energetic” employment was considered highly constructive since it prevented “idleness that allows for morbid gossip and exchange of experiences.”<sup>61</sup> The purpose of teaching the girls domestic tasks was twofold: it prepared them for their future lives as domestic servants and served to reduce the operational costs of the institution. The girls made their own clothing and performed all of the daily work of the institution under the supervision of the sisters. The girls grew vegetables in the garden at Marymound and the commercial laundry augmented the institution’s revenue and provided girls with what the Commissioners referred to as “constructive work.”<sup>62</sup>

### **Discipline, Punishment and Resistance**

Though Sangster has found that strapping was often used as a form of discipline at the Ontario Training School for Girls in the 1930s and 1940s, especially for girls who ran away, corporal punishment was not officially embraced nor endorsed at

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<sup>59</sup> Manitoba, Royal Commission Appointed by Order-in-Council Number 747/28 to Inquire into the Administration of the Child Welfare Division of the Dept. of Health and Public Welfare, 1928, 10.

<sup>60</sup> Ibid.

<sup>61</sup> Ibid.

<sup>62</sup> Ibid.

Marymound.<sup>63</sup> There are no recorded instances of physical punishment in Marymound's case files, though its absence in the case files does not necessarily indicate it was not utilized. The Royal Commissioners noted that when necessary, discipline at Marymound was administered without resorting to physical violence. Brenzel has found that discipline through physical violence was also unnecessary at the Lancaster State Industrial School and Myers noted similar conclusions for the Girls' Cottage Industrial School in Montreal.<sup>64</sup> Instead, girls were often placed in solitary confinement for disciplinary infractions. At Marymound, a "reflection cell" was used to confine an incorrigible girl.<sup>65</sup> It is unclear whether solitary confinement was used to give a girl a cooling off period or if it was a form of punishment and deterrence.

Marymound's case files reveal that given the high level of surveillance and control, the girls utilized various types of resistance. During the initial acting out period, insolence, hostility and swearing were the most popular. These were generally replaced by passive resistance. Franciszka, mentioned earlier, was noted to be "quite saucy and stubborn" with the sisters. The sisters noted that when reprimanded, she did not become "openly defiant or express great hostility, [but] she will usually mutter something under her breath, then tell others of her group her opinions on the matter."<sup>66</sup> Attitude problems were also frequent, though some girls displayed more aggressive behaviour than others. Ten-year-old Ukrainian Olga was noted to be subject to temper tantrums that were

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<sup>63</sup> Sangster, Girl Trouble, 131-132.

<sup>64</sup> Brenzel, 74; Myers, "Criminal Women and Bad Girls," 282-283.

<sup>65</sup> Manitoba, Royal Commission Appointed by Order-in-Council Number 747/28 to Inquire into the Administration of the Child Welfare Division of the Dept. of Health and Public Welfare, 1928, 10.

<sup>66</sup> Marymound Case File, no. 1100 (8 November 1946).

partially attributed to her low I.Q.<sup>67</sup> In another case, sixteen-year-old Metis Danielle was sentenced to Marymound for immoral conduct but the sisters were unable to handle her and she was admitted to the Portage Home.<sup>68</sup>

The sisters often recorded girls' general disinterest in the programs as evidenced through academic failures and refusal to perform chores within a reasonable time period. Aisling, mentioned above, was characterized as doing a very small amount of class work and being extremely weak in all subjects. Her class conduct was noted to be fairly good and she was not disruptive, but she tried to skip class whenever possible. She was found to be "secretive, often trying to escape observation, seeking any and every pretext to depart from regulations." The sisters noted that Aisling utilized a variety of methods to avoid her schoolwork. For example, when the sisters assigned her to clean the stairway before school in the morning, they noted she would prolong the work excessively in order to be late. Sometimes she resorted to remaining in the bathroom or pretending to be sick in order to avoid going to school. In one notable instance, she complained of gallstones; the nurse allowed her to remain in the infirmary "to give her some satisfaction" and the sisters responded by arranging for a medical examination.<sup>69</sup> In another case, the school reports of nine-year-old Julia, born to a single English-born mother, detailed her academic failures. Her grades of 29 percent in spelling, 43 percent in arithmetic, and 47 percent in catechism were commented on as follows: "It is very difficult to retain the

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<sup>67</sup> Marymound Case File, no. 822 (7 March 1942).

<sup>68</sup> Marymound Case File, no. 438 (8 December 1931).

<sup>69</sup> Marymound Case File, no. 492 (April 1934).

child's attention, or to obtain application of mind, except for short tasks and with the stimulant of a reward."<sup>70</sup>

There are no documented cases of violence at Marymount, nor any media reports indicating any type of violent rebellion. Aggressive resistance could escalate into the most extreme type of rebellion: violence and rioting. Unlike at the Ontario Training School for Girls and the Maison de Lorette reform school outside Montreal where instances of violence erupted, girls at Marymount were calm in comparison.<sup>71</sup> Passive resistance remained the most utilized by the girls and many of these minor infractions were noted in the girls' files. As Sangster and Myers have found, girls often embraced passive resistance to avoid direct confrontation but their lack of aggressive resistance did not mean they internalized the training imposed upon them.<sup>72</sup>

Some girls demonstrated resistance to the program of reform by refusing to cooperate with external placements. The Children's Aid Society sent Renée to Marymount on charges of pilfering and sexual misconduct in 1941. She was placed in a foster home three years later but was removed when she was found to be stealing from her foster mother and meeting older girlfriends she had been forbidden to associate with. In April 1941, she was brought before the juvenile court, ordered to repay the CAS part of a \$5.00 refund to her foster mother, and sent back to Marymount. Four months later the sisters noted she was anxious to try another foster family and placed her with a farm family. On two occasions she ran away to the city and attended shows but was unable to

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<sup>70</sup> Marymount Case File, no. 199 (12 January 1927).

<sup>71</sup> Sangster, Girl Trouble, 126-128; Myers, "Criminal Women and Bad Girls," 286-290.

<sup>72</sup> Myers and Sangster, "Retorts, Runaways and Riots," 669-697; Sangster, Girl Trouble, 127-128; Myers, "Criminal Women and Bad Girls," 285.

find a place to stay the night and ended up going to the police station. Her explanation for her behaviour was that she disliked the country. Myers has suggested that Montreal runaways during this period were attracted to the entertainment and independence offered by the thriving nightlife in the city's downtown red-light district.<sup>73</sup> Indeed, Winnipeg's nightlife was what attracted fifteen-year-old French-Canadian Maryse. She ran away from her aunt's home in Selkirk twice to meet older girl friends and attend dances in Winnipeg's red-light district. Her confinement at Marymound was felt to be necessary in order to provide her with a "protective environment."<sup>74</sup> It is unclear whether girls in Winnipeg could slip into the city's red-light district as easily or anonymously as their Montreal counterparts, but the fact that they tried remains. The sisters at Marymound do not appear to have given any consideration to the idea that girls were part of and actively sought out the developing youth culture.<sup>75</sup> Instead, the sisters oversimplified the girls' behaviour by limiting it to the good/bad dichotomy.

As the only Catholic reform institution in the province for girls, Marymound could not refuse cases referred by the juvenile court.<sup>76</sup> The sisters could and did, however, refuse to readmit girls referred by social agencies that they believed were incapable of absorbing additional treatment. For example, fourteen-year-old Ruthenian

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<sup>73</sup> Tamara Myers, "Deserting Daughters: Runaways and the Red-Light District of Montreal before 1945," in Child Welfare and Social Action in the Nineteenth and Twentieth Centuries: International Perspectives, eds. Jon Lawrence and Pat Starkey (Liverpool: Liverpool University Press, 2001): 28-29; Kathy Peiss has argued that the fluid definition of sexual respectability was embedded within the social relation of class and gender and within that context some young women sought to exchange sex for access to material goods, leisure and independence. See her "'Charity Girls' and City Pleasures."

<sup>74</sup> Marymound Case File, no. 1047 (16 November 1945).

<sup>75</sup> See Cynthia Comacchio, "Dancing to Perdition: Adolescence and Leisure in Interwar English Canada," Journal of Canadian Studies 32, no. 3 (Fall 1997): 5-35; and Myers, "Deserting Daughters," 27-30.

<sup>76</sup> Manitoba, Royal Commission Appointed by Order-in-Council Number 747/28 to Inquire into the Administration of the Child Welfare Division of the Dept. of Health and Public Welfare, 1928, 9.

Elena was placed in a variety of foster homes following three years of incarceration. The Children's Aid Society noted that she consistently failed to "make good" in any of the external placements and attempted to have her sent to Marymound again. In a letter dated 22 November 1929, the Mother Superior explained why Elena would not be readmitted:

We beg to say that we are of the firm opinion that this girl is not susceptible of further training. Our opinion is based on our three years' experience of the case. We are not surprised that she did not make good in the different homes provided for her, since she left this Institution, nor do we expect that she will ever be able to do better. During the time she was with us, but especially during the last year, we noticed a gradual, but steady decline in her mental powers, and at the time she left us, we considered her only chance would be individual care and attention. ... During the time Elena spent with us, we did all we could for her, and a further stay in the Institution would not benefit her in any way.<sup>77</sup>

Girls' experiences at Marymound were determined on their ability to "make good". Girls who followed the program of reform and demonstrated a willingness and ability to change their "delinquent" behaviour often won the sisters' support for early release. In the case of Anastazja, a fourteen-year-old Polish girl committed to Marymound in 1927 for five years, the sisters wrote to her probation officer on 1 July 1930 supporting her early release. In their characterization of Anastazja, they noted that she had "outgrown" the other girls at the institution, was "well developed [sic] mentally and physically," and had "good aptitudes for all kinds of work."<sup>78</sup> Marymound's records indicate she was discharged on 4 August 1930. Early releases occurred infrequently since girls sent to Marymound by the juvenile court were usually required to complete their sentences. The support of the sisters likely reduced the level of surveillance girls endured as they completed their sentences. For those girls who resisted resocialization, however, the level of surveillance likely remained high.

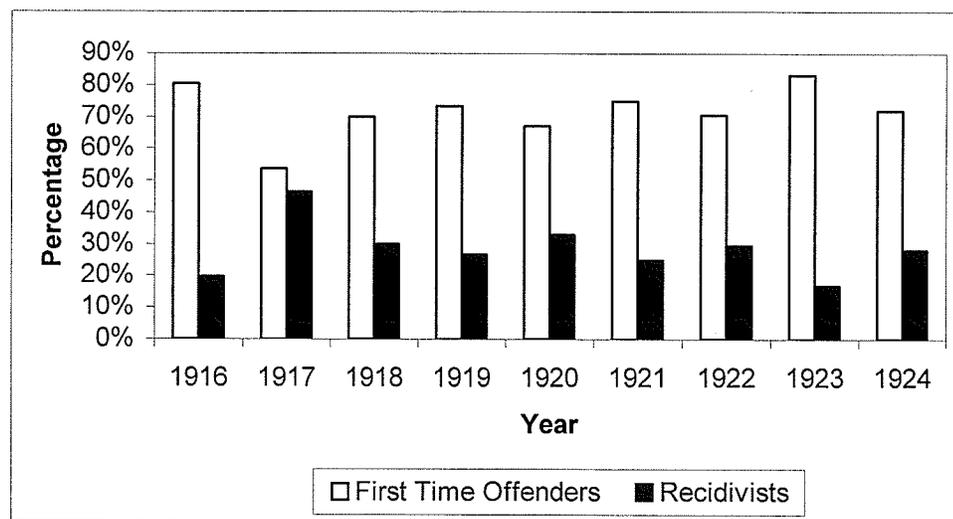
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<sup>77</sup> Marymound Case File, no. 54 (February 1925).

<sup>78</sup> Marymound Case File, no. 214 (5 June 1927).

The number of girls who “made good” at Marymound are difficult to determine since the sisters did not publish records detailing their successes and failures with delinquent girls. In her exploration of the House of the Good Shepherd in Chicago, Anne Meis Knupfer raises the question of why girls were continually sentenced there “given the institution’s reported high rate of failure (65 percent).”<sup>79</sup> The answer she offers is fourfold and includes issues of funding, separate religious confinement, facility size, and initiative.<sup>80</sup> Unlike the House of the Good Shepherd in Chicago, Marymound had a relatively low percentage of recidivists. (See Figure 4) While funding and facility size were likely important determinant factors in the decision to send girls to Marymound, delinquent girls were ultimately incarcerated there because it was the only religiously-based reform institution for Catholic girls in the province.

**Figure 4: Marymound Admissions: First Time Offenders vs. Recidivists, 1916-1924**



Source: Marymound Logbook, 1916-1924

<sup>79</sup> Knupfer, 96.

<sup>80</sup> Ibid, 96, 159-176.

## **Conclusion**

In the early twentieth century, female juvenile delinquents were placed in reform institutions through the juvenile court. In Marymount, girls were given religious and moral retraining in a Catholic setting under the Sisters of the Good Shepherd, and were taught domestic science to prepare them for their feminine roles in society. Contested definitions of delinquency and morality often created tensions between the girls and the sisters. Many girls resisted socialization that reinforced domesticity and femininity while the sisters believed that proper resocialization would prepare the girls for their future domestic lives. Though often passive, girls' resistance ultimately reveals that attempts at resocialization were never complete.

**Figure 5: Marymound, 373 William Street, 1911**



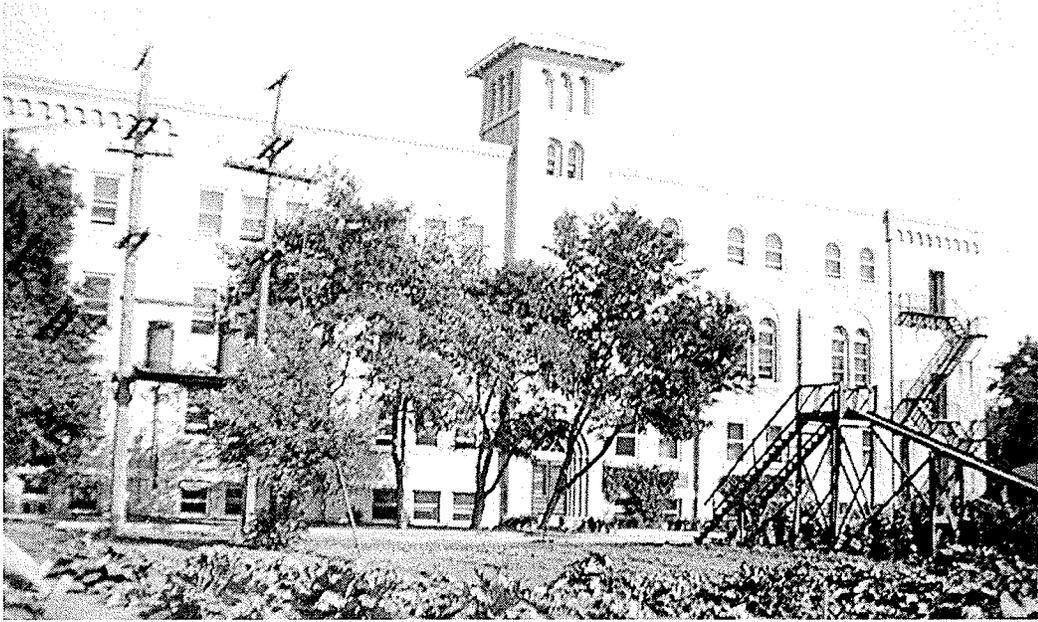
Courtesy of Marymound

Figure 6: Marymound, 442 Scotia Street, circa 1911-1916



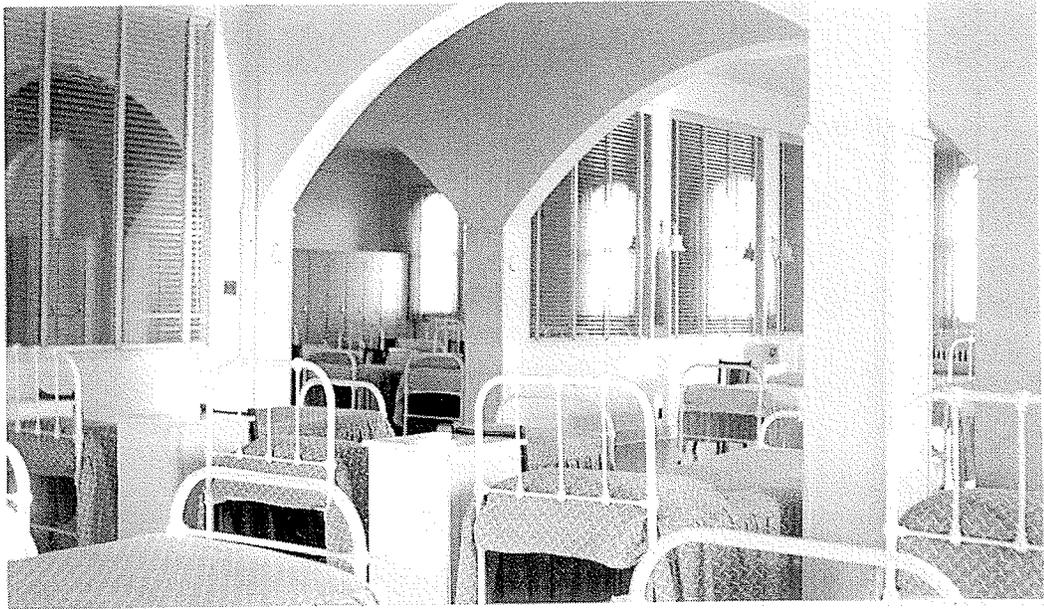
Courtesy of Marymound

**Figure 7: St. Agnes Priory, circa 1935-1945**



Courtesy of Marymount

**Figure 8: St. Agnes Priory Third Floor Dormitory, circa 1935-1945**



Courtesy of Marymount

**Figure 9: St. Agnes Priory Dining Room, circa 1935-1945**



Courtesy of Marymount

## Conclusion

Winnipeg is a city of contradictions. It became the gateway to the west following a period of immense economic and industrial development between 1880 and 1900 and at the turn of the century it was well known as a hub of western wickedness where excessive alcohol consumption and prostitution thrived. Significant growth between 1900 and 1913 made it a metropolis characterized by rapid industrialization and a substantial migrant and immigrant population. It was a point of entry for immigrants who arrived largely from Eastern Europe to find a city rife with class and ethnic hostility. Ethnic conflict had peaked in 1890 with the Manitoba Schools Question and class conflict culminated in the 1919 Winnipeg General Strike. Out of these and other struggles sprung a wealth of progressive political thought and rapid social change for the prairie city. The late nineteenth-century juvenile justice movement resulted in the implementation of the federal Juvenile Delinquents Act in 1908 and the subsequent enactment of child protection laws at Manitoba's provincial and municipal level. The creation of the juvenile court and reform schools assumes a gentler incarceration experience but these institutions served to perpetuate the class, gender and ethnic divisions in the city.

Historians have documented the response to juvenile delinquency during the first decades of the twentieth century. The new laws approached the problem of youth crime from a social welfare perspective that focused on the rehabilitation of offenders and the protection of children. And as Karen Dubinsky writes, “[p]rotection, especially of the powerless, slid easily into surveillance.”<sup>1</sup> Feminist research has shown how gender conditioned juvenile courts’ responses to delinquency. The laws and their gendered

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<sup>1</sup> Dubinsky, 85.

applications allowed the juvenile justice system and its ancillary agencies to define delinquency in broad terms and let local officials regulate a wide variety of youth behaviours. For girls, this meant their offences were largely sexualized.

The definition of delinquency was dynamic and continually subjected to competing causative discourses. As the definition of delinquency expanded, social workers and medical experts assisted in the categorization of behaviour, fundamentally altering the ways in which regulation was experienced in Winnipeg. Policing truancy became less important as new moral agents entered the scene and greater emphasis was placed on regulating girls' sexuality, and children and youth were increasingly subjected to mental and physical examinations to determine appropriate treatments. A network of institutions worked closely together to regulate youth behaviour through a multidimensional web of surveillance and control. The provincial Office of Neglected Children and the education system offered initial surveillance; the juvenile court and its army of probation officers regulated youth behaviour at the next level; and at the final level, reform institutions attempted to resocialize youth judged delinquent.

Delinquent youth who passed through the juvenile court and were subsequently sentenced to reform institutions were subjected to treatment in sex-specific incarceration facilities. The experience of placement in a reform institution was determined by gender, religious affiliation and, to a large extent, ethnicity. The treatment of juvenile delinquents was divided along religious and gender lines. In Catholic institutions, religious training was a necessary element in the program of reform. Because societal expectations of behaviour were gendered, girls were subjected to moral retraining that boys were not. Inherent in this thesis is a subtle religious tension between the juvenile justice system and

the Catholic Church. There is a need to recognize the contributions of the Catholic Church in Winnipeg's early juvenile justice system and its efforts in the area of female youth reform. More work in these areas of Winnipeg history is needed. The regulation of youth was shaped by an ideology with roots in a notion of protection that reflected and perpetuated the class, ethnic and religious tensions in the city. The overrepresentation of Slavic and Catholic youth in the Winnipeg juvenile justice system was a product of discrimination and played a large role in determining the inmate population of reform institutions such as Marymount. The experiences of minority ethnicities in the juvenile justice system and reform institutions require further study.

The regulation of female adolescents has been the subject of a number of American and Canadian studies, especially during the last two decades. Feminist historians such as Mary Odem, Ruth Alexander, Joan Sangster and Tamara Myers have convincingly argued that reformatories and juvenile courts regulated femininity and sexuality by providing a portrait of the experiences of working-class girls who were regulated on account of their wayward behaviour and incarcerated for sexual offences. That girls' deviance was defined by their sexuality reveals the sexual double standard inherent in the juvenile justice system. It also points to a struggle for female identity: girls' sexuality was converted into maternal nurturance.

This thesis has examined the regulation of girls in Winnipeg. This description makes it sound like a very top-down project and in many ways it was. But power operated in complex ways, as the regulators and the girls themselves negotiated its meaning and its application. The girls were not passive; they resisted regulation and though this resistance was often subtle and at times difficult to assess, it was there. Their

actions suggest that though they were targets of focused surveillance and control, resistance was still possible.

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