“Suffering from a sense of injustice”: Children’s Activism in Liberal State Formation at the Saint John Boys Industrial Home, 1927-1932

SHARON MYERS*

In 1929, residents of the Boys' Industrial Home in Saint John, New Brunswick, engaged in a series of violent acts to protest the conditions they experienced in the institution and their sense of being unjustly treated. Those actions occurred at a serendipitous moment, as the Home was one among the collection of child welfare institutions under study by the Canadian Council on Child Welfare and its various agents. The Council was engaged in the project of liberal state formation and sought to extend across Canada similar standards for, and governance of, child welfare. While its project largely failed in New Brunswick, some transitions did occur at the Industrial Home, owing in part to the activism of the boys themselves.


POORHOUSE TOMMY was the son of an idle and intemperate father who had been arrested several times for drunkenness and beating Tom’s mother. The father deserted his family in 1920, leaving Tom’s mother unable to provide for her son and four daughters. By 1926, Tom’s mother was in the local almshouse with some

* Sharon Myers is Assistant Professor in the Department of History at the University of Prince Edward Island. Parts of this research were supported by the Social Sciences and Humanities Research Council, whose support the author gratefully acknowledges.
of the children, but Tom appears to have been entirely homeless. In the summer of that year, 11-years-old Poorhouse Tommy found himself sentenced to the Boys’ Industrial Home at Saint John for a period not to exceed five years. Tom had been found guilty of “being a neglected child under New Brunswick’s Children’s Protection Act.”

To the class of modern, professionalized child welfare workers that emerged in the 1920s, the placement of an abandoned or neglected child like Tom into what was, for all intents and purposes, a juvenile jail was deeply problematic. Adoption or foster placements were the desired interventions for such children, and failing those, placement in an orphanage or children’s home was prescribed. Admittedly, some abandoned or neglected children in New Brunswick did receive the more desired interventions, but many others, seemingly at random, were deposited into one of an array of institutions, placed at a fresh air camp or hospital, given food or clothing aid by churches and volunteer organizations, or received no support at all. And some, like Tom, were cast as criminals simply in consequence of their own misfortune.

Such random practices and inconsistencies in standards became the subject of intense scrutiny in New Brunswick in the late 1920s. In 1927, Charlotte Whitton and a newly emerging class of child welfare officials went to New Brunswick under the auspices of the Canadian Council on Child Welfare (CCWH or the Council), the organization that Whitton then directed. Under Whitton’s leadership, the Council eventually became the most important general child welfare organization in the country, leaving its footprints in all provinces by way of social surveys, commissioned studies, lectures, and reams of correspondence. Within its broad mandate, the Council pursued two tangible goals: the professionalization of social welfare staff and the deinstitutionalization of children—moving children out of social welfare institutions and into fostering arrangements. Upon these rested another layer of goals. Whitton sought to make the Council an unrivaled national organization, which would speak to Canada and for Canada about issues of child welfare. To facilitate this, in the course of survey activities Whitton ousted local child welfare workers and placed hand-picked, professionalized, and Council-

1 “Poorhouse Tommy” is the pseudonym given for case no. 454 in the Boys’ Industrial School History Book for 1929 and the nickname given to him by other boys at the Home. Provincial Archives of New Brunswick (hereafter PANB), New Brunswick Boys’ Industrial School (hereafter NBBIS), RS 460-A-1-B, 1929, Boys Industrial School (hereafter BIS), History Book, 1929, case no. 454, p. 87. Under restrictions placed on the Boys’ Industrial Home records by the Young Offender’s Act (latterly the Youth Criminal Justice Act), the New Brunswick Archives Act, and the Office of the Attorney General of New Brunswick, no information that might reasonably identify a boy who was at the school may be presented. Where practical pseudonyms exist in the records, I use them. Access to the records was facilitated through application to the Office of the Attorney General of New Brunswick.

2 It was not unusual for children to be placed in any variety of institutions when families fell on hard times. Generally, however, an industrial school was viewed as an institution of last resort for those innocent of a crime, and placement there usually occurred only after other options had been exhausted. See Susan E. Houston, “The ‘Waifs and Strays’ of a Late Victorian City: Juvenile Delinquents in Toronto,” in Joy Parr, ed., Childhood and Family in Canadian History (Toronto: McClelland and Stewart, 1987), p. 140; and Diane L. Matters, “The Boys’ Industrial School: Education for Juvenile Offenders,” in J. D. Wilson and D. C. Jones, eds., Schooling and Society in Twentieth Century British Columbia (Calgary: Detselig Enterprises, 1980), p. 60.
sympathetic personnel in social welfare organizations throughout the country, thereby stretching the influence of the Council across Canada. Whitton’s ultimate goal was to use these agents to help establish uniform standards of child and family welfare legislation and practice methods throughout the country, pressing away regional and local differentiation. This, argue her biographers Rooke and Schnell, Whitton was actually able to do, as “a uniformity of standards and transformation of practices can be discerned at a national level.”

It was that collection of goals that guided the Council’s endeavors in New Brunswick. To Charlotte Whitton and her colleagues, the inconsistent responses to cases of vulnerable children like Tom were simply axiomatic reflections of a disorganized, inconsistent, inefficient, and problematic child welfare system in the province. Despite the existence of a new provincial Children’s Protection Act (1927), its operation was largely fictive in most regions of the province, leaving many children in need of extrafamilial care falling back upon customary poor law mechanisms and the random roll of chance in shaping which, if any, safety net might catch them. Not only did the Council seek to erase the uneven and random treatment of children within New Brunswick, but also to bring the province in line with national standards, techniques, and apparata of a coherent child welfare system. Ultimately, Whitton and the Council sought to deliver a perceived Canadian standard of modern childhood in New Brunswick through modernized state mechanisms: a revised Children’s Protection Act and the appointment of a Superintendent of Child Welfare.

In order to elicit support for such new-fashioned reforms, the Council conducted a social welfare survey of the province’s children, carried out in large measure by New-Brunswick-born social worker Elizabeth King, and issued a public report based on the survey’s findings. Throughout the course of the survey investigation, the Council concurrently attempted to restaff child-housing

---


5 Elizabeth King received an AB and an AM from Acadia University in 1905 and 1907 respectively, took an American Red Cross summer course in social work in 1918, and a course in the behavioural problems of children at the New School for Social Research in 1928. She moved from a secretarial position at the Ottawa Welfare Bureau, advanced to become an investigator for the Ontario Mother’s Allowance Commission, and then became senior investigator for the commission. She moved from Ottawa to New York City where she was a visitor for the Family Welfare Society of Queens and the Brooklyn Bureau of Charities. It was likely there she received an intensive apprenticeship in modern social work or case work practice. The timing of her summer course at the New School suggests King moved directly from New York to New Brunswick. See Library and Archives of Canada (hereafter LAC), Canadian Council on
institutions and child welfare agencies, replacing the largely volunteer and informally trained local welfare labour force with professionally trained social workers. In the published survey report and throughout its campaign in New Brunswick, the Council did not restrict itself to statements on the condition of the province’s children, but instead advocated for changes to provincial legislation, especially to the Children’s Protection Act.6

Such efforts to standardize child welfare practice within New Brunswick and to bring the province in line with emerging Canadian norms were exercises in state formation. When state forms were sufficiently mature, they came to define and regulate a larger collection of people, what Marx called the “illusory community.” This community was, of course, the nation: the “imagined political community,” as Benedict Anderson called it, or the “fictive community in which we are all citizens,” as Phillip Corrigan and Derek Sayer have put it. The nation, the latter argue, was in many ways a territory of the mind with no essential form; it was a device, a collection of ideas that the state defined and regulated, typically reflecting the interests of the bourgeoisie.7 To assert those definitions and regulations, to make a nation, was to engage in what the Canadian historian Frank Underhill some seventy years ago called the “‘moral struggle’ over the fundamental principles on which society should be based.”8 Almost two decades ago, Ian McKay similarly posited that “‘Canada’ should … denote a historically specific project of rule” (characterized as liberalism) wherein those moral struggles were (and are) dynamic and alive. Furthermore, McKay encouraged historians to “study those at the core of this project who articulated its values, and those ‘insiders’ or ‘outsiders’ who resisted and, to some extent at least, reshaped it.” He invited historians to “imagine a way of doing history that locates the ‘problem of Canada’ within the history of power relations.”9 The New Brunswick Child Welfare Survey can be located within this intellectual agenda, as can the more particular events surrounding the Boys’ Industrial Home, in which Poorhouse Tommy played a part. The survey was a highly politicized process concerning the presentation of moral values about modern childhood, part of the process of state formation where the state sought to extend national standards concerning child welfare and to deny particularity, including provincial deviation from the emerging norms. As Stein Rokkan has argued, in “the conflict between the central nation-building culture and the increasing resistance of the ethnically, linguistically, or

6 For the CCWH’s use of social surveys, see, for instance, Ken Moffatt, A Poetics of Social Work: Personal Agency and Social Transformation in Canada, 1920-1939 (Toronto: University of Toronto Press, 2001), chap. 5.
8 First published in 1946, see Frank Underhill, “Some Reflections on the Liberal Tradition in Canada,” in Ramsay Cook et al., eds., Approaches to Canadian History (Toronto: University of Toronto Press, 1979), p. 29.
religiously distinct *subject populations* in the provinces and the peripheries ... the fundamental issue was one of morals, of the control of community norms.” This struggle, he continues, showed itself in, among other things, “the organization of charities,” including charitable organizations and institutions directed at child and family welfare.  

To understand the contest between the state, as embodied in this study by the Canadian Council on Child Welfare, and New Brunswickers in this process of state-formation, to attend to the language, politics, and strategies employed in that project is, as Joy Parr has more generally suggested, “a way to understand how power works.”

I seek to provide a case study of liberal state formation in action, paying particular attention to the historical actors, children among them, who advanced agendas, to those who resisted or sought to reshape them, and the context that enveloped them. This essay proceeds by examining generally the ways in which the Council addressed the “problem” of New Brunswick’s child welfare institutions in both the survey and the resultant report and then turns its attention to a more detailed examination of the Council’s engagement with the Boys’ Industrial Home as a particular project of liberal state formation. As part of the survey investigation, Whitton, King, and others examined the condition of children’s institutions in New Brunswick. What they found seldom met the standards of intervention, comfort, and care they held up to be acceptable and in keeping with modern national standards. Nowhere was this more the case than at the Boy’s Industrial Home, the major male juvenile detention centre in the province, and home to Poorhouse Tommy. Like other institutions, the Industrial Home was the subject of investigation by the Council, but at a particularly serendipitous moment in the Home’s history. The boys there were in revolt against the conditions in the institution and the consequences of the legal and policy provisions that put them there. The subject of a second investigation organized by Whitton but carried out by Harry Atkinson, Chairman of the Delinquency Section of the Council, the

---


11 As a nongovernmental organization, we would more conventionally understand the Council to be formally part of civil society—that collection of buffers in between the family and the state. Yet, in significant ways the Council donned the robes of state. There had been a proposal for a single government body that handled both health and welfare concerns, similar to the U.S. Children’s Bureau, but the Canadian government opted to take only health under its formal mantle, establishing the Child Welfare Division within the Department of Health in 1920. However, the government actively promoted the formation of the Council, which it envisioned would take up all nonmedical issues related to child welfare, and offered sizeable yearly grants to the Council. And from 1934 to 1938, the Council served as the Maternal and Child Welfare Division within the Department of Health. Moreover, as the legal historian Margaret McCallum has suggested, the Council (and other non-governmental agencies) regularly used the apparatus of state to assert themselves, and here Whitton’s focus on revising laws linked the Council firmly to the orbit of the state. See Margaret McCallum, “Canadian Legal History in the Late 1990s: A Field in Search of Fences?” *Acadiensis*, vol. 27, no. 2 (Spring 1998), p. 158. For the founding of the CCCW, see R. L. Schnell, “‘A Children’s Bureau for Canada’: The Origins of the Canadian Council on Child Welfare, 1913-1921,” in A. Moscovitch and J. Albert, eds., *The ‘Benevolent’ State: The Growth of Welfare in Canada* (Toronto: Garamond Press, 1987) pp. 95-110.

Industrial Home was one of the few child-centred institutions to actually undergo extensive reform as a result of the Council’s efforts in New Brunswick, and, indeed, as a result of the children’s own activism. It was there, owing to matches lit by Poorhouse Tommy and his rebellious young comrades, that the project of modernizing the child welfare system found the most success in 1920s New Brunswick, and where we can count among the influential actors some children, who are less often seen as political agents of meaningful consequence in the project of liberal state formation.\textsuperscript{13}

### Appeasing New Brunswick’s Child Welfare Institutions

The social survey became the Council’s most common tactic for spreading its influence throughout Canada. Over time, provincial, sometimes municipal, surveys of child welfare typically resulted in highly publicized and often scandalous “survey reports” that indicted existent child and family welfare services and institutions and, ultimately, social welfare legislation. The Council’s favored legislative target was the Children’s Protection Act, the mechanism that defined the nature and delivery of child welfare services in a given province. A survey report would then recommend a series of institutional and statutory reforms, including suggested text for revisions to the Children’s Protection Act. Whitton was anxious to standardize Children’s Protection Acts across Canada and to use them to move dependent children away from institutional care toward family-based foster care.

In support of that agenda, the Council created or reorganized Children’s Aid Societies, Family Welfare Bureaus, and Community Chests, putting in place the scientific principles of modern social work, specifically the casework approach. Part of this process consisted of ridding the agencies of volunteer and untrained staff, and so the survey activity usually contained a sharp critique of the skills and training of those who occupied managerial positions within agencies. Having convinced board members and officials that such uncredentialed staff needed to be replaced by professional staff, the Council secured its position by arranging for those replacements.\textsuperscript{14}

The Council exercised that approach in its 1927 survey of New Brunswick, which was the first significant social welfare survey conducted by the Council and established the methodology and tactics it would use for surveys to come. According to the New Brunswick survey \textit{Report}, some 900 children lived in institutions. The Boys’ Industrial Home, almshouses and municipal homes, Children’s Aid Society shelters, various Roman Catholic boarding schools, academies, refuges, reformatories, and orphanages: each was a home for some number of children.

\textsuperscript{13} On the necessity of approaching the issue of children’s agency with careful thought, see Mona Gleason, “Avoiding the Agency Trap: Caveats for Historians of Children, Youth and Education,” \textit{History of Education}, vol. 45, no. 4 (2016), pp. 446-459.

Whitton and King’s key criticism concerning these institutions was only partly about the role of chance in randomly directing those 900 children to various institutions, but also about the presence of that many children in institutions at all. “As repeatedly pointed out in the Survey,” they wrote:

institutional care is practically the only solution offered in New Brunswick today for the child requiring care and protection. The institutions have not been able to build up their own admission and demission services, and in the absence of a Provincial Superintendent [of Child Protection] and the consequent slight development of children’s aid services, these facilities have not been otherwise provided.15

Their criticism here was directed against the failure to adopt fostering and out-placement arrangements in lieu of institutional care. “It is the opinion of this Survey,” wrote Whitton and King, “that the counties of New Brunswick, through the creation of Children’s Aid Societies ... and the co-operation of public and private philanthropy, can provide finer, fuller, safer, and richer opportunities for normal childhood and wholesome growth for all the little children of the Province who must be removed from their own homes.”16 The two were convinced that an organized children’s aid apparatus, under the direction of a Superintendent of Child Welfare appointed under a revised Children’s Protection Act, promised to rescue children from the problematic world of institutional care.

While Whitton and King decried the placement of children in institutions, they nevertheless concluded that such common practice in New Brunswick meant that institutions required careful attention. The physical plant, the personnel, and the programming of each institution therefore fell under their sharp scrutiny. In the published survey Report, Whitton and King crafted a general section criticizing the institutional care of children, which drew heavily from an earlier report concerning British Columbia, authored by Robert Mills, Director of Toronto’s Children’s Aid Society. Additionally, they presented a section that reported on each institution, or collection of them in the case of almshouses.

The published criticisms of the institutions were in keeping with concerns and trends of the times. By the 1920s, institutionalization was thought undesirable; indeed, that belief had long been in circulation. But the gathering of different “types” in the same institution was a matter of even greater concern as the environmentalist interpretation of child behavior advanced. Lack of segregation—from adults, the physically or mentally ill, and the incorrigible or “feeble-minded,” as then termed—threatened to construct an environment in which a relatively “normal” child was placed in danger of contracting any number of undesirable characteristics or behaviours, they argued.17 Thus, in the general section on

almshouses, Whitton and King lamented that “the children share the life of the adults, aged, and infirm, who are in the almshouse, eating in the same rooms and sharing the same sleeping and toilet accommodation.... Children and infants were found all in the same home, separated only by the one broad classification of sex.”

In keeping with the emerging twentieth-century environmentalists’ emphases, an institution’s physical plant and its programming were thought to foster the development and improvement of the child’s present condition and its future. Here, for instance, Providence St. Joseph at Shediac was taken to task for its “inadequacy in the bathroom facilities” and in fire fighting apparatuses. And although the Wiggins Orphanage was praised for its physical assets—it overlooked a lake suited for skating, had finely appointed grand rooms, and personnel could relocate to a farm from spring until autumn—in its programming, the institution was found inadequate. The boys were held in care until age 17 and neither readied for nor encouraged to return to family members before that time. The survey described the orphanage as “self-contained.” While the boys received education, participated in leisure activities, and worked on the farm—the key principles of good programming at that time—that they did so entirely in each others’ company, isolated from the larger community, was considered problematic.

Most institutions received a jab or poke in the published survey report, but these were often softened nudges. The portrayals of many institutions had been adapted and rearranged as the survey went through the review process. Among others, municipal officials associated with almshouses, the Board of Governors of the Wiggins Orphan’s Home, the Secretary of the Protestant Orphan’s Home, and most especially the leaderships associated with the Saint John Children’s Aid Society and the Boys’ Industrial Home resisted the original reports on their institutions. In the early drafts, Whitton and King were direct and assertive in their criticisms of the institutions, particularly around issues of programming and physical environments. But as the process leading to the publication of the Report proceeded, Whitton recognized the political danger that would arise should she encounter resistance from the leadership of New Brunswick’s child welfare institutions. If Whitton was to win support for the appointment of a Superintendent of Child Welfare and a revamped Children’s Protection Act, she needed the support of institutional leaders, who were often politically well-placed and powerful. While Whitton circulated the early drafts of the institutional reports to board members and officials, she noted that she considered them “entirely preliminary” and was willing to make any revisions that could be made without compromising the Council’s principles. This, she stated, she saw as a matter of

---

Whitton’s calculated strategy serves to remind us that, on a more immediate scale, the project of liberal state formation involved not only the presentation of values and the creation of state and non-state forms to advance those, but also interpersonal negotiations by historical actors who weighed and measured the more effective ways to advance their agendas.

The decision to accommodate wide review and what amounted to approval-seeking for the institutional reports produced numerous results. For Whitton, the results included a constant stream of diplomatic wrangling she needed to finesse, but also frustration as, for instance, the section on the Saint John CAS was rewritten for at least a third time. The result for King was frustration too, as the process leading to the survey’s publication slowed down, as tempers in Saint John flared, and as her time on the New Brunswick assignment stretched on. The result for local institutional leadership was fear, as prominent individuals now viewed themselves at risk of public embarrassment and condemnation. Among them were A. M. Belding, publisher of the Saint John Telegraph and President of the Saint John CAS, and the Venerable Archdeacon H. A. Cody, best-selling author of some 25 boys’ adventure novels and Chairman of the Wiggins Orphanage Board.

Another result of this review process, perhaps the most politically suave one, was the emergence of what can be termed a series of shadow reports. As Whitton and King revised and recast institutional reports, softening the sharp edges of their criticism in order to advance their agenda, they retained the condemnatory sections of the original institutional reports. These “confidential” or “private” reports are only referenced in the published survey Report and did not become part of the public record, but they are retained intact in the unpublished historical record.

Of these various shadow reports, arguably the most important concerns the Boys’ Industrial Home. The Boys’ Industrial Home was opened as a reformatory institution for juvenile males in 1893. Located in East Saint John, the Home occupied property leased from the federal government. The outbuildings included a granite farm building, which had been the Saint John Penitentiary for adult offenders, and several smaller agricultural buildings. A three-story brick building housed the main living quarters, which included a classroom, several dormitories,
a dining room, kitchens, a library, and some workrooms for both the boys and the staff. A punishment cell and cold-water washroom were located in the basement.27

The Industrial Home existed under a provincial act of operation, so the financial foundations of the Home were largely public in nature. Municipalities were required to pay $200 towards the maintenance of each boy it sent to the Home but were empowered to recover those costs from parents, if possible. Any money gathered from the sale of farm products or woodwork, animal stock, or berry-boxes that the boys crafted was added to the maintenance fund, and the province contributed the balance. In this regard, the Home was relatively unique in that few of the province’s child welfare institutions drew directly from the provincial public purse.28 And municipalities used this financial arrangement to their advantage, “shov[ing] off their neglected children and even simple dependency cases into the delinquency institutions,” Whitton reported to the framers of the 1908 Juvenile Delinquents Act. “In that way,” she concluded, “they get the Province to pay half, whereas the dependent child must be carried entirely by the municipality.”29

It was that direct connection to the provincial level of government that helped to facilitate not one but two shadow reports on the Industrial Home. Whitton and King authored the first. Then, after a series of violent events at the Home, the premier and attorney general of the day, J. B. M. Baxter, commissioned the second study. Baxter tasked Harry Atkinson, Chairman of the Delinquency Section of the Council, to conduct the second upon Whitton’s recommendation. While the reports are interesting for what they tell us about institutional life in interwar New Brunswick, they also reflect the broader workings of the child welfare system in New Brunswick. Significantly, the reports convey a rich sense of what happened to some youngsters amidst the inconsistent response that was the child welfare “system” in the province.

The reports are significant in another way too. In discussions of state formation, normalization and moral regulation, children seldom appear as agents of their own lives or as actors on the stage of historical change. Rather, they have often appeared as passive, depoliticized victims, who opened their bodies to medical inspectors, arrived at school where they were shaped and moulded, or were regulated by laws that cast them as deviant or problematic. In this regard, they appeared as the easy objects of liberal state formation. While their families may have resisted such impositions and manipulated the welfare machinery in order to protect their children or themselves, less often have we seen children doing so, particularly children who were institutionalized.30 Admittedly, and very happily so,

28 In the late 1920s, expenses averaged $20,000 annually, of which $9,500 was paid by municipalities, and $2,000 was earned from the sale of the institution’s products. The province contributed the remaining $8,500. CCCW, “Confidential Report,” p. 1; and CCCW, Report of the Survey, p. 174.
30 Xiaobei Chen Tending the Gardens of Citizenship: Child Saving in Toronto, 1880s-1920s (Toronto: University of Toronto Press, 2005), p. 80; Franca Iacovetta, “Parents, Daughters, and Family Court Intrusions into Working-Class Family Life,” in Franca Iacovetta and Wendy Mitchinson, eds., On the Case: Explorations in Social History (Toronto: University of Toronto Press, 1998), p. 313; Sara Posen,
there are now important exceptions to that criticism. Canadian historical studies have presented children as active agents and instigators, capable of managing and manipulating their history.\textsuperscript{31} It is by concentrating on the activism of children that we might place them in their rightful position in history. And the rightful position of children in history is, in good measure, within the history of power relations. Subject to tremendous and multifaceted state intervention and definition, the boys of the Saint John Industrial Home were not simply passive recipients of a historical package delivered to them. Instead, they were active participants in what they helped to make into a transitional moment in their institution’s history, and thus active agents in the process of state formation.

**Boys’ Home Conditions and Children’s Activism**

Soon after his arrival at the Boys’ Industrial Home in 1926, Poorhouse Tommy developed a reputation as a troublemaker; later, he developed a skill for setting fires.\textsuperscript{32} It was his and other boys’ fire-setting that came to symbolize a revolutionary moment in the history of the Saint John Industrial Home; for in 1929, the boys there were engaged in revolt.\textsuperscript{33} In mid-March, threats of violence toward staff members surfaced after the night guard, whose very appointment Whittom had advocated in her shadow report, was assigned to the upper sleeping quarters. On March 21, some boys burned the piggery building to the ground. The instigator was later identified as a boy whom the superintendent himself referred to as Evil Genius.\textsuperscript{34} The following night, the 17-years-old Evil Genius put into action a coordinated effort to set fire to the main building from five separate points simultaneously. Poorhouse Tommy set one of the five fires, all of which were extinguished.\textsuperscript{35} In early April, at the instigation of another boy, Tommy set fire to the hayloft, which threatened the main barn. That fire was also extinguished.\textsuperscript{36} A later plan to bomb the buildings with dynamite was uncovered by the administration of the Home


\textsuperscript{34} “Evil Genius is the pseudonym given for case no. 483, but he is actually referred to as “evil genius” by both Parker and Atkinson. PANB, NBBIS, RS 460-A-1-B, 1929, BIS, History Book, 1929, case no. 483, p. 120.

\textsuperscript{35} BIS, History Book, 1929, case no. 454, p. 87.
before it was acted out. The institution’s annual report for 1929 also hinted that there was an unusually high number of attempted escapes during the year. Two friends were especially persistent in their escape attempts. On February 12, one boy escaped but was located and returned. The next night, he and his friend escaped from the third floor, climbing down a rope fashioned from blankets and sheets. In the course of the escape attempt, one injured his back, the other his foot. Retrieved but still handcuffed, the first boy managed to locate a tack hammer and break free, only to be apprehended again. A week and a half later, the second boy made his escape while attending Sunday School. Spotted in Campbellton some time later, he was finally apprehended in Moncton, returned to the Home, and placed in a detention room “fitted up” especially for him.

According to the annual report of the Superintendent of the Industrial Home, A. J. Parker, the older boys had formed an “organized opposition” under the leadership of the Evil Genius. That boy rallied the support of two teenage boys who had been acting as monitors for the administration. This nexus of illicit power was located in the upper dormitory, where the younger boys had been “coerced into silence.” Echoing the contemporary concern about gangs—organized, illicit, powerful groups of boys prone to property destruction, vandalism, and theft—Parker blamed this group for the threats of violence, the fires, and for encouraging escapes. But while the Evil Genius may have been the mastermind, Parker acknowledged that it was not he who actually set the fires. The annual report does not explain why the young man was so incensed against the school. The only statement Parker made that offers us any clue is that the Evil Genius had suggested to others the more trouble he made, the more immediate his removal from the institution. But there is certainly more to this story than one vengeful boy with the charisma or power to have others do his bidding.

The boys’ revolt occurred against a backdrop of heightened anxiety about youth. Health, education, family life: each of these represented an area of concern and attention as Canadians attempted to mould their postwar generation. But in the 1920s, obstreperous children who appeared to plug their ears and stomp their feet in opposition to the regulatory reach of the state became the subject of intense scrutiny and interest. These were juvenile delinquents, in the terminology of the day, and they were Canadians’ anxieties made manifest. Unpredictable, threatening, resistant, intractable, unstable: these were not the traits of youth thought worthy of celebration. In the 1920s, such anxieties were compounded

---

37 BIS, History Book, 1929, case no. 483, p. 120.
41 BIS, Annual Report, 1929, pp. 9-10.
by a growing sense of social instability as the adult generations worried aloud about fundamental changes in social values, morals, and behaviours. W. L. Scott, a key framer of the Juvenile Delinquent’s Act, highlighted such concerns when he wrote:

the breaking-down of traditional codes of conduct and morality is symptomatic of the general crumbling in a rapid industrial-urbanization, of the whole behaviour code. The amazing thing about the numbers of children, or of adolescents rather, out of adjustment with our long accepted standards of conduct and morality, is not their apparent increase, but that that increase is not greater than it is, at a time when society itself is apparently in a transition stage. To what standards shall youth adjust itself, when even the rocks of time seem slipping in sands beneath our feet?42

According to Michael Boudreau’s study of one Maritime city, this anxiety produced something of a panic as Haligonians fretted over the growing juvenile crime wave and the eruption of rampant hooliganism and gangsterism.43 Such crime waves may have been mythical,44 but such hand-wringing over an imaginary one does remind us of the search for stability and security many Canadians sought and of the sense of dislocation in the period after the war.

Whether they broke laws or not, children who thumbed their noses at authority in any multitude of ways found themselves confronted by agents and authorities of the state designed to correct, reform, and readjust them. In law, such attention to juvenile offenders was not new in the 1920s. The Youthful Offenders Act of 1894 was the first federal legislation designed to address problematic youth exclusively, though the issue of juvenile offenders had been addressed in colonial law as early as 1857. The Criminal Code of 1892 included youth, and the legislation of various provinces addressed children through devices such as Industrial Schools Acts.45 But the Juvenile Delinquent’s Act (JDA) of 1908 signaled the modernization of Canada’s approach to problematic youth. In essence, the JDA adopted the thesis of the environmentalists. Juvenile delinquents were made, not born the argument went. If offenders’ contexts were adjusted and their behaviors revised, then such children could be set on the path to good citizenship. Reclamation, not punishment, was the task at hand.46 But New Brunswick had not adopted the provisions of the

44 D. Owen Carrigan has suggested that after the turn of the twentieth century in Canada, juvenile crime became more common and the seriousness of those crimes increased. In light of this, conviction rates increased as did police patrols, but Carrigan maintains this was a response to the fact children were more dangerous. Susan Houston suggests there is little sense in comparing rates of juvenile crime or delinquency over time, because understandings of what constituted juvenile delinquency changed so markedly over time and in context. D. Owen Carrigan, Crime and Punishment: A History (Toronto: McClelland and Stewart, 1991), p. 219; and Houston, “The Waifs and Strays,” pp. 131-132.
46 On the readjustment of juvenile offenders, see Dorothy Chunn, From Punishment to Doing Good: Family Courts and Socialized Justice in Ontario (Toronto: University of Toronto Press, 1992); and Jacques Donzelot, The Policing of Families (New York: Pantheon, 1979). On the influence of environmentalism,
JDA anywhere in the province. Ultimately, this failure would be pointed to as the root cause of the boys’ revolt.

Even before the fires, The Boys’ Industrial Home had received harsh criticism in the Council’s shadow report. The section of the review that Whitton held back from publication was entitled “The Home Plant,” and it comprised four typewritten pages of indictment. More than a mere description of the buildings and their state of disrepair, this section was a stinging commentary on the living conditions of the boys in the Home.

Three themes emerged from the review: the lack of adequate physical facilities, the lack of adequate programming, and the threat of what was referred to as “moral danger,” a trilogy of themes crafted to position the institution and the boys in it as deficient and retrograde. According to the report, written mostly by King and reworked by Whitton, the three-story main building was “seriously overcrowded.” The classroom was likewise overcrowded, and the dormitory adjacent to it was “bleak and desolate looking.” The fact that the boys had to undress downstairs before going up to bed was a matter of concern to the Council. With 24 beds in what had been a classroom, there was no place in the room for the boys to store their clothing. The dining room, located on the main floor, was “bare and unattractive,” and although food was abundant, the survey crew thought it neither appetizing nor approached with proper etiquette. The washroom and locker room, which doubled as a playroom, was cold, serviced only with cold water, and lacked any of the recreational equipment that the Council thought ought to have been present in a playroom. The Home’s library housed over 300 books, which the survey crew approved of, but there was no reading room in the institution. “The whole House,” wrote King and Whitton, “is disorderly, untidy, and not overly clean. The beds were in particularly poor state. The arrangements for clothing, for washing, for the observance of the essentials of minimum [sic] cleanliness and tidiness, did not seem to be definite.”

If the potential reformation of the boys was thwarted by the physical constraints of the Home, according to the Council it was similarly derailed by the lack of appropriate programming. Recreation was part of the program for producing healthy, well-adjusted children in the late nineteenth and early twentieth centuries. And manly recreation was thought particularly important in developing the character of boys. Indeed, some thought that the values of sportsmanship and athletic discipline were a requisite part of the programme of juvenile reform.

---

49 CCCW, “Confidential Report,” p. 6. On the pattern of condemning the physical environment of institutions, see Matters, “The Boys’ Industrial School,” pp. 56 and 64-65; and Sutherland, Children in English-Canadian Society, p. 139.
The Council noted the institution’s practice of outdoor sport but condemned the lack of indoor game equipment for use in wintertime and the lack of space to play. The institution had apparently abdicated the prescribed responsibility for the “stimulation of the boys to virile active interests,” and the report charged that “there seemed little constructive recreation, though it would likely be easy to obtain assistance in this, without any difficulty by calling on the community resources available.”

While sport and recreation were perceived to be necessary to a boy’s reformation, so too was rigorous labour instruction. The provision of industrial training for the boys received mixed reviews. No sustained, professionally organized industrial training programme existed at the School, nor would it for some time. King and Whitton noted the domestic work of young boys in the kitchen and of younger and older boys in the construction of berry boxes and crates. But the equipment for their construction was lacking, they thought, as was the volume of work. Much-needed carpentry, painting, and repair work throughout the Home held the promise of useful activity, but there was too little of it in practice to provide any thorough training for the boys. The agricultural industry of the school did earn diluted praise from the survey. “There seemed to be considerable interest and instruction in the agricultural work of the Home, and things seemed more ‘ship shape’ in this department than elsewhere,” they noted unenthusiastically.

In the end, the Industrial Home’s programming stood charged of failing to create sporting, industrious boys, and it also stood charged of failing to provide appropriate rehabilitative services and instruction in order to reform “delinquents.” Those charges ranged from the middle-class sanction against rough manners to the failure of the institution to grapple with its mission to reform the character of the boys. They went on to castigate the institution for not developing parole and probationary services. According to Whitton and King, if the purpose of the Home was to create reformed, modern youngsters, it had failed. The institution was little more than a grown-up prison for little boys who needed reform, not simply incarceration. In a clear embrace of the modern approach to child psychology, King and Whitton castigated the Home further for failing to develop a case study or psychological profile of each boy, which might be used to better direct his reformation:

The whole purpose of the commitment of the delinquent to the care of an Industrial Home is the substitution of training and development of his moral and material well-being, as opposed to straight penal incarceration. If this is to be successfully accomplished, the boy must be thoroughly studied, there must be a fairly complete picture of the situation and circumstances, which have sent him into clash with the community and brought him to the Court and institution. There must be individual study, the discovery and development of his interests, and inclinations; careful

judgment of his personality, and its hidden wells; and above all, the contact of a constructive and energizing personality, if the boy is to benefit by the period of time in which the community has withdrawn him from its ordinary life for this very purpose. The community’s job is not finished until the young offender is again safely established in the normal life of his own kind, in his own community group. This is the ideal which the Boys’ Home should strive to attain.55

While this might have been the modern ideal prescribed for the institution, clearly, in the opinion of Whitton and King, the Home had failed to achieve it. While alleging that the institution failed the tests concerning worthy physical plants and appropriate programming, most scandalous to King and Whitton was the placement of boys in perceived “moral danger.” That the upper dorm was distant from supervision was of great concern. On the second floor, another dorm accommodated 36 boys, and the Council again pointed with concern to the lack of night supervision. “The moral dangers of the dormitory arrangements,” the authors stated, “and the lack of night supervision, struck the Survey as presenting serious problems that did not seem to be fully realized.”56 Of the various solutions the Council proposed, the appointment of a night guard was the only one that was acted upon quickly.57

What other solutions did the Council propose in order to remedy the situation at the Industrial Home? They offered only four others. In keeping with the modern desire to “distinguish the lines of treatment” for different categories of children, the Council recommended the amendment of the Children’s Protection Act to restrict and supersede sections of the Boys’ Industrial Home Act so that the only boys placed in the Home would be delinquents, clearly charged and convicted as such before the courts. Neglected or abandoned children, like Poorhouse Tommy, would be dealt with through other mechanisms. Whitton provided model language for the amendments that received the support of the premier, J. B. M. Baxter who was also Attorney General and thus under whose purview the Home fell. Nevertheless, those recommendations were not acted upon for years to come.58 The second recommendation suggested the establishment of a garage on the edge of the property, where the boys could learn both mechanics’ skills and business skills. Such a venture at a Quebec Boys’ School had proven successful.59 But the premier, who favoured the agricultural work of boys, rejected this suggestion, despite his acknowledgement that the Home’s lands were unfit for farming.60 The third suggestion advised the out-placement of the older boys into the community. Experiments in Manitoba had proved that programme successful.61 But any reasonable expectation that such a programme might be invoked in New Brunswick awaited a more coordinated and activist social service system.

58 CCCW, “Confidential Report,” p. 3.
The fourth suggestion was decidedly more cryptic but entirely in keeping with the Council’s emerging approach to professionalization and the extension of its influence. “It is difficult to define the situation,” wrote King and Whitton, “but everything seems ‘let down’ in some way, on which one cannot put one’s finger.... Strong, vigorous control, energy ... seemed lacking.” Here, King and Whitton were echoing their earlier advice that “the contact of a constructive and energizing personality” was necessary to the rehabilitation of juvenile delinquents. It would soon become clear that Whitton was lobbying for the dismissal of the Home’s superintendent, A. J. Parker, and his replacement by a professionalized, Council-sympathetic administrator. The premier was not inclined to take Whitton’s advice on this particular issue, at least not immediately. While noting that his “objection to the place is radical,” Baxter went on to suggest “Parker is rather a good man, but under present conditions his wife is an unfortunate handicap.” He continued:

The trouble is largely Mrs. Parker. She had a stroke which has left her partly a cripple and entirely jealous. She meddles with the boys instead of mothering them. Her suspicion is carried to such a point that, when trying to see a boy alone, I have frequently had her enter the office unannounced and seat herself. She fears the boys says thing about her—and they do when they get a chance!

Instead of acting quickly to replace Parker, the premier advocated a slower approach. Only now was the Board of the Home aware of the problems at the institution, he suggested. And with this knowledge newly in hand, he thought the Board needed time to wrestle with the issues described in the shadow report.

Acts of Protest, the Atkinson Report, and Liberal State Formation
Yet the boys of the Industrial Home were less patient. While undoubtedly unaware of the negotiations and discussions between the premier and Whitton, the boys inserted themselves into that political dialogue through their actions. Just two days after Baxter cautioned Whitton to be patient and avoid “radical action,” the boys set the first fire that destroyed a building and its stock. As the fires and plotting continued over the next few weeks, it became clear that patience was an imprudent approach. Baxter turned to Whitton for advice, while initially avoiding meeting with Parker, who sought to meet with him. Whitton recommended a second investigation that would be more thorough than the one associated with the Survey, but one that would maintain links to the Council and its agenda of professionalization and legislative change in New Brunswick. Harry Atkinson, Director of the Manitoba Industrial Home at Portage la Prairie and Chairman of the Delinquency Section of the Canadian Council on Child Welfare was recommended by Whitton and brought in by Baxter to author the second report.

Atkinson’s report was more detailed and, in some ways, more damning than the Council’s.\(^{65}\)

During his week-long visit to the Home, Atkinson encountered dirty children with untidy clothing. He found most of the boys in the basement, which was strewn with clothing and shoes. The washroom, also strewn with clothing, was filthy, and one of only two toilets in an institution of 60-some boys was out of order. The shower room, where boys bathed nine at a time, twice weekly, in cold water, was of equal disorder. The punishment cell adjacent to the shower room was “in an indescribable state of dirt and disorder.” The dorms were dirty and disheveled, and the beds in a condition that would have, reportedly, caused “repulsion at the thought of having to sleep there.” These conditions were not remedied during Atkinson’s week-long visit, nor were clearly dangerous conditions such as the electrical wires half-ripped from the walls repaired.\(^{66}\) Atkinson expanded on Whitton and King’s theme about the physical constraints of the building, adding gross disrepair to the list of indictments against the Industrial Home.

Atkinson went on to lend further ammunition to the survey crew’s concerns regarding table manners at the Home but expanded upon the condition of the food. The system of serving the food, he suggested, guaranteed only that it would be cold and tasteless. Indeed, several boys whom Atkinson interviewed remarked that they “had never had a hot dinner since they had been in the school.” But a more frequent complaint among the boys was that their daily porridge was wormy and maggoty. When they complained to the superintendent and refused to eat the porridge, he retaliated by refusing the boys butter and, at other times, by restricting them to a bread and water diet. Superintendent Parker admitted this to Atkinson when questioned by him.\(^{67}\)

Atkinson was equally quick to condemn the lack of programming at the Home. While trying to teach the boys group games he found them uncooperative and quick to break rules to win. “This absence of group loyalty,” wrote Atkinson, “and of sustained interest both reveal the need of a constructive programme of activities which will teach the boys the principles of good sportsmanship and citizenship.”\(^{68}\)

Among the most interesting aspects of Atkinson’s report are the notes he included on each of the 41 boys he interviewed, something approximating the case files or individual study Whitton and King had advocated for. It is in those notes that Atkinson meets the issue of the boys’ sexuality, what Whitton and King had termed moral danger, though he curiously makes no editorial comments about it in the report. In those records, an eight-year-old boy, admitted to the Home under the age prescribed by the JDA (age 12), stated that he had “seen boys doing wrong to their bodies.” A 13-year-old added that he thought the eight-year-old ought to be removed, convinced that “he’ll soon learn dirty stuff.”\(^{69}\) One 17-year-old,

---

67 “Atkinson Report,” p. 3.
whom Atkinson labelled “mentally defective” and in need of care at a different
institution, was known to masturbate. Another 17-year-old, labeled “imbecile” and
a “moral menace,” was known to masturbate in front of other boys, and a 16-year-
old, again labeled “imbecile,” was noted for indulging in “self abuse.”

There are also cryptic comments that raise more questions than they answer. Among them
is a boy who stated “they use me” and who Atkinson noted reported “wrong-
doing and a lot of hammering among boys and not enough care given to find out
things.” Another boy reported that there was “no dirty stuff in bedrooms now,”

presumably referring to the period after the appointment of the night guard.

There is no reason to expect the Saint John Home was exceptional in this regard.
In his study, Frank Mort noted puberty signaled “a flashpoint for boys,” prompting
multiple messages emphasizing self-control. In their study of a girls’ reformatory,
Tamara Myers and Joan Sangster noted the existence of “love light” relationships
among the girls, and in his study of juvenile delinquents, Stephen Humphries
concluded “among teenagers mutual masturbation, sodomy and exhibitionist
displays became important features of the dormitory subculture.” Similarly, Brian
Coldrey has suggested “understandably, the young men, faced with exploding
hormones ... resisted the unfamiliar and rationalized sexual mores of official
rhetoric. There was a persistent sexual underworld in the institutions. The boys
sought intimacy and pleasure.... A counter culture of sexual experimentation was
a way of confronting and rejecting staff aspirations.”

But however common such

an institutional culture was, its public disclosure threatened great embarrassment
to the premier, under whose purview the Home fell.

Some of Atkinson’s findings are clearly further kicks at the cans thrown into
play by Whitton and King: the physical deficiencies of the Home, the inadequacy
of programmes, and the sexual behaviour of adolescent boys. Indeed, in several
instances he makes connections between his report and that of the survey. But
Atkinson’s report is especially important in another way; through his interviews,
he was able to uncover the mood of the boys at the Home and from this we can
draw a more nuanced understanding of the circumstances that led the boys to
rebellion. Indeed, we sometimes hear the voices of the boys themselves.

It appears from the interview notes that the instigation of protest by the
17-year-old Evil Genius is, in fact, partially correct. But this interpretation by
Superintendent Parker, that the resistance was the result of one individual, was
but a partial understanding.

What does stand out much more clearly in the case

72 “Atkinson Report,” p. 11. This discrepancy might be because the boy was in a different dorm from the others.
73 Barry Coldrey, “‘The Extreme End of a Spectrum of Violence’: Physical Abuse, Hegemony and Resistance
for Violence at the Victoria Industrial School,” Histoire sociale/Social History, vol. 42, no. 83 (May
2009), p. 148; Humphries, Hooligans or Rebels, p. 219; Frank Mort, Dangerous Sexualities: Medico-
Moral Politics in England Since 1830 (London: Routledge Keegan Paul, 1987), p. 193; and Myers and
Sangster, “Retorts, Runaways and Riots,” p. 678. See also, Terrence Sullivan, Sexual Abuse and the Rights
notes is a general dissatisfaction widely spread among the boys, which caused them, apparently many of them, to embrace acts of resistance and protest. Clearly, escape was a widely practiced form of protest among the boys of the Industrial Home at Saint John. Significantly, escape was a far more common act than the annual reports of the institution suggest. Among the complaints of the boys inclined to escape, especially among the smaller boys, were the regular poundings or hammerings they received from the older boys. In the case notes of seven of the 41 boys he interviewed, Atkinson recorded the violence of older boys directed at younger ones. Of those seven, three reported that they had run away from the Home to avoid the beatings. Complaints about the institution and/or its administration, ranging from a general dislike of it to complaints about unjust treatment, appeared in 13 of the cases. Of those, four boys had run from the Home. But clearly, according to Atkinson’s case notes, the predominant issue for the boys was loneliness. Eighteen of the boys complained of loneliness and 11 reported they had fled the institution to seek remedy for their feelings. In Atkinson’s counting of the previous 103 cases at the Home, there had been 115 escapes among them. While the fires might have been more dramatic, flight obviously formed the more typical method of rebellion. While fire was a visible, direct, and violent means of destroying the institution and its authority, successful escape also snapped the authority of the institution for the boy who got away and, arguably, for those who knew he had escaped successfully.

Nevertheless, the boys brought other acts of rebellion and resistance to bear on the authority of the Home. Some stole from the dairy; others stole from the office. Some, having suffered the strap, smashed at things with hammers. Others, the Evil Genius among them, were convinced that by getting themselves in trouble, they would win an early release. Still others broke windows at the Home in an attempt to “annoy officers” or fashioned keys out of spoon handles, allowing them access to closed areas of the Home. These acts of petty sabotage and the common practice of flight alerted Atkinson to a deeper sense of injustice among the boys. As the director of an industrial home himself, Atkinson would have been accustomed to the average displays of loneliness and unhappiness and to the regular patterns of uppity behaviour from children. But in Saint John he found something more extreme and of greater concern. The lack of loyalty to the

77 Myers and Sangster have noted that running or escape was the “most active form of resistance” employed at the girls’ home they studied. “Retorts, Runaways and Riots,” p. 678. See also Humphries, Hooligans or Rebels, p. 219-220, who notes “the most dramatic and secretive form of resistance within the dormitory subculture was the planning and execution of escape attempts.” Bennett, Taming Bad Boys,” pp. 91-92, has noted escapes occurred most frequently during times when the population of the institution was under pressure due to overcrowding or quarantine. Coldrey summarizes another series of events where boys used fire as a mode to express their discontent. Boys aboard ships serving as floating industrial schools attempted to burn the vessels. See references to the Akbar and Clarence during the late nineteenth century in Coldrey, “The Extreme End,” p. 102.
superintendent was deeply marked, as was the sense that he was unapproachable. Atkinson was aware that the superintendent was ill and was caring for his wife. But Atkinson was especially concerned that Superintendent Parker’s remoteness fuelled the loneliness of the boys. He likewise implied that the responsibility for the poor food, the “tyranny practised by the older boys upon the younger ones,” the “lack of segregation of types,” the lack of programming and the unsystematic system of release from the Home all rested with Parker. In fact, the irregularity of the release system and the harshness of the sentencing conventions in New Brunswick represented a flashpoint for the boys’ anger. “I ran away five times because I’m not getting a fair deal,” one boy reported. “Last time I came back I was in [the] cell eight days on bread and cold water.”

The issue of a “fair deal” was one that Atkinson picked up on. Atkinson faulted the provincial state for the boys’ revolt. The federal Juvenile Delinquents Act of 1908 prescribed the modern treatment of juvenile offenders across Canada, but New Brunswick disregarded it in practice, and this, he argued, had shaped a context that rightly fuelled the boys’ anger. While the JDA effectively created new categories of delinquency—incorrigibility as a children’s crime, but not an adult’s, for instance—various studies have shown that, once in place, a state apparatus emerged that softened or cushioned the treatment of juvenile offenders. For instance, children were to be tried in juvenile courts and held in separate detention centres, away from adults. Additionally, probation officers working in concert with the courts would study the child and his or her circumstances and make recommendations to the court about the best mode of rehabilitation, potentially avoiding incarceration. Where such systems evolved, it seems the court itself was sometimes avoided altogether as systems of interrogation, warning, and child welfare work replaced the more punitive option. In this sense, argues Dorothy Chunn, the legal apparatus surrounding the young offender delivered them into a form of “socialized justice” where elements of civil society—children’s aid societies in particular—were tied to the justice system in an effort to reform and rehabilitate, rather than punish youngsters. Andrew Polsky has similarly suggested that the creation of juvenile courts in America was a social effort more than a judicial one, designed to “apply normalizing casework techniques,” to offenders and children considered “maladjusted.” Because a child defined as delinquent became subject to the juvenile court’s intervention, the philanthropic and more voluntary approach of child welfare intervention was overpowered, in

79 “Atkinson Report,” p. 4-5.
80 “Atkinson Report,” p. 16.
a sense, by the welfare intervention of the state through its judicial system. The framer of the Juvenile Delinquents Act, W. L. Scott, put it this way:

In other words, the Juvenile Court brought a new purpose to court procedure, not the purpose primarily of ascertaining whether the individual before the Court was or was not guilty of a specific offence, and the protection of society from that individual, but the sympathetic exploration of the causes bringing the individual before it with the predominating purpose of protecting that individual.... Implicit in that statement is the conception of juvenile delinquency not as an offence, but as a state of maladjustment,—the maladjustment of young life to the habits and to the standards of morality, chastity, truth and general conduct of its kind, their institutions, conventions, and community. For it is part of the very principle and concept of the Juvenile Court, that delinquency is a condition in which the child finds himself through the force of circumstances.... The Juvenile Court, then, is the State’s behaviour conference. It is essentially an expression of the state’s parenthood, when the natural parenthood of the child has failed, through circumstances within or beyond control, to furnish and render effective, behaviour codes for the child’s guidance and control.⁸⁴

The chief difficulty was that New Brunswick had not amended its provincial legislation to align with the federal legislation, nor were any juvenile courts established in the province under the legislation. Thus, there was no vehicle through which the Act would be administered.⁸⁵ By the 1920s, New Brunswick was unique in this regard. While often limited to urban centres, all other provinces had implemented the JDA somewhere in its parts.⁸⁶ This failure to fall in line with the federal legislation had very concrete results in New Brunswick; for instance, children’s cases were held in open court and children were sometimes imprisoned with adult offenders, received little if any rehabilitative intervention, were incarcerated under the age of 12, and tended to be awarded relatively harsh sentences. These practices clearly contravened the expectations of those who advocated specialized treatment and facilities for juvenile offenders and common national standards.⁸⁷

⁸⁵ On the disjunction between the federal Juvenile Delinquent’s Act, 1908, and New Brunswick practice, see CCCW, *Report of the Survey*, pp. 115-123 and 124-129. There were also difficulties with the federal Act itself. While “crime” was within federal jurisdiction, “civil status” was within provincial jurisdiction. The federal legislation could not, therefore, “define delinquency as a state or condition” as most American legislation had done. Instead, delinquency had to be defined as a crime unto itself. Yet another difficulty was that the constituting of courts fell under provincial jurisdiction, thereby leaving the federal legislation with no ability to order the establishment of juvenile courts. From W. L. Scott’s “The Juvenile Court in Law,” in CCCW, *Report of Survey*, p. 116.
While the Juvenile Delinquent’s Act had little authority in New Brunswick, the Prisons and Reformatories Act did. According to that legislation, a boy under 16, convicted of an offence that would place an adult in prison for three or more months, could be put in an Industrial Home for a period of time to be decided at the court’s discretion. The sentence could not be longer than that which an adult would have received, but, significantly, the court did have the right to add on to the fixed sentence an indefinite term not to exceed five years in combined total. Likewise, boys sentenced to an adult prison could have received the added indefinite term at an Industrial Home. The legislation also allowed for the apprenticing-out of boys from the Home if parents had given their consent, and the apprenticeship agreement could be extended beyond the five years, again with parental consent.  

So it was in that loose legal fashion that boys were sent to the Industrial Home for crimes as simple as the theft of two bags of potatoes, or the theft of a carton of cigarettes, or truancy. And in the great bulk of cases, the charge was minor theft, it was the boy’s first encounter with the courts, and the sentence applied was the maximum and discretionary five-year term.

The legal arrangements surrounding the Boys’ Industrial Home in Saint John fell under both federal and provincial jurisdiction (the Prisons and Reformatories Act and the Home’s Act of Incorporation, respectively), but it appears that the Home was actually governed in great measure by convention. Indeed, the Home was established before any children’s protection legislation was enacted in the province, and it early on evolved the custom of taking in boys who had not been committed by the courts. Despite its mandate to serve as a reformatory institution, the Home also accepted those in need of nonpenal, custodial care. This included disreputable or simply unfortunate boys who had not been before the courts. Similarly, given the absence or inadequacy of child housing institutions in parts of New Brunswick, it quickly became the practice to place neglected and dependent boys in the Industrial Home. A significant portion of the Home’s average population of 60 or so boys was thus comprised of boys who had not committed an illegal offence, but simply of boys whose parents had mistreated or misused them, or boys who appeared to be hungry or wanting for clothes or attention, such as Poorhouse Tommy. By the 1920s, the treatment of “delinquent, dependent and neglected children, as interchangeable groups” was, to the emerging modern social work profession, a deplorable thing and clearly out-of-step with modern national standards. But in the 1920s in New Brunswick, indeed in some of the

---

89 Charges ranged from being neglected, begging and vagrancy, and using obscene language on the street to trespass at and tampering with CNR property, multiple kinds of theft, assault, indecent assault, auto theft and the killing of animals. BIS, History Book, 1921, 1922, 1923, 1924, 1925, 1926, 1927, 1928 and 1929. Following wider patterns across Canada, theft was the most common major offence. For instance, in Canada in 1925 and 1926, charges of theft against juvenile delinquents ranged over 3000. Charges in the next highest category—willful property damage—ranged between 500 and 600. Canada Yearbook, 1927-1928, p. 1008, Tab. 34.
90 CCCW, Report of the Survey, p. 174-175. In the late nineteenth century, children were frequently placed in detention centres for what were matters of child welfare. Carrigan, Crime and Punishment, p. 214.

The boys argued that the system had denied them just treatment or a “fair deal,” and Atkinson agreed. In his study of the last 103 cases admitted to the Home, 76 of the boys had been assigned the maximum sentence of five years. “The effect of this long sentence upon the mind of the boy,” wrote Atkinson, “is to give him a sense of injustice and to fill him with despair.” That despair, he argued, so shook the confidence of the boys in the “justice of the law” that it created a defiance that would certainly result in resistance and rebellion. Atkinson argued that roughly 60\% of those sentenced to the full five years were first-time “offenders” and that presented a “terrible indictment against the courts of the Province of New Brunswick, and shows the need of the adoption of newer and more progressive methods of dealing with the problems of child neglect and juvenile delinquency in this province.”\footnote{“Atkinson Report,” p. 7, emphasis in the original.} According to Atkinson, this harsh sentencing was the source of the boys’ sense of injustice. And, he continued, they were right to feel unjustly done by because New Brunswick practice ignored the provisions of the JDA, which restricted admittance to the Industrial Home to those over 12, unless other methods of treatment had failed. In New Brunswick, 30\% to 40\% of the boys in the Home would not have been there had the age provisions of the JDA been followed. Yet, even more alarming to the new generation of child-experts, roughly half of the last 103 cases to come to the Home were in fact not criminals, but simply neglected boys who more properly belonged under the jurisdiction of the Children’s Aid Society and, ideally, in foster placement.\footnote{“Atkinson Report,” pp. 6 and 8-9.}

In Atkinson’s interpretation, in this lay the cause for the boys’ revolts. It was not surprising, he argued, to find:

serious unrest among the boys and a defiance of law and order which can be traced to this sense of injustice due in turn to the long sentences often for trivial and first offenses. Any boy with real spirit will revolt when suffering from a sense of injustice. In these cases revolt was usually expressed by running away. The cost of these escapes to the school in time, phones, travel, etc., the cost to the province in police duty, etc., are large, but they are not to be compared to the incalculable loss to the school in discipline and esprit de corps, and to the boys in this brooding sense of injustice and defiance to constituted authority.\footnote{“Atkinson Report,” p. 8.}

His investigation, Atkinson concluded, had proved the Industrial Home at Saint John “to be a school of vice, rather than of reformation. These conditions have generated a spirit of revenge and revolt among the boys to such an extent that they are aroused against law and order. This has resulted in escapes, in the defiance of discipline, and in serious attempts to burn down or blow up the buildings.”\footnote{“Atkinson Report,” p. 5.}
Mandigo’s Insurmountable Challenge

Among his 11 recommendations, Atkinson called for the immediate replacement of Superintendent Parker, who had tendered his resignation after the boys’ revolt and in the course of Atkinson’s investigation. He also called on the Board of Governors to leave the new superintendent autonomous decision-making powers free from their interference, and for the appointment of an assistant to the superintendent. The Home property, Atkinson recommended, ought to be abandoned in favour of a rural farm where the boys could live in a cottage system, and “provision should be made for them to play.” Not surprisingly, he suggested that New Brunswick fall in line behind the Juvenile Delinquents Act. But perhaps more surprisingly, he advised the disbanding of the Board and the absorption of the Home under the Department of Education.97

In some ways, Atkinson’s report had written large the story of Poorhouse Tommy’s life. Indeed, Tom serves as a nearly perfect example of Atkinson’s indictment of child welfare legality in New Brunswick. Tom could read a bit and write some. By the time of his committal to the Home he had gained simple math skills and a grade-three education. He was described as a bright boy whose physical condition was only fair, perhaps due in part to his liking for cigarette smoking and tobacco chewing. He had been arrested once before for stealing $1.00, but there is no indication he had served time for that arrest. Then, at the age of 11, Poorhouse Tommy was sentenced in a Miramichi courtroom for “being a neglected child under the Children’s Protection Act.” For his simple vulnerability and a year underage, Tom was sentenced to an “indeterminate period not to exceed five years.” Under Whitton’s proposed revamping of the Children’s Protection Act, such a child would have been sent to a Children’s Aid Society, which would have placed him in foster care. Barring that ideal, he would have been placed in an orphanage.

Tom escaped the Industrial Home four times, returning voluntarily once, and was forcibly returned after being apprehended the other three. He was whipped on a dozen occasions in 1928 and on 21 occasions during 1929, the year of rebellion. In the months leading up to and through the fires, taking January to April inclusive, Tom received seven sets of punishment, mostly on the hands, sometimes on the bottom, predominantly for internal theft and behaviors such as squabbling, lying, and disobedience. On one of those occasions he was whipped in the company of Evil Genius for breaking a light and lying. Such practices of corporal punishment were in no sense unique to the Saint John Home. For instance, Barry Coldrey’s studies of institutional care have led him to conclude that “abuse—‘sometimes on an industrial scale’—was endemic throughout traditional residential care.”98

98 Coldrey, “The Extreme End,” p. 95. Later, Coldrey concludes “there is abundant evidence that punishments were severe and commonly out of all proportion to the wrongdoing of the inmates,” p.100-104. On the use of whipping at the Victoria Industrial School, see Bennett, “Taming Bad Boys,” p.90. The records of punishments are very difficult to decipher, like anything written in Parker’s hand. They appear, by month, at the back of the superintendent’s daily journal. There were 358 punishments in total recorded for the year 1928 and 387 for 1929. PANB, NBBIS, RS 460-A-4, BIS, Daily Journals of the Superintendent, 1928 and
Evil Genius was delivered eight sets of punishments in 1928 and 14 sets in 1929, five of them in the January to April period. Of the two, Evil Genius appears more likely to have belonged in the Home. He was admitted in October 1927 for the five-year sentence on the vague charge of “incorrigible and vicious conduct” placed by relatives and the authorities. He was a good reader and writer with a grade-five education and a physical impairment that likely limited his mobility. He had not, for instance, escaped, despite his recurring incitement of others to escape.

The home life of Evil Genius appears to have been slightly more stable than that of Poorhouse Tommy’s. The Genius’s father, an American, had been dead eight years at the time of his committal. It appears his mother moved the family back to New Brunswick after her husband’s death, but she died a few years later. Evil Genius’s aunt took guardianship of him. She found the boy “kept bad hours [and w]ould not be controlled.” It appears Parker would have agreed with her. “This boy,” he wrote, “with evil genius, proved to be the leader in all opposition to rules, law, or order.” And some might argue, and perhaps rightly so, that the fact that Evil Genius would not be controlled and was able to elicit action from other boys allowed the Council’s modernizing agenda to stake new ground in New Brunswick and advance the path of welfare state formation. The fires demanded the second report, and the second report demanded, and won, the replacement of Superintendent Parker and subsequent improvements to the institution.

The Board of Governors of the institution had recommended the removal of the Evil Genius to Dorchester Penitentiary, but Baxter personally intervened to avert that move. Parker reported that “throughout the balance of his detention here,... [Evil Genius] maintained a bold attitude of hostility; a boast of retaliation, incited many boys to escape, and left the Home more or less in an uproar.” In the fall of 1929, before Parker’s exit, Evil Genius was expelled from the institution rather than moved to Dorchester.

Neither Evil Genius nor Poorhouse Tommy would see much of the change that ensued with the appointment of the new Superintendent, Howard Mandigo. After the premier accepted Parker’s resignation, Whitton again lobbied the premier for an appointee that reflected the goals of the Council: professionalization, modern shared standards, and Council-sympathetic. While the premier had earlier been resistant to some of Whitton’s advice, on this issue and in the context of the rebellion at the Industrial Home, he was receptive. As a former senior worker at the well-regarded Shawbridge Industrial Home and former General Secretary

1929. Mandigo, who would replace Parker as Superintendent, discontinued the practice of keeping the whip lists.

100 PANB, NBBIS, RS 460 A-1-B, BIS, History Book, 1929, p. 120.
101 BIS, History Book, 1929, p. 120.
102 BIS, History Book, 1929, p. 120.
103 BIS, History Book, 1929, p. 120.
of the YMCA, Mandigo promised to be a skilled and successful replacement for Parker. But Mandigo’s task was to serve as more than a simple replacement. It fell to him to introduce the modern treatment of juvenile delinquents to a province that, in 1930, had adopted neither the structures nor infrastructures to make that a simple task.

“The people and the boys are just wonderful,” Mandigo reported back to Whitton, “but of course the buildings ... are impossible. Everyone I meet I talk ‘change’ to.... Of course I’m for action.... I think it will come.” In April 1930, Mandigo was still an optimistic man. The physical plant of the reformatory was being subjected to a thorough scouring. Fresh paint, new plaster, replaced glass, and patched linoleum indicated a visible shift in the approach to the Home. So too did the new mattresses, 12 more of which needed to be added each month “for some time ... to bring [them] up to good shape.” Fashionable uniform sets, drinking bubbles, and the vast multitude of recently purchased shovels, rakes, pails, buck saws and wheelbarrows constituted but a mere fraction of the supplies used in the physical reform of the institution. Two hundred brand-new shirts and mounds of new mittens, caps, ties, and socks filled the recently remodeled locker room, complete with numbered towel racks, a numbered tooth brush cabinet and wash basins filled with a novelty for the boys, hot water. And significantly, Mandigo reported, after his six-and-one-half weeks in charge of the reformatory, no boys had escaped or even attempted it.

Mandigo’s initial optimism and professionalised approach to juvenile reformation changed more than the physicality of the institution. Following the progressive belief that scouting, drill, and training built character, manliness, and work-ready discipline, he implemented and rejuvenated the Home’s scouting and cadet corps. Mandigo also revitalized the attention to baseball, playing on the team himself in matches against other boys’ teams from the city. But it was his individual study of each boy that pointed most clearly to the arrival of the modern treatment of juvenile delinquents in New Brunswick.

These were signs of great progress to those worried individuals who had lent their attention to the situation at the Home over the previous few months. And it was the children of that Industrial Home who were, in good measure, responsible

110 There has been a good deal of writing on the scouting movement. See, among others, Robert MacDonald, Sons of the Empire: The Frontier and the Boy Scout Movement, 1890-1918 (Toronto: University of Toronto Press, 1993). On the Boy Scouts see MacLeod, “Act Your Age,” p. 397. On drill, see Humphries, Hooligans or Rebels, p. 230. In the admission reports at the Saint John Boys’ Industrial Home, a boy’s prior involvement in scouts or cadets was a matter of note.
111 On case study as hallmark of a modern approach, see Polsky, The Therapeutic State, p. 69.
for the changes that were sweeping their daily lives. Yet, despite the matchstick activism of those boys and despite Mandigo’s efforts to modernize the Home, in fundamental ways, little had changed. The legal apparatus was unaltered, and as a result the “delinquent” still coexisted with children who were placed in the Home because few other options existed, or because municipalities viewed the practice as an economically expedient way to address child welfare challenges.

The arrival of the Great Depression only exacerbated such problems within the Home. Maritimers were used to economic dislocation in the 1920s, but the essential suspension of traditional coping methods—particularly out-migration—in the 1930s had important ramifications within the Home. Mandigo soon found that boys were being sentenced to the Home in such great numbers that the ever-overcrowded facilities could not bear-up under the pressure. Boys were being released with little treatment and were soon finding their way back to the institution. It is in that context that the story of Poorhouse Tommy continues. It is suggestive of another chapter in the history of the Boy’s Home in its illustration of the role of the dispossessed in turning institutions to their own advantage.

It was the summer of 1931, about a year and a half into the new superintendent’s mandate, when Tom was released from the Industrial Home. His term had expired; indeed, he had spent five years and eight days in the reformatory. “[H]e went to look for work,” Mandigo recorded, and “did not return.” As his sentence had expired, he was allowed to go “on his own.” Mandigo visited the boy’s uncle a month later and things seemed to be going well. But Poorhouse Tommy suffered the dislocation of the Depression of the 1930s, as did many other young Canadian men, and he had the added burden of having spent time under incarceration. Tom appeared to be riding the rails and stopped at the Industrial Home for three nights stay in January 1932 on his way to Moncton. It is quite clear that three years later, a then 20-years-old Tom was still circled by dislocation. In March 1935, he and another former Industrial Home inmate were arrested and charged in Fredericton. They had arrived from Saint John intending to transfer to Federal Relief Project No. 123 at Fredericton, but the pair were arrested for vagrancy after stealing clothes from the relief depot at the city’s exhibition grounds. By the time

112 On the ability of the institutionalized and social welfare clients to shape the circumstances and policy surrounding them, see Posen, “Examining Policy,” p. 4.
114 On the connection between life course period and historical time as an important methodological concept in children’s history, see Glen Elder, Children of the Great Depression (Chicago: Routledge, 1974); Glen Elder, et. al., “Studying Children in a Changing World,” in Glen Elder et al., eds., Children in Time and Place: Developmental and Historical Insights (Cambridge: Cambridge University Press, 1993), pp. 3-22; and Glen Elder and Tamara Hareven, “Rising Above Life’s Disadvantage: From the Great Depression to War,” in Elder et al., Children in Time and Place, pp. 47-72.
the case found its way to court, the two faced the more serious charge of theft, and Poorhouse Tommy then confessed to stealing a bicycle the previous year. His childhood home the poorhouse, his adolescent shelter the Industrial Home, he was sentenced to spend at least two of his adult years in Dorchester Penitentiary.116 Howard Mandigo offers us no further history of Tom.

By 1934, Mandigo’s grip on optimism had grown infirm. “The present location will never meet the needs of our institution. Segregation of types and ages is impossible in our present quarters,” he argued. He went on to decry the underdevelopment of an industrial program, the lack of cooperation from officials within the justice system, the lack of fertile land at the East Saint John site and general problems with sentencing that persisted since Parker’s days in the superintendency.117 Mandigo represented the Council’s, and indeed the government’s, hope. His appointment was designed to deliver modern standards in New Brunswick, aligning the province with the national state’s agenda regarding the treatment of juvenile delinquents and child welfare more generally. But that hope was thwarted by a continually problematic physical infrastructure and a legal structure stuck in stasis.

Conclusion
Clearly, the boys’ revolt did not produce the ideal treatment of juvenile delinquents in New Brunswick, nor did it solve the problem of simply neglected boys who found themselves placed in the Home. Nevertheless, the boys’ activism did serve to move that particular facet of Whitton’s wider child welfare reform agenda further than any of the other components of her agenda in New Brunswick. A series of historical events intersected to produce this event. The conditions of the Home were clearly rugged and likely to produce discontent. This, coupled with the infirmity and ineffectiveness of the superintendent, served to undercut the hegemonic authority of the institution. The emergence of homegrown leadership among the boys, likely neither evil nor ingenious, served to replace the formal authority of the institution with a nonformal authority, which appears to have been based in some measure on force and coercion. While the child-centred leadership produced the most violent forms of revolt, that leadership appears to have been so threatening that some of the boys sought to escape, not the institution and the authority of the Superintendent, but to escape the internal, child-centred leadership.118 The irony is clear. The last intersection of historical processes to affect this story is the attention that professionals directed at revamping New Brunswick childhood in the interwar period. The interventions of those professionals, namely

116 BIS, History Book, 1929, p. 87 and newspaper clipping glued to that page. Rebecca Coulter has noted that, as the Depression settled-in, the public demanded harsh punishment of wrong-doers, even of those who committed minor crimes. Coulter, “Not to Punish,” p. 179.
118 For reference to this sort of peer pressure, see MacLeod, “Act Your Age,” p. 398.
Whitton, King, and Atkinson, helped to deliver the children’s revolt to the realm of actual, if limited, institutional change.\textsuperscript{119}

The Council had revealed the problems in child welfare institutions in New Brunswick and, in fragile and limited ways, was able to prompt changes to their administration and conditions. Such changes were charted most clearly at the Boys’ Industrial Home, helped along by the activism of the boys themselves and, undoubtedly, because of the Home’s bureaucratic relationship to the state. In the course of the Council’s campaign, Whitton was able to gain the support of some of New Brunswick’s citizenry who came to believe that she could put in place the personnel and the legal and bureaucratic apparatus that would make the province’s children and the province itself both “normal” and modern. Through a variety of scientific, moral, bureaucratic, and legal vocabularies, Whitton had defined the shared standards of nation to which New Brunswick could aspire. She had provided a blueprint within the survey report. This was part of the project of liberal state formation. Cynthia Comacchio reminds us that social welfare and public health professionals were certain that if the mental and moral well-being of youngsters was carefully shaped and moulded, then “the benefits in socio-economic terms would more than offset any individual or state investment. The result,” she continues, “would be a modern Canada worthy of the most favourable implications of modernity: progress, efficiency, productivity, and the triumph of reason that was signified by advances in science and technology.”\textsuperscript{120} In short, through the regulation of childhood, Canada could cultivate a crop of liberal, modern citizens, thereby assuring the necessary human capacity to recreate and sustain a twentieth-century nation. In New Brunswick, that project was incomplete. The random and often illogical interventions that directed similarly unfortunate children to a camp, an orphanage, or a juvenile jail persisted after Whitton and King withdrew from the province in 1929. The daily predicaments of vulnerable children were little improved.

\textsuperscript{119} The story here may suggest a slightly different finding than Myers’s and Sangster’s argument that resistance seldom won the attention or justice that institutionalized children wanted. “Retorts, Runaways and Riots,” p. 688.

\textsuperscript{120} Cynthia Comacchio, \textit{Nations Are Built of Babies: Saving Ontario’s Mothers and Children, 1900-1940} (Montreal and Kingston: McGill-Queen’s University Press, 1993), p. 4. On the increased sentimentalization of children and the growing sense that they were a collective responsibility (of the state or otherwise), see, Magda Fahrni, “Glimpsing Working-Class Childhood through the Laurier Palace Fire of 1927: The Ordinary, the Tragic, and the Historian’s Gaze,” \textit{The Journal of the History of Childhood and Youth}, vol. 8, no. 3 (Fall 2015), p. 441.