

Emily's Maternal Ideal: Pregnancy, Birth, and Resistance at Kingston Penitentiary

TED McCOY

Volume 27, Number 1, 2016

URI: <https://id.erudit.org/iderudit/1040529ar>

DOI: <https://doi.org/10.7202/1040529ar>

[See table of contents](#)

Publisher(s)

The Canadian Historical Association / La Société historique du Canada

ISSN

0847-4478 (print)

1712-6274 (digital)

[Explore this journal](#)

Cite this article

McCoy, T. (2016). Emily's Maternal Ideal: Pregnancy, Birth, and Resistance at Kingston Penitentiary. *Journal of the Canadian Historical Association / Revue de la Société historique du Canada*, 27(1), 201–229.
<https://doi.org/10.7202/1040529ar>

Article abstract

The 1850s and 1860s saw the rise of a new women's prison reform ideology that would shape the next half-century of women's imprisonment. "Maternalism" was the promotion of femininity as the basis of reform and rehabilitation with accompanying notions of ideal womanhood and appropriate roles for imprisoned women and in the aftermath of a penitentiary sentence. This paper looks at literal motherhood in the penitentiary by examining the experiences of prisoner Emily Boyle. Boyle was pregnant during two separate terms at Kingston Penitentiary. During the first term in 1926, she was paroled so that she could return to Edmonton to give birth. During her second term in 1932, no mercy was extended in consideration of her pregnancy and Boyle began a battle with the Department of Justice over her right to keep her baby within the walls of Kingston Penitentiary. The warden recommended that Boyle be separated from her child and it be sent to the Home for Infants, in spite of the fact that the father was in Edmonton. Boyle resisted this decision, and in fact resisted all penitentiary involvement with her pregnancy and childbirth. She ultimately gave birth in the bathroom of the women's ward with the assistance of two matrons. When the child was taken away from her, both Boyle and her husband fought the Department of Justice decision on the matter, rallying against the notion that their child was better served by the Children's Aid Society. The paper examines multiple questions about motherhood and maternalism in the penitentiary's first century. It argues that maternalism and motherhood were found at cross purposes when balanced with the demands of punishment. Emily Boyle found herself at this intersection, fighting to keep her child in an institution geared towards teaching her to become the ideal mother.

Emily's Maternal Ideal: Pregnancy, Birth, and Resistance at Kingston Penitentiary

TED McCOY

Abstract

The 1850s and 1860s saw the rise of a new women's prison reform ideology that would shape the next half-century of women's imprisonment. "Maternalism" was the promotion of femininity as the basis of reform and rehabilitation with accompanying notions of ideal womanhood and appropriate roles for imprisoned women and in the aftermath of a penitentiary sentence. This paper looks at literal motherhood in the penitentiary by examining the experiences of prisoner Emily Boyle. Boyle was pregnant during two separate terms at Kingston Penitentiary. During the first term in 1926, she was paroled so that she could return to Edmonton to give birth. During her second term in 1932, no mercy was extended in consideration of her pregnancy and Boyle began a battle with the Department of Justice over her right to keep her baby within the walls of Kingston Penitentiary. The warden recommended that Boyle be separated from her child and it be sent to the Home for Infants, in spite of the fact that the father was in Edmonton. Boyle resisted this decision, and in fact resisted all penitentiary involvement with her pregnancy and childbirth. She ultimately gave birth in the bathroom of the women's ward with the assistance of two matrons. When the child was taken away from her, both Boyle and her husband fought the Department of Justice decision on the matter, rallying against the notion that their child was better served by the Children's Aid Society. The paper examines multiple questions about motherhood and maternalism in the penitentiary's first century. It argues that maternalism and motherhood were found at cross purposes when balanced with the demands of punishment. Emily Boyle found herself at this intersection, fighting to keep her child in an institution geared towards teaching her to become the ideal mother.

Résumé

Née dans les années 1850 et 1860, une réforme idéologique de l'incarcération féminine allait façonner l'expérience pénitentiaire des femmes

pendant plus d'un demi-siècle. Le « maternalisme » vantant la féminité comme moteur de réforme et de réhabilitation, s'accompagnait d'un idéal féminin et de rôles acceptables pour les femmes en prison et une fois remises en liberté. Cet article s'interroge sur le sens littéral de « maternité » dans le contexte carcéral à travers l'expérience vécue d'une prisonnière, Emilie Boyle. Boyle était enceinte lors de deux séjours différents au pénitencier de Kingston. Pendant le premier séjour en 1926, elle obtint une libération conditionnelle lui permettant de retourner à Edmonton pour donner naissance. Pendant son second séjour en 1932, alors qu'aucune clémence ne lui fut accordée en dépit d'une nouvelle grossesse, Boyle s'engagea dans une bataille sans fin avec le ministère de la justice pour faire valoir son droit à garder l'enfant à l'intérieur des murs du pénitencier de Kingston. Le gardien recommanda qu'elle soit séparée de son nourrisson pour le confier au refuge pour enfants (Home for Infants), bien que le père vivait à Edmonton. Boyle défia cette décision, de même que toute mesure prise par l'institution concernant sa grossesse et l'accouchement. Elle finit par donner naissance dans la salle de bains du pavillon des prisonnières avec l'assistance de deux matrones. Lorsqu'on lui retira son nouveau-né, Boyle et son mari livrèrent tous deux combat au ministère de la justice, se ralliant contre l'idée que l'intérêt de leur enfant serait mieux servi par la société d'aide à l'enfance. Cette contribution fait l'examen des multiples questions que posent les notions de « maternité » et de « maternalisme » au cours du premier siècle de l'histoire du pénitencier. L'auteur avance que ces notions s'avèrent contradictoires dans la perspective des exigences de répression. Ainsi, Emily Boyle se retrouva-t-elle à leur intersection dans sa lutte pour la garde de son enfant dans une institution conçue pour lui enseigner l'idéal maternel.

What role does maternal love play in the history of the penitentiary? Two cases of pregnancy and childbirth at Kingston Penitentiary in the 1930s addressed this question. There are few surviving details about the first case, except for a passing mention in a letter from Warden Gilbert Smith. A prisoner he describes only as “The Roberson woman” gave birth in 1930 and her child was taken to the Kingston Home for Infants. The Warden wrote, “Roberson was to pick up her child when she was released, and told them she would send for it when she was settled, and

they have not yet heard from her.”¹ Two years had passed, and Smith’s inference was clear: the Roberson woman was not coming back. Smith was contrasting this case with a second one that was unfolding in 1932, in which a pregnant mother at Kingston Penitentiary tried to prevent her expected child from being taken away. Emily Boyle fought for her child on the grounds of maternal love, pleading that she must not lose touch with her baby while she served out her sentence. In this struggle she faced the opposition of penitentiary matrons, doctors, and administrators — and also the bureaucracy of the Department of Justice and the Children’s Aid Society of Kingston.

Uncovering the lives of imprisoned women involves thinking about all dimensions of their experience at the penitentiary, and this includes pregnancy, childbirth, and child rearing. This article explores the case of Emily Boyle (nee Lindholm). The research is based on a case file created by the Department of Justice over the course of two terms she served at Kingston Penitentiary between 1926 and 1934.² She was pregnant during both sentences. Her experience provides an opportunity to contrast maternal reform ideology and the real experience of motherhood for incarcerated women. It is a very personal history. Emily’s story illustrates how one imprisoned woman internalized maternal ideals and wielded maternal ideologies to her own purposes as strategy of survival and resistance. Maternalism expressed at Kingston Penitentiary in this instance was a personal response to the paternalistic power that governed discipline, health, and reform within the penitentiary. It was also a reaction to the pervasive class biases of the larger maternal ideology that sought to control how women experienced pregnancy, childbirth, and motherhood inside the walls of Kingston Penitentiary. Emily’s experience also illustrates the coextensive nature of older modes of paternalist penal power that continued to operate on the lives of imprisoned women. Paternal power dominated penitentiary governance in Canada since the early nineteenth-century, making the warden, doctor, and guards the predominant authority figures and arbiters of how prison life unfolded, for both men and women. Both forms of governance shaped penitentiary life for

women in the 1930s, and played a dramatic role in the unfolding of Emily's experience as an incarcerated mother.

It might seem reasonable to dismiss Emily's case as an anomaly that does not lend itself to larger conclusions about the penitentiary or reform ideology of the 1930s. But the protracted debate over her case helps to reveal particular patterns in how the penitentiary responded to the issues at its core — gender, maternity, sexual non-conformity, and resistance. The particularities of this case can be read against the surrounding and contextual historical research on this period to illustrate that the individual case can indeed lead us to conclusions about the penitentiary and the shape of historical change. My approach combines the methodologies of two areas of history that engage in close analysis of individual lives. The first is case file research. Franca Iocavetta and Wendy Mitchinson argue that the use of case files in social history can help to reveal the words and actions of both the powerful and marginalized.³ Case files are records generated by institutions with an interest in understanding particular populations for the purpose of governing in some way. Thus, historians employing this approach have revealed a great deal about hospitals and asylums, social welfare agencies such as the Children's Aid Society and the Salvation Army, and marginalized populations in colonial settings such as Indian reserves and residential schools. There are questions of power and struggle at the core of case file research. Iocavetta and Mitchinson point out that a case file usually implies intervention into people's lives around a source of conflict and with the goal of resolution in accordance with particular social norms.⁴ While social and legal historians have used case file research to create rich understanding of their topic, this method is infrequently applied to penitentiary history or the lives of prisoners. There are notable exceptions, including Margaret Atwood's literary interpretation of Grace Marks, perhaps the most famous prisoner in Canadian history. In other examples, such as the capital case of Hilda Blake— hanged in 1899— the infamy or notoriety of a particular individual has made them the intriguing subject of case file research.⁵

The penitentiary case file examined in this piece has unique properties that make it different from records assembled by other social welfare agencies in the twentieth century. First, the file itself reflects a relatively passive record of Emily's experience. There is no caseworker present, as might be instrumental in records connected to families, domestic settings, or medical institutions. The documents here, rather, reflect operational and administrative concerns related to the subject as they unfolded throughout her story. This makes the file itself less observational and without the discursive layers of assessment —and in some cases, moralization or judgement — that characterize other case file sources.

The second methodology is the use of biography to explore individual lives. In the case of criminalized individuals, this is often connected to case file research. However, there are few examples where a biographical approach explores the lives of women in conflict with the law.⁶ A larger tradition exists in working class history, in which biography and autobiography have provided a rich insight into the lives of working class and marginalized populations.⁷ Ultimately, case files and biography are an effective way to make one historical subject more visible. When dealing with marginalized populations such as prisoners, this kind of investigation makes all members of this population more visible to history. While Emily Boyle was just one mother, she can lead us to much larger understandings of motherhood and all its connected questions in penitentiary history.

Maternalism

Maternalism applied a separate spheres ideology to the world of prison reform, seeking to make imprisoned women the object of charitable outreach. The movement had no single origin, but was certainly mobilized and publicized by the early efforts of Elizabeth Fry to address the deplorable state of English convict prisons for women in the 1820s.⁸ Maternalism in this setting unfolded in two ways. First, maternal reformers sought to directly intervene in settings where they found mothers and children living

in dissolute conditions (including early prisons.) It was a direct appeal to women to embrace the responsibilities of motherhood and to reform in the interest of the health of their children, who were imprisoned alongside them. Kelly Hannah Moffat cites a visit by Elizabeth Fry to the children of an English gaol in which she showed their mothers an example of maternal love, and explained to the women their responsibilities to keep the children clean and disciplined.⁹ This example hinted at the second way that maternalism unfolded. In the larger sense, this manifested itself through the dichotomy that such anecdotes created between imprisoned women and the reformers themselves. As the nineteenth century continued, and reform efforts faltered, it became clear that maternal reform often served most effectively as a method of distinguishing class difference between prisoners and reformers. The maternal ideal was seldom expected to be realized by imprisoned women.¹⁰ In fact, beliefs about the innate criminality of convicted women often precluded serious consideration or realization of this ideal. Although it was held up as a model for individual moral reform, maternalism was more often a response to criminality and sexual non-conformity. The failure of maternal ideals in the penitentiary was also reflected in other areas of Canadian and American society in the first decades of the twentieth century. Material reality frequently outweighed the ideological elements of maternalism. For example, working class mothers often faced this contradiction in the struggle for survival contrasted with the unwillingness of the state to adequately support mothers as central to societal wellbeing.¹¹

The first sustained histories of women's imprisonment viewed maternalism as part of a strategy based in the earliest strains of feminism. The ideology was an appeal to "sisterliness" which elevated the public role of female reformers through their efforts to help less fortunate women.¹² Subsequent historians sought to further understand the repressive outcomes of these maternal ideologies.¹³ Kelly Hannah Moffat's interpretation of maternalism applied a Foucauldian analysis that explores how maternalism became a strategy of governance that reproduced while obscuring complex relations of power in Canadian federal

penitentiaries. Moving away from an older understanding of patriarchy as a key influence in maternal reform, Hannah Moffat argued that maternalism in penitentiaries was a manifestation of “pastoral” power as a strategy of governing imprisoned women.¹⁴ Michel Foucault’s theories of governmentality can offer insight about strategies of penal power and governance in the neoliberal era, but they are often less successful when read against the unfolding of penal history in the Victorian era or the early twentieth century. A useful counterpoint to such Foucauldian perspective are interpretations that provide an understanding of how maternalism reflected (and reproduced) class divisions and social structures in Canadian society.¹⁵

Maternalism was an important force in the development of women’s imprisonment in both England and the United States, but like many areas of nineteenth century penology, Canada lagged behind. The goal of a separate institution for women based on the principles of maternal reform was realized in 1872 when the Andrew Mercer Reformatory for Females was opened in Toronto. This provincial facility was ostensibly more maternal in character, at least at its origin. As Carolyn Strange has argued, by the 1920s the maternalism of Mercer’s early decades receded in the wake of an increasingly impersonal institutional control.¹⁶ However, maternal reform was not an influential ideology in the federal Department of Justice. Few of the reforms that influenced Mercer’s development were introduced at Kingston. Since Kingston’s earliest decades, the primary concession to gender was the separation of imprisoned women in isolated quarters.¹⁷ While this was certainly a goal of early maternal reformers such as Elizabeth Fry, Kingston Penitentiary never advanced beyond this principle to adopt a broader program of maternal reform. Emily Boyle served time at Kingston Penitentiary immediately prior to the opening of the Kingston Prison for Women. This placed her in the grips of a penal institution that seemed to straddle the nineteenth and twentieth centuries. In one sense, Kingston Penitentiary had changed little since the late Victorian era in either physical structure or ideological approaches to punishment. The old paternalistic structures of penal governance of

the late nineteenth century persisted. While there were hints of maternal and pastoral power in the prison that held Emily, they were faint. On the other hand, the penitentiary of the 1930s was reformed in ways that would affect Emily's experience. Medical care was much advanced, and the discipline of the institution was noticeably less restrictive. Emily's story reveals a penitentiary that tempered appeals to maternal love with the demands of a much older and prevalent disciplinary authority in which appeals to femininity and motherhood would not prevail.

Pregnancy

Emily Lindholm was an atypical inmate when she arrived at Kingston Penitentiary late in the summer of 1926; she was pregnant when her sentence began. Emily was single and twenty-six years old — a spinster, according to the penitentiary surgeon. She was also educated and independent, working as an accountant. Emily was convicted of arson and six charges of theft in connection with an incident at her employer in Yorkton, Saskatchewan.¹⁸ After a brief stay at Saskatchewan Penitentiary, she was transferred to Kingston where she would serve her two-year sentence.¹⁹ Emily's pregnancy was discovered soon after she arrived because she began suffering considerable morning sickness. The penitentiary surgeon noted that Emily acknowledged a "sexual connection" that had taken place about the middle of July, and that she was in good health and performing her work cheerfully.²⁰ Two months later, Warden J.C. Ponsford of Kingston Penitentiary began to plan for Emily's release on parole. He wrote to the Superintendent of Penitentiaries to inform him that Emily was now six months pregnant, "and is approaching the dangerous stage."²¹ Ponsford suggested that Emily should be paroled and sent to her sister, who had indicated she was willing to receive her and take all responsibilities for her until her sentence expired. Emily was paroled at the end of January 1927 and sent by train to Edmonton where she would give birth at Misericordia Hospital in Edmonton, a facility run by a religious order dedicated to the care of poor and unwed mothers.²²

Emily Boyle (by then she was married) returned to Kingston Penitentiary on another conviction for theft in 1931, which, this time, was connected to her job at an Edmonton bank. Within the first four months of her sentence she began suffering terrible morning sickness, or what surgeon G.A. Platt reported as "difficulty in the matter of food."²³ Emily gave the surgeon no indication that she might be pregnant. When he treated her for nausea, she informed the doctor that she was seriously ill with gall bladder issues before coming to the penitentiary. She told Platt that this accounted for her nausea and had stopped her periods.²⁴ The surgeon was suspicious. Platt later wrote that he was unable to determine whether she was actually pregnant until "definite and unmistakable signs made their appearance."²⁵

The Department of Justice was unwilling to consider paroling Emily a second time. In late March of 1932 the Penitentiary Superintendent wrote to the Deputy Minister of Justice to suggest that Emily would give birth while on a temporary ticket-of-leave to the Kingston General Hospital. H.C. Fatt referred to a letter written by Emily's husband, James Boyle, in which he requested that authority be given for Emily to keep her baby with her at Kingston for its full nursing period.²⁶ James raised the key issue on which her case would turn — would she keep her baby or not? The superintendent believed this was possible. He wrote, "there are precedents for this — other babies have been kept in Kingston Penitentiary, to my knowledge for longer than the nursing period."²⁷ As further justification of his decision, Fatt noted that should the mother and child be separated the penitentiary would incur expenses in paying for the maintenance of the child.²⁸ James Boyle was informed of the decision to let Emily keep the baby at Kingston by the superintendent and the Chief of the Remission service. The matter appeared to be settled, and James replied to express his appreciation. He wrote, "It means a lot to me to know that my wife will be allowed to keep her baby. I wish to express my gratitude for the granting of the request I made."²⁹

The decision about Emily's baby caught Kingston's Acting Warden Gilbert Smith off guard. He delayed responding to

the superintendent until he could discuss the matter with the matron, E.H. Robinson, and penitentiary surgeon, G.A. Platt. When Smith did contact the department, he argued that the minister's decision was a matter of "great regret," and wrote a lengthy request for a reconsideration of Emily's case.³⁰ First, Smith stated that it was no longer the practice to keep infants at the penitentiary. A decade earlier, he noted, infants were kept at Kingston and caused a great deal of disorganization. Because of this, children born at Kingston were more recently sent to the Infant's Home for which the department paid a set rate per month for the maintenance of prisoners' children. After a mother's sentence expired, she could retrieve her child. Smith wrote that this was a very satisfactory arrangement compared with the alternative. The warden argued that when Kingston Penitentiary allowed babies in the women's ward it was entirely disruptive and detrimental to the discipline of the prison. Babies kept the other women up at night because the women's department was badly overcrowded. Some women slept in corridors and in close confines with each other. Smith wrote, "there is no place in the prison where this woman and her baby could be kept at any distance from the other inmates."³¹ On top of the practical issues, Smith argued that jealousy resulted from special allowances made to mothers in Kingston's past. Nursing mothers required a special diet. Even after a baby was weaned, mothers would be subject to different disciplinary standards than other women. They slept with their children in unlocked cells so that they might prepare food for infants during the night and in the morning when there were no matrons in the women's ward. Moreover, mothers enjoyed great freedom of movement throughout the penitentiary as they would also have access to the basement of the prison so that they could perform washing for their children. Smith was also driving toward a larger argument about justice and punishment. He wrote, "the mother was sentenced here to hard labor, which is for the use of the Government, and if she has her child, it means that she will do nothing but look after it, and to an extent will be out of control by the Matrons."³² This was an explicit argument that maternal ideology, or at least the

labour of motherhood, was *not* to inform or influence women's imprisonment at Kingston by the 1930s.

According to the warden, the demands of maternal labour also greatly disrupted the discipline of the ward. Smith cited his recent review of the female punishment books, noting that nearly a quarter of the entries from earlier eras resulted in quarrelling and disputes connected to the presence of infants in the women's ward.³³ It is not clear how far into Kingston's historical archive Smith searched, but disciplinary records are indeed replete with incidents connected to the children of imprisoned women stretching back into the 1850s and 1860s. Some women arrived at Kingston with their children, and in other cases babies were born at the penitentiary. The presence of children at Kingston was not unusual in this early era, and was regarded as a natural and inevitable byproduct of women's imprisonment. It was also the only solution for some mothers who could not rely on support from state or charitable organizations, as women might have in the twentieth century. To recognize this reality, by 1869 the penitentiary made minor structural changes to the women's ward to better accommodate women with infants, including furnishing them with a proper stove within the ward.³⁴ Still, disciplinary problems prevailed whenever children were incarcerated along with their mothers. In 1865, Sarah Murphy was sanctioned for allowing her child to be "filthy dirty."³⁵ The next year Sarah was punished again for the same offence, and when questioned about why her child should be soiled she protested that she could not keep sufficient clean laundry to avoid it. The matron noted in her report that this was not true and that Sarah was discovered to have stashed away two new petticoats for her daughter to take with her after her release from Kingston.³⁶ Clearly, women's choices about childcare could be wholly strategic even in these minor ways. However, these strategies often conflicted with maternal notions that matrons in the women's ward sought to uphold. One such idea was a principle of individual maternal responsibility. In 1866 Elizabeth Byers was punished after a matron noticed that she was allowing (or compelling) another woman to carry her child from her cell to the dining room. What might

have passed as the communal nature of childrearing in any other setting was seen as a transgression for an imprisoned mother.³⁷ At other times, women were punished expressly for acting like any mother would. In 1892 Margret Muller was sanctioned for talking to her child in their cell and, “causing annoyance to others when told to stop such impertinence.”³⁸

Warden Smith would not relent and return to the maternal policies of an earlier era. He requested that normal department procedure should be followed and Emily’s baby sent to the Infant’s Home until her sentence expired. Deputy Minister of Justice W.S. Edwards replied to Smith’s first letter with a concern about the legality of separating mother and child in this situation. Edwards appeared to write from an instinctual sense that the Department of Justice should not assume responsibility for an infant while its mother was incarcerated. He asked, “if it should suffer any injury because of negligence, would the parents have any right to contend that we proceeded without legal authority?”³⁹ Warden Smith replied that he knew of no such provision of law that gave the department authority to separate mother and child. He wrote, “we are separating mothers and children, wives and husbands every day, and I presume the same authority would apply in Boyle’s case.”⁴⁰

Finally, Warden Smith’s argument against the department’s decision questioned Emily’s character in connection with her history at Kingston Penitentiary. When she arrived in 1931 she was a recidivist, and her previous sentence had ended under entirely unusual circumstances. Smith reminded the superintendent that Emily’s previous parole was an act of mercy that she did not repay with gratitude or compliance. Smith had clearly spent some time looking at the correspondence files of the penitentiary. He noted that after her release in 1927, Emily was supposed to report to Kingston Penitentiary by writing every two weeks. She did this just twice. Kingston received her final report in January of 1928, though her sentence did not officially expire for eight more months.⁴¹ To conclude, Smith leveled his most serious charge against Emily — that she was using her pregnancy to manipulate the penitentiary and evade justice. Smith informed that

department that when Emily arrived at Kingston she boasted to other inmates that after her arrest for theft in 1931, she applied for bail and deliberately became pregnant so that she could be paroled a second time. The charge was based on “convict gossip,” but Smith supported the accusation by citing a letter Emily wrote to her husband soon after she arrived at Kingston Penitentiary in 1932. She told James that the penitentiary precedent had changed, “and that their plan might not work this time.”⁴² The superintendent was convinced.

Emily Fights Back

The Department of Justice’s decision about Emily’s baby took a perilously long time to conclude. In the month after her husband was informed she would keep her baby, nobody gave Emily official confirmation of this decision, or the fact that it was subsequently changed. However, James and Emily’s friends in Edmonton reached her with news that the department would let her keep the baby after it was delivered. Finally, in late May, the superintendent wrote to James to let him know that the department had reconsidered the matter. He wrote, “it is thought desirable and more preferable that the child should be cared for by the Children’s Aid Society in Kingston.”⁴³ The news struck Emily hard. In a move that was unusual for imprisoned women throughout Kingston’s history, she wrote directly to the Minister of Justice to plead her case.

Emily’s letter made the case for keeping her baby from multiple angles. In her meticulous handwriting, she began, “it is my desire to give my baby every right to its life. It has had a bad beginning because during my pregnancy I have suffered untold mental torture.”⁴⁴ She referred to the uncertainty and strain of her situation and her fear that it had caused prenatal harm. Emily suggested that her wellbeing was connected to the baby’s. “If my baby is taken from me during its birth, I fear for its life and for my mental stability.” She then expanded on the notion of wellbeing by an appeal for the benefits of breastfeeding, stating that she and James hoped that the baby could be nursed, “to elim-

inate some of the handicaps with which it is starting its life.”⁴⁵ Emily stressed that she was not seeking early release from Kingston Penitentiary in the form of parole. She wrote, “if the facilities at this institution are inadequate, may I not be transferred to some institution where I may be allowed to keep my baby with me?”⁴⁶ In fact, Emily’s query about an institutional alternative was one also raised by department officials as they debated her case. The new Federal Prison For Women was under construction in Kingston in 1932 and the Deputy Minister of Justice wrote to Warden Smith in April to enquire whether it might be completed in time to send Emily with her baby.⁴⁷ Smith believed that the prison would not be opened before August, after Emily’s expected due date.⁴⁸ There was no alternative institution where Emily could serve time. Her letter implored the minister, “I shall be glad to meet with any requirements made of me were I able to do this, lose my remission, or even take an extension of time, anything your department asks of me, I will do gladly, but I must ask you in the name of humanity to be allowed to keep my baby.”⁴⁹

Emily also made a bold appeal about the emotional power of motherhood, arguing that she would be deprived of “maternal love” for her child if it was taken from her breast at birth. She wrote achingly about the fear of not seeing her baby for two years after its birth. Her letter stressed the pain this would cause both mother and child: “I will be an utter stranger to my baby when I see it again.” The letter also veered into wholly emotional pleas to the minister that combined multiple themes. Emily wrote about motherhood, justice, and love of country that could be instilled by a mother. She insisted, “I am not trying to defeat Justice...” Returning to this theme repeatedly suggests Emily’s awareness of how officials at Kingston perceived her — as duplicitous and manipulative. However, she stressed to the minister that she was not fighting the law, she was, “trying *not* to defeat a stronger law — The Law of Nature.” Emily wrote, “I have sifted the matter from every angle and cannot justifiably and honestly find myself being unreasonable in asking to protect my own child. I feel just one of the higher strata of

animal — fighting for my own.”⁵⁰ Of course, Emily’s letter to the Minister of Justice was first read by the matron and the warden before it was forwarded. She knew this, and it accounts for both the respectful tone and the careful phrasing about the “mental torture” she suffered at the penitentiary. Warden Smith forwarded Emily’s letter with an explanatory cover that offered additional details to the Deputy Minister of Justice. Smith also described the context in which Emily’s resistance unfolded. The warden noted that for some time Emily had not cooperated with either the matron or the surgeon. She told officials repeatedly that she would not go to the Hospital and that her intention was to give birth at Kingston Penitentiary. Smith informed the Deputy Minister, “Boyle has told the Assistant Matron that if her baby is born in the hospital, it will take more than two men to take the baby away from her when she is being returned to the prison.”⁵¹ The warden stressed that everything possible was being done to make Emily comfortable, and often to the extent that it caused problems in the discipline of the female ward. Smith assured the Deputy Minister that all necessary steps would be taken to transfer Emily to the hospital before the birth of her child, and that she would be returned after the baby was sent to the Infant’s Home.⁵² The decision of the department would not be changed.

Birth

The penitentiary surgeon and matrons kept a careful watch over Emily in the last weeks of her pregnancy. They hoped to determine when she was reaching full term so that she could be transferred to Kingston General Hospital to give birth. Emily was determined not to allow this to happen. Both surgeons examined her twice daily starting in July, but she refused to submit a sample for urinalysis, and after July 4, would not allow any physical examination at all.⁵³ The surgeon must have known that the birth was impending, but Emily’s lack of cooperation made exact estimates very difficult. The matron believed this was part of her plan to ultimately deliver the baby at Kingston Peniten-

tiary. Matron Edith Robinson wrote that until the end of her pregnancy, Emily believed that if she delivered in the prison she would, by law, be permitted to keep the baby. Robinson wrote, "For this reason I was especially watchful, but in her craftiness she was successful in carrying out her purpose."⁵⁴

Matron Robinson visited Emily five times on July 12, but she saw nothing out of the ordinary. Twice when the matron visited, Emily appeared to be sleeping.⁵⁵ By five o'clock, the matrons in the ward began to suspect that Emily was unwell, though she assured them that she was "quite alright." An hour later, Assistant Matron Burleigh went into the cell with a cup of cocoa. Emily told Burleigh that she was suffering from a toothache; she was actually in labour. Shortly after seven, Emily rose from bed, went into the bathroom, and locked the door. Five minutes later, the matron came racing back to the ward after hearing screaming. There she found three inmates trying to break down the bathroom door. Emily was inside. The women managed to force open the door and discovered Emily on the floor in the midst of childbirth. The matron telephoned Dr. Morrison, but he contacted Dr. Platt upon realizing that he possessed no obstetrical instruments to properly deliver a baby. The matron returned to the bathroom where the two assistant matrons were helping in the delivery of Emily's baby. Dr. Platt finally arrived after several minutes, but he was too late. He entered to see Emily with a newborn baby and the assistant matron cutting the umbilical cord.⁵⁶ Emily and her baby girl were taken by ambulance to Kingston General Hospital. Warden Smith visited her the next morning where he found her distraught. He wrote to the superintendent to tell him that he was concerned for Emily's safety and that she might "attempt to do away with herself."⁵⁷ The warden was also alerted to a note that Emily left with an inmate the day she gave birth indicating the same intention. The warden placed a guard in Emily's hospital room to watch her for the next several days. When Dr. Morrison visited her the day after the birth, he said to her "your troubles are over now." Emily replied, "the warden's troubles are just starting."⁵⁸

Aftermath

Superintendent Fatt acknowledged Emily's delivery in a letter the following week. Incredulity seethed through the bureaucratic prose of his response. After all of the planning and debate, how could the penitentiary fail to transfer Emily in time?⁵⁹ Fatt requested a full explanation from the warden and the penitentiary surgeon. How was it possible that the doctor, knowing that Emily's delivery was imminent, did not possess obstetric instruments in the event of an emergency? Fatt also demanded an explanation about how a prisoner could possibly lock herself inside a bathroom in a federal penitentiary. He wrote, "since when have locks been on bath-room or toilet-room doors in your Institution?"⁶⁰ Warden Smith composed an understated response to the superintendent, informing him that the lock was always on the bathroom door to allow women privacy when bathing. He also stated that Emily experienced labour pains for no more than five minutes and there was no possibility of taking her to the hospital in time.⁶¹ Surgeon G.A. Platt also wrote a defense of his actions the night Emily's baby was born. He took exception to the superintendent's suggestion that he was unprepared for Emily's post-natal care in the penitentiary. He wrote,

More than once in my life I have taken confinements without the use of any appliance beyond a pair of household scissors sterilized in boiling water. Moreover, at this moment or any other I am in state of preparation to handle any Confinement within the Prison. This applied fully in the Boyle case. I was quite prepared to care for her confinement within the Prison providing it did not involve surgical obstetrical procedure.⁶²

Platt also protested that when he received word that Boyle was "having a baby," he had no idea what stage of delivery she was at. For this reason, he contacted Dr. Morrison before he departed for the penitentiary — so that he might have medical assistance in the event of extensive hemorrhage or other emergency.⁶³

Emily returned to Kingston Penitentiary two weeks later without her daughter. She continued to write to the Department of Justice to request custody within the penitentiary or for parole of some kind. The time between her requests and departmental responses dragged on and on. She wrote at three months, at six months, and at nine months. Each time the department informed her that the matter was settled. In late July 1933, nearly a year after Emily gave birth, James continued to campaign for the baby to be returned to Kingston Penitentiary. His correspondence was angrier and more pointed than Emily's. He wrote as Emily's advocate and the only person who could truthfully represent her claims to department officials. James knew that the superintendent had communicated with Emily, but he charged, "do you feel that an inmate of that place can truthfully and without fear explain her feelings to an official? Let me assure you from first hand unbiased information, that I have in my possession from a trustworthy intelligent person — that she can not."⁶⁴ James pointed out that Emily had to complete her sentence under the power of the same officials she was seeking to criticise. This placed her in an impossible situation.

In his letter, James made serious charges about the events of Emily's pregnancy and delivery. Several of these passages caught the attention of the superintendent — the original letter shows bold pencil marks underlining key details. The first of these was a charge that Warden Smith had placed Emily in solitary confinement in the penitentiary dungeon during the fourth month of her pregnancy. James claimed that Emily was kept on a bread and water diet and slept on a straw mattress, all while suffering from terrible morning sickness. Superintendent D.M. Ormond sought a full explanation for this charge, and penitentiary officials provided a comprehensive explanation complete with supporting documents. Emily's time in the solitary cells was a punishment for writing a letter to James complaining about her health, that she could not eat, and that she received no medical attention for her concerns. She wrote this letter knowing that the censor would flag it to show the warden. It was her way of gaining his attention and making an informal complaint. Upon discovering

the letter, on 5 January 1932, Matron Robinson reported Emily for "most offensive insolence, for making false statements, for threatening to have me dismissed, and for making the false statement that she is not getting sufficient food."⁶⁵ Warden Smith ordered that Emily must apologize to the matrons and be kept in solitary confinement until she did. In the same report, Matron Robinson noted that she told Emily she wanted no more impudence, to which Emily replied, "I'll give you all the impudence I like."⁶⁶ Emily would not apologize, and so spent five days in the punishment cells.

Matron Robinson submitted a report to the Minister that vigorously denied the charges in James' letter. Robinson wrote that Emily went to her punishment, but was given full meals "from the Matron's Mess," which meant that due to her pregnancy she was fed more generously than the other women in the ward. Robinson also denied that Emily ever slept on a straw mattress, insisting that Boyle slept "on a good 'Ostermoor' Mattress" with all of her bedding and sleeping apparel.⁶⁷ Robinson concluded her report with an opinion on Emily's general behaviour at Kingston that spoke to her poor character. She wrote,

Just as soon as Boyle was satisfied that she would not be liberated because of her condition she commenced to make herself a general nuisance, and I feel quite safe in saying that two thirds of her pregnancy was spent in her room or in bed, and she feigned illness so thoroughly that her meals were taken to her room for her. Perusal of her file would, no doubt, completely convince one that Boyle is an obstinate person, never adverse to prevarication when it serves her purpose, and the cause of much trouble within this institution.⁶⁸

James was also upset about the details of Emily's delivery, undoubtedly communicated to him directly after she gave birth. His letter to the superintendent charged, "to prevent birth they tried to push the baby's head back into the uterus. Can you imagine the agony caused to a woman by such fiendish treatment?"⁶⁹ This too the superintendent underlined in dark black

pencil. James vowed that he intended to go, “the full limit in exposing and stopping of such base treatment to expectant mothers,” and blamed the decision to impede Emily’s delivery upon Matrons Robinson and Burleigh.⁷⁰ Matron Robinson offered a very detailed reply to this charge, stressing that no effort was made to prevent the birth. She wrote, “an endeavor was made to retard further delivery, after she had been discovered to be in labour on the floor of the bath-room, until a clean sheet could be procured and placed under the mother’s hips...”⁷¹ Dr. Platt also defended the matrons’ actions. In a letter to the warden he wrote, “if such attempts were made by the nurses and the normal means of doing this were tried (holding back the head with a sterile towel) in order to allow a sterile sheet to be placed under the patient, the procedure was certainly justified. This sterile sheet is a most important matter.”⁷² Platt admitted, however, that little could be accomplished by this method. Both matrons, he stressed, were ordinary and kindly nurses and he found it impossible to believe that they would make any effort to retard the birth of Emily’s baby.⁷³

James Boyle also wrote to numerous other government officials regarding Emily’s case, including Prime Minister R.B. Bennett and Independent Member of Parliament Alan Neill. Penitentiary officials went to great lengths to respond to his charges and reiterate the department position on Emily’s baby and her treatment at Kingston Penitentiary. Within this correspondence some of the larger issues connecting paternalist authority and maternal governance began to materialize. In a memorandum to the Minister of Justice in May of 1933, Superintendent Ormond detailed Emily’s case yet again. Ormond did not see Emily’s resistance as a manifestation of maternal love, but rather a struggle for power between Emily and the prison authorities. Ormond wrote, “she did all in her power to defeat this administration.”⁷⁴ The superintendent also responded to criticisms raised by James Boyle that female convicts were not given the opportunity to learn trades while imprisoned at Kingston. Although this was disconnected from the issue of Emily’s baby, James may have raised the issue of employment because he knew Emily would

struggle to find work after her release from the penitentiary. It was unlikely that she would return to work in a bank after her conviction for larceny and so she looked to a trade that might sustain her. Ormond bristled at this and suggested that the penitentiary was never intended to raise women above their class through training or education. He wrote, "considering the station in life of the average female convict, I am of the opinion that they are given very satisfactory training in domestic work that should fit them to take positions as domestic help, waitresses, chambermaids, etc., in addition to dressmaking or millinery."⁷⁵

The superintendent stressed that Emily's character should be central to questions about her treatment at Kingston, and her misrepresentation of it. Emily's "deception" throughout her pregnancy was a central theme, and Ormond returned to it repeatedly to express some justification for how her case had unfolded. The testimony of penitentiary matrons was particularly important in making this case as they were presumed to know more about Emily's character than other officials at the penitentiary. Here the influence of maternal governance becomes more visible in the moral judgments of the employees of the women's department. Matron Robinson wrote emphatically on this point in multiple reports on Boyle. In one summation of her case, Robinson stated "at this point I wish to advise that the demeanor of Boyle has been defiant even to this day, and she is far from a well behaved prisoner."⁷⁶ Much of this correspondence was exchanged in response to the concerns raised by Emily's husband. After painstakingly responding to his multiple charges, some officials raised the concern that James was part of Emily's larger pattern of manipulation that stretched back to her first sentence. Matron Robinson referred to James as, "the person who alleges to be Boyle's husband."⁷⁷ Robinson's suspicion was shared by other officials. In a subsequent letter to the superintendent, Warden Megloughlin wrote, "from the trend of Boyle's letters and circumstances surrounding her life, I would like to have proof before I am convinced that this person is, actually, her legal husband."⁷⁸ Underlying the questions about James and Emily's true relationship was the larger concern about his

motivations. Several officials sought an explanation about why James did not make his way to Kingston to retrieve the baby. The Department of Justice emphasized that it would raise no objection if James wished to take possession of the child.⁷⁹ In late spring 1933, James and Emily's marriage certificate arrived at Kingston Penitentiary. They had married in Edmonton in 1930. Emily was thirty-years old and James was twenty-three, his occupation listed as "salesman." When they were married, James worked at the Beatty Brothers Washers in Edmonton along with two other members of his family, Gloria and Martha. The Edmonton City Directory tells the story how the Great Depression hit the Boyle Family. In 1931 only Martha, working as a stenographer at Beatty Brothers Washers, was still listed in the phone book. By 1932 none of the Boyles appear.⁸⁰ It is likely that James could not afford to travel between Edmonton and Kingston to take custody of the baby, or care for it even if he gained custody. If Emily could not take the child at Kingston Penitentiary, the Boyles would need to rely on the Home for Infants for its support.

James returned to the theme of maternal love in subsequent communication with the Department of Justice, dwelling on the forced separation of Emily from their child. James implored, "she needs a home and a mother's care."⁸¹ He noted that the baby was in poor health after being sent to the Children's Home and that there was a vast difference between her and the Boyle's first child at the same age. James concluded, "neglect and the circumstances at birth has [sic] had much to do with the retarding of the baby's development."⁸² In his letter to the minister, James also touched on the question of Emily's character (and criminal conviction) and its bearing on decisions made about their child:

I am not condoning or upholding my wife in her mistakes, but I am convinced that she has paid her penalty well. I would like to have her home where I hope that she and our baby girl will be well cared for and where I can help her to start a new life. I think that this time away from home has made her feel that nothing is worth the separation and misery we have all passed through.⁸³

This was the final appeal James would make, touching again on maternal love and family. The departmental response was unbending. Superintendent Ormond reiterated the decision about Emily's baby and the issue of her regaining custody at Kingston Penitentiary was not raised again.

There was a small degree of sympathy for Emily amongst the penitentiary staff that revealed something larger about the penitentiary in 1933. In the course of his investigation of Emily's case, Ormond was shocked to discover that Emily was not suffering *total* separation from her baby while she served the remainder of her sentence. In May of 1933 he learned that the penitentiary staff was making extraordinary provisions for Emily to visit with her baby. Visits with family were permitted on a monthly basis for all Kingston prisoners, but Emily's contact with her baby required rather more assistance from penitentiary staff than was customary. Every two weeks Matron Robinson devoted her day off to bringing the baby from the Home for Infants into Kingston Penitentiary to spend time with Emily. Ormond noted, "this action on the part of Matron Robinson comes within the regulations, but it is something that she is in no way called upon to do, and is an act of exceptional kindness on her part."⁸⁴

Although the penitentiary softened on the issue of Emily's contact with her child, the appeal to maternal love did not ultimately secure her release. Emily's sentence ended through the only other official way for prisoners to be granted early release. In late 1933 Emily met with the penitentiary remission officer to discuss early parole. In the early twentieth century, the Department of Justice moved towards a more formal system of parole through a partnership between the Department of Justice and the Salvation Army. The *Ticket of Leave Act* of 1899 formalized the conditions of release for prisoners prior to the end of their sentence. Each release was wholly individualized as remission officers traveled the country to assess the state of rehabilitation of each applicant. Those who were judged to be successful would be delivered to the care of the Salvation Army, which would oversee reintegration into society in the aftermath of release. Salvation Army Officer Major Bunton visited Kingston Peniten-

tiary in November 1933 and met with Emily. She subsequently wrote to Bunton and expressed her desire to place herself in his care and spiritual guidance, should she be released.⁸⁵ In January 1934 Emily's Ticket of Leave was granted. Just prior to leaving Kingston Penitentiary, Emily requested information about a clothing allowance and ongoing support for her daughter paid by Kingston Penitentiary.⁸⁶ The superintendent informed Warden Megloughlin that the department had no intention of providing for Emily's child after her release.⁸⁷

Conclusion

Emily Boyle's experience at Kingston Penitentiary revealed one of the great ironies about maternal reform and the "progressive" penitentiary of the early twentieth century. Reformers viewed the rise of maternalism as a positive influence in the lives of imprisoned women. The ideology was accompanied by a growing state and institutional intervention into the lives of women who could not achieve the standards of respectable middle-class motherhood. Organizations such as the Children's Aid Society and the Salvation Army provided institutional care for mothers and children in crisis, as these bodies defined it. But for women such as Emily, these advances appeared as retrograde, punitive, and destructive to their personal ideals of motherhood. Throughout history the Canadian penitentiary allowed mothers to give birth, raise children, and perform domestic labour in combination with a prison sentence imposed by criminal conviction. Emily staked her struggle on the position that moving away from this practice was *not* in the best interest of imprisoned women and their children.

A focus on the class relations at the core of Emily's story lays bare the ultimate emptiness of the maternal ideal. Emily was not typical of the intended target of the middle-class morality and gender norms that maternalism was built upon. Indeed, she was middle-class, though struggling through the depression, and when she insisted on living up to the ideals of motherhood within prison walls, prison administrators recoiled. Emily's crim-

inalization placed her amongst the lower classes and disqualified her claims to exert maternalism in a real and meaningful way. When she insisted on her *own* version of this ideal, one that did not involve the Children's Aid Society or losing her baby until she was released from prison, she created the potential for conflict with the prison and its administrators.

There was also an irony contained in Emily's eventual strategy for securing release from Kingston Penitentiary. Since the first months of her pregnancy she had appealed to the emotional elements of maternal love and the implied maternalism of the early twentieth-century women's reform movement. She believed that her impending childbirth — literal maternity — would serve as a compelling counterargument to constriction of imprisonment. When this appeal failed, she instead clung to the physical and obstetric footholds of her condition, believing that if she controlled the terms of her pregnancy and delivery she might retain some measure of determination over her time at Kingston Penitentiary. This too was unsuccessful. Her appeal to maternal love ultimately did not serve as a compelling argument against the demands of penal power and the overwhelmingly negative judgments about her moral character. In the eyes of penitentiary and department officials, maternity could not outweigh Emily's criminality. Ultimately, Emily appealed to the larger paternal authority of Christian charity represented by the Salvation Army parole officer. This was the correct route to bypass the restrictive consequences of criminal conviction.

Emily Boyle discovered limits of maternal love and its ability to transgress traditional paternal power of penitentiary discipline. While there was a sense of concession to Emily's appeals to motherhood, the penitentiary would bend only so far. Emily's release in 1927 was regarded as a dispensation that could not be repeated when department officials considered the larger issues of character revealed by Emily's recidivism. In a similar way, Emily's appeal to her maternal connection to her second child could not bend the warden's insistence on penitentiary discipline. Maternal reform, as it was expressed in ideological terms, did not penetrate the penitentiary of the 1930s. As the warden

insisted, women did not come to prison to perform maternal labour; work of this kind was of no use to the state. Moreover, separation of families — even mother and child — was a part of the consequence of criminal conviction. Emily Boyle attempted to transgress these limits and employed her own personal appeal to maternal ideology to achieve this.

TED McCOY teaches Law and Society in the Sociology Department at the University of Calgary.

TED McCOY enseigne « droit et société » au département de sociologie à l'Université de Calgary.

Endnotes

- 1 Gilbert Smith to H.C. Fatt, 25 April 1932, RG73, Vol. 175, File 2411, "Female Convict 2411, Boyle, Emily," Library and Archives Canada (hereafter LAC).
- 2 For privacy considerations, "Emily Boyle" is a pseudonym, as are all of the names connected to the woman at the centre of this investigation.
- 3 See Franca Iacovetta and Wendy Mitchinson, *On the Case: Explorations in Social History* (Toronto: University of Toronto Press, 1998). See also Linda Gordon, *Heroes of Their Own Lives: The Politics and History of Family Violence* (London: Virago, 1989).
- 4 *Ibid.*, 6.
- 5 Margaret Atwood, *Alias Grace* (Toronto: McClelland and Stewart, 1996); Tom Mitchell and Reinhold Krama, *Walk Towards the Gallows: The Tragedy of Hilda Blake, Hanged 1899* (Toronto: University of Toronto Press, 2007); Maimie Pinzer, *The Maimie Papers: Letters from an Ex-Prostitute* (New York: The Feminist Press CUNY, 1997).
- 6 See Carolyn Strange, "Wounded Womanhood and Dead Men: Chivalry and the Trials of Clara Ford and Carrie Davies," in *Gender Conflicts: New Essays in Women's History*, eds. Franca Iacovetta and Mariana Valverde (Toronto: University of Toronto Press, 1992), 149–88; Amanda Glasbeek, "An avalanche of tragedy': Modern Girls and the Murder of Mrs. Mick," *International Review of Victimology* 19, no. 1 (January 2013): 7–22.
- 7 See Bettina Bradbury, *Wife to Widow: Lives, Laws, and Politics in Nineteenth-Century Montreal* (Vancouver: University of British Columbia Press, 2011); Lynne Marks, "Challenging Binaries: Working-Class

- Women and Lived Religion in English Canada and the United States,” *Labor: Studies in Working-Class History of the Americas* 6, no. 1 (Spring 2009): 107–25; Carolyn Kay Steedman, *Landscape for a Good Woman: A Story of two Lives* (New Brunswick, NJ: Rutgers University Press, 1987).
- 8 See Estelle Friedman, *Their Sister's Keepers: Women's Prison Reform in America, 1830–1930* (Ann Arbor: University of Michigan Press, 1981), chapter 2.
- 9 Kelly Hannah Moffat, *Punishment in Disguise: Penal Governance and Canadian Women's Imprisonment* (Toronto: University of Toronto Press, 2001), 36.
- 10 See Carolyn Strange, *Toronto's Girl Problem: The Perils and Pleasures of the City, 1880–1930* (Toronto: University of Toronto Press, 1995).
- 11 For example, see Margaret Little, *No Car, No Radio, No Liquor Permit: The Moral Regulation of Single Mothers in Ontario, 1920–1997* (Toronto: Oxford University Press, 1998); Margaret Little, “The Introduction of Mothers’ Pensions in B.C.,” in *Family Matters: Papers in Post-Confederation Family History*, eds. Lori Chambers and Edgar-André Montigny (Toronto: Canadian Scholars’ Press, 1998): 91–114; Ellen Ross, *Love & Toil: Motherhood in Outcast London, 1870–1918* (New York: Oxford University Press, 1993).
- 12 Estelle Freedman, *Their Sister's Keepers: Women's Prison Reform in America, 1830–1930* (Ann Arbor: The University of Michigan Press, 1981). See also, R.E. Dobash, R.P. Dobash, and S. Gutteridge, *The Imprisonment of Women* (New York: Routledge, 1986).
- 13 See Lucia Zedner, *Women, Crime and Custody in Victorian England* (Oxford: Clarendon Press, 1991).
- 14 Hannah Moffat, *Punishment in Disguise*. See also Alana Barton, “A Woman’s Place: Uncovering Maternalist Forms of Governance in the 19th Century Reformatory,” *Family & Community History* 14, no. 2 (October 2011): 89–104.
- 15 See Nicole Hahn Rafter, *Partial Justice: Women in State Prisons, 1800–1935* (Boston: Northeastern University Press, 1985); other writers have focused on investigating the role of maternalism as it was promoted outside of penal settings. See Lee Stewart, *Women Who Volunteer To Go to Prison: A History of the Elizabeth Fry Society of British Columbia, 1939–89* (Victoria: Orca Books, 1993); Amanda Glasbeek, “Maternalism Meets the Criminal Law: The Case of the Toronto Women’s Court,” *Canadian Journal of Women and the Law* 10, no. 2 (1998): 490–502; Joan Sangster, “Reforming Women’s Reformatories: Elizabeth Fry, Penal Reform, and the State, 1950–1970,” *Canadian Historical Review* 85, no. 2 (2004): 227–52; Sangster, *Girl Trouble: Female Delinquency in English Canada* (Toronto: Between the Lines, 2002).
- 16 See Carolyn Strange, *The Velvet Glove of Maternalistic Reform at the Andrew Mercer Ontario Reformatory for Females, 1874–1927* (M.A. thesis, University of Ottawa, 1983.)

- 17 See Ted McCoy, *Hard Time: Reforming the Penitentiary in Nineteenth-Century Canada, 1835–1900* (Edmonton: Alberta University Press, 2012), 85–90.
- 18 Details on Emily’s court appearance and conviction are unavailable, but her first and second convictions — both in connection with employment — make clear that she held employment that required education of some kind. The quality of her written correspondence from prison also supports this conclusion — making Emily an atypical penitentiary inmate.
- 19 Although other penitentiaries in the Dominion housed women at various times throughout the last part of the nineteenth-century, by the early twentieth century all federal female criminal convicts were transferred to Kingston Penitentiary.
- 20 W. Laughlin to J.C. Ponsford, 18 November 1926, “Emily Boyle.”
- 21 J.C. Ponsford to W.S. Hughes, 11 January 1927, “Emily Boyle.”
- 22 G. Emond to W.S. Hughes, 26 January 1927, “Emily Boyle.”
- 23 G.A. Platt to J.C. Ponsford, 5 August 1933, “Emily Boyle.”
- 24 Ibid.
- 25 Ibid.
- 26 This letter does not appear in Emily’s Department of Justice file, but is referenced in the following citation.
- 27 H.C. Fatt to W.S. Edwards, 30 March 1932, “Emily Boyle.”
- 28 Ibid.
- 29 J.R. Boyle to H.C. Fatt, 13 April 1932, “Emily Boyle.”
- 30 Gilbert Smith to H.C. Fatt, 25 April 1932, “Emily Boyle.”
- 31 Ibid.
- 32 Ibid.
- 33 Gilbert Smith to H.C. Fatt, 25 April 1932.
- 34 “Warden’s Daily Journal,” 28 September 1869, T-1988, LAC.
- 35 “Female Punishment Book,” 29 December 1865, T-1943, LAC.
- 36 Ibid., 6 January 1866.
- 37 Ibid., 20 January 1866.
- 38 Ibid., 27 January 1892.
- 39 W.S. Edwards to G. Smith, 18 April 1932, “Emily Boyle.”
- 40 Gilbert Smith to H.C. Fatt, 25 April 1932, “Emily Boyle.”
- 41 Ibid.
- 42 Ibid.
- 43 H.C. Fatt to James Boyle, 30 May 1932, “Emily Boyle.”
- 44 Emily Boyle to Hugh Guthrie, 23 June 1932, “Emily Boyle.”
- 45 Ibid.
- 46 Ibid.
- 47 W.S. Edwards to W.S. Hughes, 18 April 1932, “Emily Boyle.”
- 48 In fact, the prison would not receive the first women convicts until mid-1934.

EMILY'S MATERNAL IDEAL: PREGNANCY, BIRTH,
AND RESISTANCE AT KINGSTON PENITENTIARY

- 49 Emily Boyle to Hugh Guthrie, 23 June 1932, "Emily Boyle."
50 Ibid.
51 Gilbert Smith to W.S. Edwards, 5 July 1932, "Emily Boyle."
52 Ibid.
53 E.H. Robinson to Warden, 4 August 1933, "Emily Boyle."
54 Ibid.
55 Ibid.
56 Drawn from Gilbert Smith to H.C. Fatt, 13 July 1932, "Emily Boyle,"
E.H. Robinson to Warden, 4 August 1933, "Emily Boyle."
57 Gilbert Smith to H.C. Fatt, 13 July 1932, "Emily Boyle."
58 Ibid.
59 H.C. Fatt to Gilbert Smith, 19 July 1932, "Emily Boyle."
60 Ibid.
61 Gilbert Smith to H.C. Fatt, 21 July 1932, "Emily Boyle."
62 G.A. Platt to Gilbert Smith, 20 July 1932, "Emily Boyle."
63 Ibid.
64 James Boyle to D.M. Ormond, 28 July 1933, "Emily Boyle."
65 "Convict's Offence Report," 5 January 1932, "Emily Boyle."
66 Ibid.
67 E.H. Robinson to W.B. Megloughlin, 27 November 1933, "Emily
Boyle."
68 Ibid.
69 James Boyle to D.M. Ormond, 28 July 1933, "Emily Boyle."
70 Ibid.
71 E.H. Robinson to W.B. Megloughlin, 4 August 1933, "Emily Boyle."
72 E. A. Platt to W.B. Megloughlin, 8 August 1933, "Emily Boyle."
73 Ibid.
74 D.M. Ormond to S.J. Pearson, 31 May 1933, "Emily Boyle."
75 Ibid.
76 E.H. Robinson to W.B. Megloughlin, 4 August 1933, "Emily Boyle."
77 Ibid.
78 W.B. Megloughlin to D.M. Ormond, 4 August 1933, "Emily Boyle."
79 H.C. Fatt to W.B. Megloughlin, 10 November 1932, "Emily Boyle."
80 *Henderson's Edmonton City Directory*, Winnipeg: Henderson Directories,
1931-3.
81 James Boyle to Hugh Guthrie, 2 August 1933, "Emily Boyle."
82 Ibid.
83 Ibid.
84 D.M. Ormond to Hugh Guthrie, 31 May 1933, "Emily Boyle."
85 D.M. Ormond to W.B. Megloughlin, 11 January 1934, "Emily Boyle."
86 W.B. Megloughlin to D.M. Ormond, 8 January 1934, "Emily Boyle."
87 D.M. Ormond to W.B. Megloughlin, 11 January 1934, "Emily Boyle."