

‘Roping in the Wretched, the Reckless, and the Wronged’

Narratives of the Late Nineteenth-Century Toronto Police Court

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A study of the daily police-court columns in the local Toronto press provides an *entrée* into the history of urban peril, moral reform, and the social languages of class, gender, and ethnicity. The newspaper police-court columns from the *Telegraph*, the *Telegram*, and the *News* between 1870 and 1891, revealed that cultural meanings of masculinity and femininity were defined in late nineteenth-century discourses of social reform, notably around temperance, and in relation to the administration of criminal justice in the police court. The bulk of this paper is comprised of an attempt to explain how these cultural representations of gender were constructed.

My primary objective in this analysis is to move away from conceptualizations of gender as simply sexual difference between men and women, by revealing some of the complexities of meanings of gender for latter nineteenth-century Torontonians. While there is little in the ensuing analysis that focusses on developments in the law, or the police court as an institution of state regulation *per se*, this paper is a departure from the previous research on the nineteenth-century Toronto police court by Paul Craven and Gene Homel, in that I am concerned primarily with gender as a socially and historically variable category.¹

1 Gene Homel, “Denison’s Court: Criminal Justice and the Police Court in Toronto, 1877-1921,” *Ontario History*, LXXIII (September 1981), 171-84; Paul Craven, “Law and Ideology: The Toronto Police Court 1850-80,” in David Flaherty (ed.), *Essays in the History of Canadian Law*, Volume I (Toronto 1981), 175-211. Of particular interest for the purposes of this paper is Craven’s application of the techniques of cultural criticism for purposes of analyzing the language of melodrama in the daily police-court columns. This discussion of the police-court-as-theatre is then situated in the context of the broader social movement for moral reform. A limitation in Craven’s analysis is the lack of any consideration of gender or ethnicity. The “great unwashed” described by Craven thus emerge as an undifferentiated mass who are deemed “not respectable” by the ruling class.

Unlike the *Globe* and the *Mail*, both “up-market” or quality newspapers, which were aimed at an upper-class readership and sold for 2-3 cents per issue, the *Telegraph*, the *Telegram*, and the *News* were penny papers intended to cater to the “masses.” The penny papers relied on a style of popular journalism which appealed to the working class — serial novels, sensational features, trivia, local gossip, and crime. The existence of a regular police-court column further justifies the selection of these particular newspapers for the purposes of this study.²

The extensive newspaper coverage given to the happenings in the police court further attests to the importance of the institution among nineteenth-century working-class Torontonians. Depictions of the court room scene in the daily press reinforce arguments that the nineteenth-century police court was a popular neighbourhood institution. “The people whisper and talk,” the *News* reported, “for all of them have an interest in someone to be tried today. There are mothers, wives, sisters, husbands, fathers, and children, and every heart amongst them is sore.”³ It would also appear from the police-court columns that the Irish immigrants along Dummer and Lombard streets, and later in the 1880s Duchess street, were prominent among those who sat in the audience of the police court on a regular basis.⁴

Among the frequenters of the Magistrate’s Court were characters of a “nomadic description” seeking entertainment. Generally speaking, “The greater the crime the greater the audience.” The court reporter from the *News*

2 John Ross Robertson and James Cook launched the evening Toronto *Telegraph* in 1866, hoping to attract a readership with its mixture of Conservatism and sensationalism. Revenues never matched expenditures, however, and when the Conservative party withdrew its backing in 1872 the paper folded. Robertson launched a second penny daily, the *Telegram*, in 1876, using much of the same type of popular journalism found in the *Telegraph*. The *News* was organized in May 1881 by John and Charles Riordan and C.W. Bunting as an evening edition of the *Mail*. Early in 1883, Edmund E. Sheppard became editor of the paper, and in November of that same year became proprietor. Under Sheppard’s control, from 1883 to 1887, and with prominent Toronto labour reformer and intellectual Phillips Thompson as his assistant editor, the *News* promoted a political economy of “universal democracy,” and championed the cause of labour reform by endorsing the Knights of Labor. Sheppard and Thompson, as Russell Hann observed, also criticized militarism in the *News*, and the heavy-handedness of the law enforcement of Chief of Police Draper and Police Magistrate Denison, both of military backgrounds. See Paul Rutherford, *A Victorian Authority: The Daily Press in Late Nineteenth-Century Canada* (Toronto 1982), 43-56; Hector Charlesworth, *Candid Chronicles: Leaves from the Note Book of a Canadian Journalist* (Toronto 1925), 72-86; Russell Hann, “Brainworkers and the Knights of Labor: E.E. Sheppard, Phillips Thompson, and the Toronto News, 1883-1887,” in Gregory S. Kealey and Peter Warrian (eds.), *Essays in Canadian Working Class History* (Toronto 1976), 35-57.

3 *News*, 4 May 1881.

4 See, for example, *News*, 28 September 1881; *News*, 10 October 1881; *Telegram*, 10 August 1886; *News*, 8 August 1887.

commented that, “Burglaries are their delight; aggravated assaults, fill them with joy; and their cup of bliss runs over when the inmates of a bagnio are upon trial.”⁵

The daily press was crucial in transmitting the moral lessons of the police court to a wider audience, both within the city, and beyond. Readers of the *News*, in communities outside of Toronto, were apparently so intrigued with the affairs of the police court, and the “gallant” Magistrate Denison, that when they came to the city to visit the Fair, or attend the Regatta, they were possessed by an “unquenchable” desire to see the court.⁶ In moral reform discourse, the *News* reporter suggested that those who visited the police court also learned a great lesson:

The quacking drunkard in the dock preaches a sermon, the giggling girl of the street sends a lesson home. The sneak thief, the bully, the well-dressed confidence man are all sized up and carried in remembrance. The blood-shot eye, the grey haired boy, the unsteady hand, the face of the night walker, the displaced hair, the muddy dress, the ragged frock, the pinched features, the weak step, the revolting curse. All this goes home and haunts these unsophisticated visitors ...⁷

Reporters who covered the Toronto police court daily constructed representations of gender in their texts and categorized men and women offenders in a variety of different ways. Although intended for the undifferentiated “masses,” the penny dailies were read primarily in the households of the literate working class. The message of moral reform was not only transmitted through the police-court columns, but was shaped alongside other often competing working-class gender identities. Four broad gendered categories of offenders were singled-out repeatedly in the writings of these reform-oriented newspaper columnists and were the focus of considerable attention from the police and the local government. These included: “The Irreconcilables”—drunks, vagrants, and tramps; prostitutes — “Fallen Woman” or “Soiled Doves”; the wife-beater, and “Bad Boys” and “Suburban Roughts.”

“The Irreconcilables”: Drunks, Vagrants, and Tramps

Melodrama as a literary and dramatic form emphasized extremes of emotion. Excessively simplified characters with exaggerated expressions of either right

5 *News*, 11 November 1881.

6 *News*, 9 September 1881.

7 *Ibid.*

or wrong were used in melodrama. Working-class melodrama evoked the instability and vulnerability of their own lives. Nineteenth-century domestic melodrama, as Judith Walkowitz has stated, celebrated the firm boundaries of the home, and the role of women in the home as wives and mothers.⁸ Domestic melodrama was used to construct representations of the fallen drunken son who broke the heart of his beloved and powerless mother. An example of domestic melodrama, published in the *News*, opened with a description of a mother, with her son and her daughter, returning to the city on the Toronto Island ferry, after a day in the park.⁹ It was late in the evening, and as the narrative stated, “the stars in the blue canopy above gaze peacefully down upon the placid waters of Lake Ontario; waters without a ripple save where disturbed by the wheels of the passing steamer.” The mother sat in the cabin of the boat with her daughter wondering at the prolonged absence of her only son. “Come,” said the mother, “we shall search for him.” The scene then changed. The reader was transported below deck.

Down below the deck, below the engines, away from the pale light of the stars and the calm breath of the lakes, lit by a single lamp, with the sound of the rushing water hurled from the giant wheels outside, dark, gloomy, damp, dungeon-like; fit place of the work there carried on ...¹⁰

In the language of late nineteenth-century social reform, metaphors of light, such as the light of the stars, represented purity. Allegories of darkness and gloom and of swiftly moving water, in contrast, symbolized the rushing away of the soul or the moral ravages caused by the consumption of alcohol.¹¹ Below deck the women discovered: “Old men and young ... all drinking, some merry, some beyond the stage of mirthfulness verging on stupidity; all disgusting.” In the narrative, the bar below the ship’s deck was constructed as a male space. No women were welcome there: “The father, son, brother, may come, the mother, daughter, sister not.”¹²

8 Judith Walkowitz, *City of Dreadful Delight: Narratives of Sexual Danger in Late-Victorian London* (Chicago 1992), 86-7. See also, Martha Vicinus, “‘Helpless and Unfriended’: Nineteenth-Century Domestic Melodrama,” *New Literary History*, 1 (Autumn 1981), 127-43; David Grimsted, “Melodrama as Echo of the Historically Voiceless,” in Tamara K. Hareven, *Anonymous Americans: Explorations in Nineteenth-Century Social History* (Englewood Cliffs, NJ 1971), 80-98; Peter Brooks, *The Melodramatic Imagination: Balzac, Henry James, Melodrama, and the Mode of Excess* (New Haven and London 1976), 1-20.

9 *News*, 6 August 1881.

10 *Ibid.*

11 Mariana Valverde, *The Age of Light, Soap, and Water: Moral Reform in English Canada, 1885-1925* (Toronto 1991), 34-43.

12 *News*, 6 August 1881.

The mother was devastated as she gazed upon her son, “his handsome face flushed with drink, his eyes gazing stupidly before him.” In true melodramatic style, the emotional intensity builds as the mother begged her son to come with her. He refused, cursing her, and pushing her away. The emotion in the narrative escalates further:

Curses her — the mother who bore him; whose arms have guarded him through life, whose love watches over him through all, whose heart is breaking as she sees her cherished idol shattered. Curses her. Drives her forth, to the weeping sister whose arms receive her as she falls fainting outside.

Consistent with temperance discourse, alcohol had transformed her previously handsome, intelligent son into a “pitiful, degraded object.” The women were constructed as saintly and weak. In domestic melodrama, the victimization of the women was attributed to the moral weaknesses of men.

The scene changed again; this time to the police court. The young man was convicted by the police magistrate. He argued that he had been treated unjustly by the court, but to no avail. “Take him forth, heed not his ravings, he is a madman, the law has said ‘tis just, and ‘tis just.” Right and wrong were clearly distinguished. The narrative concluded with an image of “the poor, old, widowed, grey-haired mother,” sitting with a “bleeding-heart” waiting for her beloved son to return, “disgraced though he may be,” with words of forgiveness on her lips. But the son never came home, and the narrative ended. The temperance message of devastation heaped on families by sons who drank was thus transmitted to the reading public. Melodramatic genre was part of the wider cultural discourse of moral reform. This particular narrative of woe, furthermore, was not unlike the discourses found in reform publications associated with the Salvation Army and the Women’s Christian Temperance Union.¹³

Drunkenness was widely viewed by nineteenth-century social reformers, and by members of the medical profession, as a moral weakness. In his testimony before a provincial Royal Commission, appointed in 1890 to investigate the cause of crime in the province, Dr. Daniel Clarke, the Medical Superintendent of the Toronto Asylum, stated that drunkenness was a “deterioration of character, not a disease.”¹⁴ This point of view was also illustrated in a police-court column published in the *News* on 17 October 1881. In the narrative, a young man about to appear before the magistrate on a charge of

13 See Valverde, *The Age of Light, Soap, and Water*, 58-61; 65-7.

14 *Report of the Royal Commission into the Prison and Reformatory System of Ontario* (Toronto 1891), 300.

public drunkenness, declared with remorse: “Sear me to the soul!”¹⁵ This, apparently, was the young man’s first “drunk” after “leading a pure, good life.” “He had fought hard — he had done his best, he prayed — he had done better than that; he had looked forward into the future.” Yet somehow this young man had “broken down”; his character had deteriorated. The narrative continued as the young man reminisced about his family, with fondness. For this man, the way to reform was to leave the temptations of the city with its numerous taverns and grogeries. “There is only one place for me,” he said, “and that’s the far West.”¹⁶ The frontier symbolized a fresh start, and a place where the young man might re-shape his character.

In the *Telegraph*, during the early 1870s, men and women prosecuted for being drunk and disorderly, or for vagrancy, were grouped together in the police-court columns under the heading, “The Irreconcilables.” The inference was that this group of offenders had “fallen” below the point of reform. Taverns and grogeries were prominent in the cultural life of Torontonians. In his report for 1870, Chief Constable William S. Pearce, discussed violations of the liquor by-laws in “victualling houses” which were “permitted to keep open at all hours of the night.” In connection with these violations of the liquor by-laws, Pearce referred specifically to the dancing rooms with saloons, which had lately “become a cause of great annoyance to the neighborhood in consequence of the frequency of quarrels, disorderly conduct and fighting.” “Many young women, and mere girls,” Pearce added, “resort to these assemblies, unaccompanied by guardian, or anyone to protect them, and the result must be detrimental to their education and moral training, as well as to their health.”¹⁷

The sale of alcohol in unlicensed establishments remained a problem, however, for local authorities throughout the latter part of the nineteenth century. Contrary to reformers’ images of saintly womanhood, women were among those arrested for selling liquor illegally in their homes or in neighbourhood grocery stores.¹⁸ Through a series of by-laws and stringent police monitoring, the local government attempted to eliminate unlicensed establishments, and to suppress vagrancy and drunkenness. During the 1880s, the

15 *News*, 17 October 1881.

16 *Ibid.*

17 Report of the Chief Constable for 1871, *Minutes of the City Council for the Year 1871*, City of Toronto Archives.

18 A cursory analysis of the Chief Constables’ annual reports revealed an increase in the percentage of arrests for liquor offenses among women during the 1880s, which corresponds with the efforts by the local police to eliminate illegal drinking dives. Women’s earnings from the illegal sale of alcohol probably contributed to the family economy. For a discussion of women’s contribution to the household family economy in nineteenth-century Montreal, see Bettina Bradbury, *Working Families: Daily Survival in Industrializing Montreal* (Toronto 1993), Ch. 5.

police organized raids in St. John's Ward. The police-court column published in the *News* on 10 May 1881, under the heading "Ropin' in the Wretched, the Reckless, and the Wronged," described one such raid on Louisa Street organized by Inspector Ward. "Last night the police gave the Noble Ward an emetic," the *News* declared, "and with its vomit came forth that foulness which has so long made it sick with sin."¹⁹ Journalists, as the allegories equating drunkenness and disorderliness with sickness and sin suggest, also played a role in attempting to regulate the behaviour of what social reformers identified as the "dangerous classes." The construction of St. John's Ward as a moral category is significant. "The Ward" was a working-class space, but beginning in the 1880s and 1890s, was also increasingly inhabited by the city's non-British immigrants.

Similar to men, young women convicted on drunk and disorderly charges were presented in the police-court columns as beginning a course of moral "descent." For young women, however, the "fall" was believed to lead ultimately to prostitution.²⁰ Women, who responded with defiance to the sentences imposed by the magistrate, were described by court reporters as "saucy" and "brazen," and departing from the conduct expected of the "gentle sex."²¹ Magistrate McNabb was particularly severe with women found drunk in public places. On 17 November 1876, McNabb sentenced three men on a drunkenness charge to \$1 and court costs, or ten days in jail at hard labour. At the same sitting of the court, four women convicted of the same charge were fined \$3 and costs, or six months in jail. "The magistrate is death on the women," the court reporter from the *Telegram* revealed, "it is bad enough for a man to get drunk, but it becomes even more disgraceful when a woman is the victim."²²

The femininity of mothers tried for drunkenness in police court was particularly compromised. "One of the most painful scenes to be witnessed at the Police Court," the *Telegram* indicated, "is to see women in the dock charged with drunkenness carrying infants in their arms or toddling children clinging to their skirts."²³ In the same column, the names of women prosecuted for drunkenness were listed with the number of children accompanying them recorded in brackets.²⁴

19 *News*, 10 May 1881.

20 *News*, 22 October 1881.

21 See, for example, *Telegram*, 1 November 1876; *News*, 27 December 1881; *News*, 5 May 1881; *News*, 30 May 1881.

22 *Telegram*, 17 November 1876. The following day, McNabb sentenced Mary Todd to \$5 and costs, or three months in prison for being found drunk in public. The *Telegram* commented: "It will be observed again, that all females are certain to be heavily fined for disgracing their sex by getting drunk." *Telegram*, 18 November 1876.

23 *Telegram*, 13 July 1889.

24 *Ibid.*

Not all of the men and women brought before the magistrate for public drunkenness were downtrodden, bedraggled, under-employed men and women. During the period between 1870 and the early 1890s, reporters frequently noted that business in the police court was lightest on Saturday. Among workingmen, “by the time Friday comes round the boys are short of funds.”²⁵ Saturday being payday for most workers, Monday was typically the busiest day of the week in the police court. Competing with the temperance discourse of abstinence from alcohol was the view of many, if not most, workingmen that they had the right to spend a portion of their wages on drink. Responding to Mayor Howland’s campaign to suppress public drunkenness and crack-down on illegal taverns and grogeries, an anonymous correspondent, in a letter-to-the-editor of the *Telegram* wrote:

Why should a poor man going home to his family, with \$5 or \$6 in his pocket (by his stipend for a week’s hard toil from early morn till dark night), be arrested, dragged before the Magistrate and fined \$1 and costs (in all about \$4 — nearly all he possesses), for simply taking a few glasses of liquor, or being unable to walk straight on the streets, but who nevertheless, if let alone, would reach his wife and children with most of his wages.²⁶

Also, a significant increase in drunk and disorderly cases was found in the days surrounding holidays, most notably, the Queen’s birthday, Dominion Day, Christmas, and New Year’s. Celebrations of cultural significance to specific religious and ethnic groups, which often included drinking, might result in an appearance before the magistrate. A young Irishman, Michael Duffy, was arrested by a constable on patrol in the early hours of 18 July 1889, as he “staggered” homeward after participating in a wake.²⁷

Throughout the latter part of the nineteenth century, Toronto was the primary winter quarters for tramps from the surrounding countryside and the United States.²⁸ In January 1884, Deputy Chief Constable John McPherson, in Draper’s absence, reported that the number of tramps and waifs seeking shelter in the police stations during the winter had increased. “A large number of this class,” McPherson complained, “many of them able-bodied young men, chiefly emigrants lately from the Old Country, have applied to the Police Magistrate to be sent to jail for the winter, and are confined as vagrants.”²⁹

25 *News*, 14 May 1881.

26 *Telegram*, 25 January 1886.

27 *Telegram*, 29 July 1889.

28 See also, James Pitsula, “The Treatment of Tramps in Late Nineteenth Century Toronto,” *CHA Historical Papers* (1980), 116-32.

29 Report of the Chief Constable for the Year 1883, in *Minutes of the City Council for the Year 1884*.

Cultural distinctions were made between categories of tramps and vagrants. The various categories of tramps were illustrated in a column published in the *Telegram*, entitled "For and About Tramps," authored "By One of Them."³⁰ The first category was comprised of "hereditary and inherent" vagrants. These vagrants never worked, and refused to do so under any circumstances. Nearly all of them were "habitual drunkards." "This class includes many women," the author revealed, "who may, on the whole, be regarded as its most vicious representatives." These women, "by reason of their sex ... excite sympathy and exhort aid which properly directed might be incalculably helpful to an honest, and deserving person in temporary need."³¹ Hereditary and inherent vagrants were viewed as unworthy of any aid. The second category included former US Civil War soldiers, who during the war acquired "an incurable aversion to ordinary labour," and the third group was comprised of honest, hard-working men. Unfortunately, as the author indicated, this latter category of men also drank. Inevitably they had a spree on pay-day, and as a result were only employed temporarily. The fourth category, the "begging letter tramp," included those formerly belonging to the middle class, notably merchants and the sons of wealthy parents, who had met with reverses. The "hypocritically religious tramp," who cashed in on the sympathy and charity of Christians, was the fifth type of tramp presented in the column. With the exception of the first category, the religious tramp was "the most hopelessly depraved and despicable scoundrel of all." The final category of tramp identified was "the man who is worthy." This type of tramp was thoroughly honest, and worthy of sympathy and assistance. Unable to find a job in the vicinity of his home, he went tramping from town to town in search of a job with the expectation that he would eventually be able to return home "with a respectable wardrobe and a surplus of cash."³² Of the six categories of tramps only the last type complied with socially defined notions of respectable manhood.

A similar distinction between categories of tramps and vagrants on the basis of moral "worthiness" was also evident in the narratives published in the daily police-court columns, in the ways in which the magistrates handled prosecutions for vagrancy, and in how the police court was used by vagrants themselves. Included among the "deserving poor" were elderly men and women who lacked any family to care for them, and were found roaming the streets, ill and destitute. One elderly woman, Ann Helen, who had no friends or kin was sent to the charitable House of Industry by Magistrate Denison.³³ On another occasion, in November 1882, an old man named William Barrett

30 *Telegram*, 3 July 1878.

31 *Ibid.*

32 *Ibid.*

33 *News*, 27 October 1881.

was found wandering about Agnes Street late at night and arrested by the constable on patrol. Denison sent this vagrant to jail for four months “in order to save him from being frozen to death.”³⁴

Consistent with his military affiliation, Denison, as he himself acknowledged in his memoirs, was lenient towards old soldiers and pensioners.³⁵ On 8 January 1883, Richard Kirwin, an old soldier, was brought before the Magistrate following his arrest on Richmond Street for vagrancy. Kirwin was afraid that he would lose his pension if he was sent to jail. “The Magistrate,” the *News* reported, “told him he would not lose his pension, as poverty was no crime.”³⁶ Kirwin was sent to the jail hospital for a month to get treatment for his rheumatism.

Denison considered sober, and thus “respectable,” men “on the tramp” in search of employment to be among the “deserving poor.” His charitableness towards these men arrested as vagrants suggests a continuation of the paternalism found among magistrates earlier in the century.³⁷ One unemployed vagrant, Thomas Cox, described in the *Telegram* as “a respectable-looking man, a cripple, and a japanner by trade,” was prosecuted for vagrancy in November 1880. The Magistrate asked Cox how he would like to be dealt with by the court. Cox responded that he could find work in Hamilton if he was discharged. Denison remanded Cox for one day, so that he might be fed and housed, and arrangements were made for his transportation to Hamilton.³⁸

Nevertheless, as Gene Homel has argued, Denison’s “even-handed justice” and intuitive feelings were not “neutral.”³⁹ The city’s Blacks and Irish were singled out by Denison in his memoirs as a source of “amusement” in the court because of their many “peculiarities.”⁴⁰ Street fights among the city’s Irish, who gathered in the vicinity of Stanley Street (later renamed Lombard Street) were a source of hilarity for the magistrate. Viewing the Irish with bemused contempt, Denison even imitated an Irish brogue in his narrative.⁴¹ Denison’s idea of respectable manhood was associated not only with sobriety as suggested above, but was also linked with British ethnic origins.

A discourse of immigrant exclusion was created in the police-court columns around the stereotype of the drunken pauper immigrant man. “All summer the police court has been pestered with drunken immigrants,”

34 *News*, 28 November 1882.

35 George T. Denison, *Recollections of a Police Magistrate* (Toronto 1920), 90-97.

36 *News*, 8 January 1883.

37 Greg Marquis, “The Contours of Canadian Urban Justice, 1830-1875,” *Urban History Review*, XV, 3 (February 1987), 270.

38 *Telegram*, 25 November 1880.

39 Homel, “Denison’s Court,” 171.

40 Denison, *Recollections*, 31-8; 178-89.

41 *Ibid.*, 213-18.

observed the *News* court reporter in August 1881, “we want sober importations to this country, not drunken loafers.”⁴² Later, in January 1884, eight Englishmen, seven journeymen, and one apprentice butcher, requested that the Magistrate send them to jail for the winter, as they were unable to secure work. The Magistrate complied with the request, and sent the men to jail for two months. “The Government had better stop shipping pauper immigrants to this country,” the *News* commented, “the jails are full up.”⁴³ Immigrant and drunken loafer were thus linked by journalists, and used to support policies of restricted immigration.

Loafers were not dealt with leniently by the magistrates, and were discussed with contempt in the police-court columns. Loafers who flocked around the wharves along the Esplanade were described metaphorically in one of the columns in the *News* as the “sign posts of ruin.”⁴⁴ Although capable of working, these “lazy, shiftless men” refused to do so, and were supported by their wives and mothers:

Women who sew and wash and do downright drudgery to support these lazy wretches who are standing yonder, remarking that they wouldn’t drive a street car for \$9 a week. They get enough to eat, their rent is paid, and they have a roof to cover them; they go prowling home at night, and go prowling forth in the morning again ...⁴⁵

Oftentimes, these half-starved women turned to the police court magistrate as a last resort and had their husbands summoned on charges of ill-treatment and neglect to provide. In a culture where masculine virtue was constructed around being sober, hard-working, and providing for one’s family, loafers were among the most morally-depraved of all men, particularly if they relied on the labour of the women in the family for subsistence.

Loafers prosecuted for vagrancy were typically given a choice between a hefty fine or a lengthy jail sentence. For example, John Flood, a notorious vagrant, was fined \$2 plus costs or three months hard labour by Magistrate McNabb in June 1876. The constable who arrested Flood testified that he had known the man for five years, and during that time he never knew him to do any work.⁴⁶

Enforcing the vagrancy laws where women were concerned posed problems for the Toronto police force, and raised moral questions around who was, and who was not, a “decent girl.” The Vagrancy Act of 1869, targeted,

42 *News*, 9 August 1881.

43 *News*, 1 January 1884.

44 *News*, 15 June 1881.

45 *Ibid.*

46 *Telegram*, 23 June 1876.

“all common prostitutes or night walkers ... not giving a satisfactory account of themselves,” all keepers of houses of ill-fame, and persons frequenting such houses not giving a satisfactory account of themselves, and all persons who having no calling to maintain themselves, but did so by “the avails of prostitution.”⁴⁷ Problems arose in distinguishing between street walkers, defined as “bad girls,” and chaste “good girls,” who might be out for an evening stroll, or else new to the city, and out searching for employment and accommodation. For the police court reporter at the *News*, the distinction was easily made: “No decent girl will walk the street after ten o’clock all alone, and ask foolish questions of strangers.”⁴⁸ Journalists created narratives of sexual immorality around this good girl/bad girl dichotomy.

“Scarlet Women” and “Soiled Doves”

Between 19 May and 7 June 1884, the *News* published a serial narrative entitled “Toronto by Gaslight.” The series was comprised of “pseudo-eyewitness” sketches of the city’s night-life, based on interviews gathered from all quarters of the city, and presented by the journalist “as if” he had actually been there. Urban immorality on the streets, in groggeries, in gambling dives, and in houses of ill fame was exposed. Prostitution was singled out as *the* “social evil,” and was gendered as women’s sexual immorality.

One of the representations of vice constructed in the narrative was the “Scarlet Woman,” or the prostitute as temptress. These women were described metaphorically as “hawks of the night,” who are “merciless with their prey.”⁴⁹ Young foolish men failed to realize, until they were convicted by the police court magistrate, that the gloved hand of the enchantress was “as cruel as the tiger’s claws.” Adorned in “costly garments and costlier jewels,” these “flashy females,” the narrative suggests, also presented a danger to “honest” (meaning chaste) working girls. Returning home at nightfall, exhausted after a hard day’s labour, the working woman “compares her uneventful, dreary lot with the seemingly joyous existence of these women.” The working woman “looks at her own shabby gown and at their rich ones,” and she wonders “if honesty, truth and worth are after all the best.”⁵⁰ An

47 S.R. Clarke, *The Magistrates’ Manual* (Toronto 1878), 359-60.

48 *News*, 5 August 1881.

49 *News*, 5 June 1884.

50 *Ibid.*

important semiotic distinction is developed in the narrative between the simple clothing of the “honest” working woman, and the gaudy, yet somehow cheap, finery of the immoral “Scarlet Woman.”⁵¹

Allegories of the prostitute as the “Scarlet Woman” appeared frequently in newspaper police-court columns. Similar to the narrative in “Toronto by Gaslight,” police court reporters attached moral meaning to the clothing worn by prostitutes. The clothing of these “bad” characters was often described as “extravagant and tawdry,” and “unique” to their status.

Another installment of “Toronto by Gaslight” began with a description of a house of prostitution. Alcohol-induced merriment pervaded. The lives of the prostitutes who occupied the house were far from happy. The women were compared to slaves, “in the vilest sense of the word.”⁵² “The money for which they sell their souls,” the journalist wrote, “is the constant prey of the hoary old brothel-keeper to whom they are in bondage.”⁵³ The discourse of white slavery then shifted to an account of the downfall of one working woman, a seamstress named Mary. Seduced by a “professional masher” on a street car, with his promises to “treat” her, Mary was ruined, a “soiled dove.”⁵⁴

Although Toronto had no “red-light” district *per se*, many of the prostitutes brought before the magistrate were identified as “Dummeronians” and “Stanleyites” by police court reporters, a reference to the streets in predominantly working-class neighbourhoods where prostitutes were frequently arrested. As previously mentioned, St. John’s Ward, a most ‘notorious’ district, was ironically referred to by police-court reporters as the “Noble Ward.” Thus, the naming of certain streets in the city made them areas where respectable women were never to be seen.

A few scattered stories of middle-class betrayal, or attempts by procuresses to entice innocent young girls into houses of prostitution, were constructed by police court reporters. For example, in January 1885, Ellen Boyton testified in police court that she had left home and gone to live with Millie Stewart, charged with keeping a house of ill fame at 10 Bond Street, at Stewart’s solicitation. Stewart was sentenced to five months in jail, and Boyton was fined \$50 or six months in the Mercer Reformatory. According to the *Telegram*, this action was taken at the request of her parents, as a final attempt at “reclaiming” her.⁵⁵

51 For a discussion of the moral meaning attached to clothing see Mariana Valverde, “The Love of Finery: Fashion and the Fallen Woman in Nineteenth-Century Social Discourse,” *Victorian Studies*, 32, 2, (Winter 1989), 169-88.

52 *News*, 6 June 1884.

53 *Ibid.*

54 *Ibid.*

55 *Telegram*, 19 January 1885. For another story of an attempt to entice an innocent girl into prostitution see *News*, 25 July 1881.

Throughout the latter decades of the nineteenth century, the issue of how to regulate prostitution remained a concern for reformers and civic administrators. On 18 November 1881, local officials and clergymen met in Shaftesbury Hall to discuss the “social evil,” and how to regulate prostitution in the city. Two systems of regulation were discussed: the licensing of “tolerated houses” under strict police supervision, intended to confine prostitution to a regulated area, and a policy of zero toleration, enforced by police raids, and lengthy prison terms with no option of a fine. Magistrate Denison commented that hard and repressive measures would never succeed in the city. Citing economic reasons for the persistence of prostitution, Denison stated: “These women have got to live. When they leave the Reformatory they must do this for themselves ... in self-preservation they are forced to take up the life of prostitution again.”⁵⁶

Detective Newell, the head of detectives, indicated that police raids were not an effective method for regulating the “social evil.” The law stipulated that the police had no right to force their way into houses unless armed with a warrant. Newell expressed his opposition to any notion of licensing: “If you place these houses under police control, then I believe scores of girls ... would enter them, and simply because they would feel they were protected by the law.”⁵⁷

An association between prostitution and working women, similar to that found in “Toronto by Gaslight,” was suggested by Newell:

The ambition of fully one half of the girls in Toronto is to have an easy life and lots of clothes ... There are scores of people in this city who cannot get domestic servants. There are scores of girls who would rather work in factories than go out to service and why? Because they are determined to have their liberty at night. I don't for one moment mean to infer that all factory girls are prostitutes, or even loose in their habits, but they all like plenty of liberty at night.⁵⁸

56 *Telegram*, 21 November 1881. The Andrew Mercer Reformatory, Canada's first women's reformatory, opened in 1880. An attempt was made to reclaim fallen women by imposing middle-class notions of femininity on the inmates. The Mercer, as Carolyn Strange argued, floundered in its purpose of reforming women. This failure was attributed by Strange to the inadequacies of confinement facilities, the tendency for magistrates to impose short sentences, and the character of the inmates themselves, who failed to respond to the maternalistic attempts at reform administered by the prison's staff with daughterly enthusiasm. A sentence of six months in the Mercer, however, apparently evoked terror among the city's street walkers. Carolyn E. Strange, “The Velvet Glove: Maternalistic Reform at the Andrew Mercer Ontario Reformatory for Females 1874-1927,” M.A. thesis, University of Ottawa 1983; *News*, 5 August 1881; *News*, 7 July 1882.

57 *Telegram*, 21 November 1881.

58 *Ibid.*

These remarks prompted angry responses from working women. In a letter published in the *Telegram*, signed “Misjudged,” and almost certainly written by a woman, the correspondent defended the honour of working women. “There are girls in Toronto,” the correspondent wrote, “respectable and refined too, who support themselves and their mothers and fathers ...” “Misjudged” further declared that it was employers who made working women “bad.” “Is it not a wonder there are not more led away when their employers ask them to do a man’s work for woman’s wages?”⁵⁹

Another correspondent, who signed her letter, “Working Woman,” commented that women who worked from 8 a.m. to 6 p.m. did not have time to frequent these houses. The woman argued that debauchery prevailed among women in “the upper ten,” who enjoyed the company of young men in the absence of their husbands, and not among working girls.⁶⁰ Similarly, the “Canadian Girl,” Katie McVicar, who would later organize the first women’s Assembly of the Knights of Labor in Canada in 1883, also condemned Newhall for attributing the “social evil” to factory women. In a letter published in the *Telegram*, she wrote: “It is absurd to say that working girls are ready to steep themselves in wickedness, and sell themselves to the devil for a good dress, jacket and hat, the three articles of clothing which vain women love to display.”⁶¹

Throughout the 1880s, however, middle-class reformers continued to equate vice with a “helpless class” of women workers, notably seamstresses, servants, and factory girls.⁶² Female vice remained a potent symbol of urban immorality. In his testimony before the Royal Commission on the Relations of Labor and Capital, Mayor Howland reiterated the position of social reformers that prostitution offered these women an opportunity for an easy living. Howland further revealed that the policy of the City’s Morality Department was repression.⁶³ In January 1891, Chief Constable Grasset reported that in

59 *Telegram*, 23 November 1881.

60 *Telegram*, 26 November 1881.

61 *Ibid.*

62 Judith Walkowitz and Christine Stansell have argued that for the majority of women the decision to engage in prostitution was probably a rational economic one, undertaken in a local neighbourhood context. Thus, late nineteenth-century social reformers were justified in linking prostitution to the conditions of the female labour market which offered women few options, low wages, and long hours. See Judith R. Walkowitz, *Prostitution and Victorian Society: Women, Class, and the State* (Cambridge 1980), 14; Christine Stansell, *City of Women: Sex and Class in New York 1789-1860* (Urbana and Chicago 1987), 103-5.

63 *Report of the Royal Commission of the Relations on Labor and Capital*, Ontario Evidence, 168. In 1886, William Homes Howland won the city’s mayoralty race on a social reform platform. Howland’s initiatives in the area of moral reform came as a member of the three-man Board of Police Commissioners. Along with his colleagues on the Board, Police Magistrate Denison, and the York County Judge, Joseph E. MacDougall, the Staff Inspector’s Department was created in 1887 under the direction of David Archibald. What is

dealing with inmates and keepers of houses of ill fame, “the Department has not advocated the infliction of punishment when they have promised to leave the City or reform.”⁶⁴ The following year, the Chief Constable reported an improvement in the “outward morality” of the City, which he attributed “to the steady policy of repression.”⁶⁵

Many of the prostitution-related cases brought before the police court magistrates involved married and widowed women. These findings tend to contradict the images of prostitutes as innocent “soiled doves,” or seductive “Scarlet Women.” While it is only possible to speculate on the living conditions of married and widowed prostitutes, it is conceivable that widowed women turned to prostitution to provide for their families. Prostitution also provided an economic alternative for women separated from their husbands, and for women with husbands who refused to support them. In November 1887, Emma Culman and her daughter Ida Gordon, were charged with keeping a house of ill fame on Elm Street. Ida Gordon, the *News* reported, “is a married woman but has for a considerable time been separated from her husband.”⁶⁶

Wife Beaters: “Spurious Imitations of Men”

The meanings of gender constructed for working-class men and women by reform-oriented middle-class journalists were further revealed in newspaper accounts of cases of wife assaults brought before the Toronto police court magistrates. Late nineteenth-century temperance discourse denounced working-class husbands who got drunk and abused their wives.⁶⁷ Consistent with the gendering of melodrama, the struggle between good and evil played out in the police court, nurtured another dualism, that of the cowardly, yet strong and able-bodied wife-beater, and the weak and defenceless wife. The following story, which appeared in the police-court column of the *News*, illustrates this use of melodrama:

significant, as Carolyn Strange has argued, is that “the inauguration of the Morality Department marked the initiation of a police branch that made the suppression of prostitution and moral depredation of all varieties a priority. Gregory Kealey, *Toronto Workers Respond to Industrial Capitalism 1867-1892* (Toronto 1980), 234-35; Desmond Morton, *Mayor Howland: The Citizen's Candidate* (Toronto 1973), 27; Strange, “The Perils and Pleasures of the City,” 69.

64 Report of the Chief Constable for 1890, *Toronto City Council Minutes for the Year 1891*.

65 Report of the Chief Constable for 1891, *Toronto City Council Minutes for the Year 1892*.

66 *News*, 25 August 1887.

67 See Kathryn Harvey, “Amazons and Victims: Resisting Wife-Abuse in Working-Class Montreal, 1869-1879,” *Journal of the Canadian Historical Association*, New Series, Vol. 2 (1991), 131-48.

There was a man fined \$10 and costs at the police court on Saturday for assaulting his wife, who should have been sentenced to the lash. For eighteen years the woman has supported him by needlework, but still she never complained so long as the brute kept sober, but sober he will not keep. The climax came last week, however, when patience ceased to be a virtue, and she had her husband arrested; but, unfortunately, not until he had blackened her eyes and otherwise abused her.⁶⁸

Reporters viewed wife beating as an inappropriate expression of manliness. In the police-court columns, wife-beaters were described as “brutes,” “cowards,” “alleged husbands,” and “spurious imitations of men.” At the extreme, all masculine virtues were denied the wife beater and he was labelled “unmanly.” In one account appearing the *News*, under the headline “Wife-Beaters, Three of the Brutes Before the Police Magistrate,” the reporter commented: “Judging from the Police Court records, the sooner the whipping-post is established as a punishment for wife-beaters the better.”⁶⁹

Working-class women, however, were not weak, passive victims of male brutality. Wives who were assaulted fought back. According to one *News* reporter, a wife-beater appearing before the magistrate often “bears evidences on his brutalized countenance of the sharpness of his spouse’s finger-nails.”⁷⁰ A wife’s decision to use the criminal justice system was another form of resistance. In making a complaint, abused wives were looking to the police court magistrate for protection. Sarah Adams, a “thrifty” woman who ran a corner grocery store, requested an order of protection from Magistrate Denison on 27 November 1884. Denison granted her request. Adams’ husband immediately got drunk and “resumed his old habit of abusing his much better half.” This time, the Magistrate ordered Adams to find two sureties in the sum of \$200 each.⁷¹

Typically wives were forced to make a series of complaints before a conviction occurred. In mid-July 1890, Mary Sweeney had her husband Miles summoned for assault. Miles Sweeney, when questioned by the Magistrate, stated that his wife was a heavy drinker. Inspector Armstrong agreed with the defendant, and testified that Miles was a “hard working, sober man.” Mary Sweeney got drunk frequently and neglected her household duties. The

68 *News*, 2 November 1887.

69 *News*, 28 November 1883.

70 *News*, 5 July 1882.

71 *News*, 28 November 1883. A surety is a sum of money paid by a convicted person as a condition for keeping the peace, or of being of good behaviour for a specified period of time. See Clarke, *The Magistrates’ Manual*, 354.

Magistrate dismissed the case.⁷² Rather than Miles Sweeney, Mary seems to have been the one on “trial” for neglecting her feminine responsibilities in the home. The case was reported in the *News*, under the headline, “The Woman to Blame, No Wonder Her Husband Had To Chastise Her.”⁷³ A double standard was at work; a wife had to be sober and virtuous for the abusive husband to be characterized as monstrous. Less than a month later, Miles Sweeney was charged again with assaulting his wife. According to the *News*, the couple had been drinking, and an argument ensued during which Miles hit his wife with a bottle. On this occasion, he was sentenced to ten days in jail.⁷⁴

Although they adopted the language of middle-class reformers, and denounced working-class husbands who beat their wives and refused to provide for their families, Toronto police court magistrates were reluctant to interfere in domestic affairs. In cases where husbands were charged with neglecting to support their wives and families, the magistrates preferred, whenever possible, to send the couple home “to work it out themselves.” In January 1879, William Watkins was charged with assault and using threatening language towards his wife Charlotte. The case was remanded to give the couple a chance to reconcile. Later, when Charlotte failed to appear in court, the case was dismissed.⁷⁵

Paradoxically, many wives who had their husbands charged with assault failed to appear in court, or else pleaded for their husbands before the Magistrate. One woman told Magistrate McNabb that “her husband was as good a husband as lived but for the drink, he was industrious and kind.” But when he drank, the woman further stated, “she was afraid for her life.”⁷⁶ Fear of more beatings from an angry spouse no doubt kept many battered wives away from the court room. Also, as some historians have argued, while a jail sentence may have removed an abusive husband from the household, at least temporarily, a wife also lost the income provided by the male breadwinner.⁷⁷

72 *News*, 17 July 1890.

73 *Ibid.*

74 *News*, 4 August 1890.

75 *Telegram*, 7 January 1879; *Telegram*, 14 January 1879.

76 *Telegram*, 12 June 1876.

77 Kathryn Harvey, “To Love, Honour and Obey: Wife-battering in Working-Class Montreal, 1869-79,” *Urban History Review*, XIX, 2 (October 1990), 137; Nancy Tomes, “A Torrent of Abuse: Crimes of Violence Between Working-Class Men and Women in London, 1840-1875,” *Journal of Social History*, 11, 3 (Spring 1978), 328-45; Ellen Ross, “‘Fierce Questions and Taunts:’ Married Life in Working-Class London, 1870-1914,” *Feminist Studies*, 8, 3 (Fall 1982), 575-602; Pat Ayers and Jan Lambertz, “Marriage Relations, Money and Domestic Violence in Working-Class Liverpool, 1919-39,” in Jane Lewis, ed., *Labour and Love: Women’s Experience of Home and Family, 1850-1940* (Oxford 1986), 195-219.

Underlying marital relations were a plethora of legal, economic, and social constraints which sustained women's oppression. Daily accounts in the newspapers of street brawls, fights in taverns, and arrests for disorderliness, substantiate the assertion that violence was prominent in the culture of late nineteenth-century working-class Torontonians. Working-class husbands, furthermore, felt that they had a right to "chastise" their wives if they neglected their womanly responsibilities in the domestic realm. Thomas Sheehan, charged with threatening his wife Mary, told Magistrate Denison in his own defense:

"She wouldn't get my dinner, sir."
 "I am not able to feed myself, sir, to say nothing of working for others."⁷⁸

Thomas Sheehan further testified that Mary refused to get his dinner because he sent their boy to purchase a glass of beer for him.⁷⁹ The temperance message of the ruin alcohol brought to working-class families was once again transmitted to the reading public.

Working-class Torontonians tolerated a high level of spousal abuse. Neighbours intervened only when the violence had escalated to a level where a wife's life was in danger. The neighbourhood surrounding the household of Isaac Pells was aroused around midnight on a summer night in July 1883 to cries of "murder" emanating from Pells' house. Three men, named Pickard, Smith, and Briarton, pushed down the door, and found Pells furiously beating his wife. The men pulled Pells away and left the house. Pells subsequently had one of the men, William Pickard, charged with assault. The Aldermen sitting on the bench for Magistrate Denison that particular day sided with the defense, and the case was dismissed. Pells was forced to pay the court costs.⁸⁰

Nancy Tomes has suggested that the working-class community preferred indirect means of controlling wife-beating. This was illustrated in late nineteenth-century Toronto in the case of Isaac Pells.⁸¹ Clearly, however, a certain threshold of violence was tolerated between a husband and wife. This acceptance of a limited amount of violence was also found within the police force. Constables, also members of the working-class, were instructed "not to interfere unnecessarily between a man and his wife who are quarrelling, and unless it is absolutely necessary to prevent serious violence to either party, or public disturbance."⁸²

78 *News*, 26 May 1881.

79 *Ibid.*

80 *News*, 16 July 1883.

81 Tomes, "A Torrent of Abuse," 337.

82 Grassett, *Rules and Regulations for the Toronto Police Force*, 79-80.

Wives turned to neighbours in negotiating the terrain between resistance, submission, and protection. When Catherine Foley was beaten by her husband James, a coal-heaver by occupation, in December 1888, she fled to the house of her neighbour Mrs. Clarke. At the Clarke house, Catherine received medical attention from a doctor and protection from her husband. The attack was vicious and severe. James Foley was charged with aggravated assault.⁸³ Mrs. Clarke, and another neighbour, Mrs. Berrigan, testified before Judge Rose in the Assize court that Catherine Foley was very badly bruised around the face, and unable to see following the attack.⁸⁴ For battered wives, as Kathryn Harvey has argued, the support and protection offered by neighbours “endowed women with a form or power which they could bring to bear in their struggles with husbands.”⁸⁵

The Incurrigibles: Bad Boys and Suburban Roughs

In their final report, completed in April 1891, the Royal Commission into the Prison and Reformatory System in Ontario mentioned, with considerable alarm, the growing number of juvenile offenders in the city of Toronto. “It is shocking to learn,” the Commissioners wrote, “that during the year 1889, five hundred and twenty-seven boys and thirty-four girls of from ten to fifteen years of age were taken before the police magistrate.”⁸⁶

The text of the report of the Royal Commission provides insights into the discursive construction of the problem of the “juvenile offender,” as a moral concern specific to the working class. In many cases, the report stated, “the parents are both compelled to work all day in order to maintain their families even in the most squalid surroundings and, therefore, cannot exercise the necessary supervision over their children.”⁸⁷

Social reformers, using temperance discourse, further attributed juvenile crime to the consumption of alcohol by working-class male heads of household. In a sitting of the Royal Commission held in Toronto in the fall of 1890,

83 *News*, 15 December 1888. This was not the first time Foley was brought before the Magistrate on charges of wife-beating. A year earlier, Foley had served six months in the Central Prison for wife-beating. On 16 August 1887, Alderman Baxter sentenced Foley to a fine or 40 days for wife-beating. Also, in July 1883, Foley was charged with having assaulted his elderly mother. She refused to appear in police court against him. See *Telegram*, 16 August 1887; *News*, 24 July 1883.

84 *News*, 23 January 1889.

85 Harvey, “Amazons and Victims,” 145.

86 *Report of the Royal Commission into the Prison and Reformatory System*, 40.

87 *Ibid.*

Chairman Langmuir asked Inspector Archibald of the Morality Department whether the children of a drunken father and a sober and industrious working mother were predisposed to criminal behaviour. Archibald responded affirmatively as follows:

A decent mother tries to do all that she can, but poverty stricken, sometimes abused by a drunken husband, the children turned out of the house in the evening, sometimes at night, in fact it is no infrequent thing to find mother and children all in the street, and the infuriated drunken father smashing up everything he can lay his hands upon — how can you expect a woman under these circumstances to control her family. There are no salutary home influences and the children naturally drift into crime.⁸⁸

Archibald's response suggests that ultimately moral reformers attributed juvenile crime to the inability of a woman to fulfil her obligations as a mother. A gendering of delinquency had occurred. Among boys delinquency was linked to crime, whereas among girls, delinquency ultimately resulted in prostitution.

Inspector Archibald further attributed the problem of "bad boys" to the emergence of cheap entertainments and dime novels.⁸⁹ The connection was also made in the newspaper police-court columns. Eleven-year-old Albert Dunn was brought before Magistrate Denison on 28 November 1885, charged with stealing \$6.90 from his mother. The *News* reported, "... the mother stated that she could do nothing with the lad, as he had fallen in with bad boys and had been ruined by dime novel reading."⁹⁰ Similarly, the *Telegram* commented that the "pernicious habit of studiously devouring the extraordinary contents of 'yellow backed' literature," had made a thief of the lad. At the same time, the newspaper reinforced contemporary racial stereotypes about native peoples in its account of the case:

Early in life he imbibed freely in exaggerated stories of Indian life and border adventure, until he yearned with a terrible yearning to become a bandit or some sort of "Injin" scalper. In order to provide himself with a suitable outfit by which he would follow the bent of his inclination, he stole a purse of nearly seven dollars from his mother.⁹¹

This was not the first time young Albert Dunn had stolen money from his mother. In turning to the police court, Mrs. Dunn was probably looking for the

88 *Ibid.*, 201.

89 *Ibid.*, 702.

90 *News*, 28 November 1885.

91 *Telegram*, 28 November 1885.

assistance from the Magistrate in disciplining the boy. Denison sentenced the boy to three days in jail with the warning that if he committed another crime he would send him to the reformatory.

Throughout the period from 1870 to the early 1890s the majority of the cases against boys brought before the Toronto police court were for petty larceny. Within the city's working-class households, as John Bullen and Susan Houston have suggested, children routinely performed a variety of economic duties that contributed to the successful functioning of the family economy.⁹² Working-class boys and girls routinely appeared before the magistrate on charges of stealing coal, food, or clothing. One boy, Robert Benson, was sent to the holding cells for six hours for stealing coal from the Consumers' Gas Company.⁹³ Another boy, named William Warren, was sentenced to five days in jail for taking canned goods from the establishment of Charles Richardson and Company.⁹⁴ Older boys and young men were often arrested attempting to pawn stolen clothing and jewellery.⁹⁵

From the newspaper police-court columns, however, it was not always possible to determine whether children were engaged in what reporters called "petty pilferings" to contribute to the household economy, or if these instances of petty theft might more accurately be called "boyish pranks." Raiding apple orchards was a favorite summer pastime among the city's boys. Two small boys, Fred and Horace Smith, were charged with stealing apples from Emerson's orchard in August 1888. Because the orchard was not enclosed, the case was dismissed by Alderman Baxter with the admonishment, "... if they were caught there again he would sentence them to eat the unripe fruit."⁹⁶

Occasionally boys appeared before the police court magistrates for throwing stones on the streets and for playing "catch" on Sunday in contravention of the Sabbath by-laws. In a police-court column published in the *Telegram*, under the heading "Boys Should Not Be Boys," the police court reporter ridiculed the practice of arresting small boys for playing on the streets. The reporter was referring to the case involving a boy named Thomas Hayes, who was charged with being disorderly on Sumach Street:

92 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 1982), 129-42; John Bullen, "Hidden Workers: Child Labour and the Family Economy in Late Nineteenth-Century Urban Ontario," *Labour/ Le Travail*, 18 (Fall 1986), 163-87.

93 *News*, 15 December 1888.

94 *News*, 19 November 1889.

95 See for example, *News*, 30 December 1881; *Telegram*, 31 January 1881; *Telegram*, 15 November 1886.

96 *News*, 20 August 1888.

“What are you doing,” asked the Magistrate.

“Only playing, sir,” answered the lad.

“What” exclaimed his Worship in reproving tones, “within the city limits? Don’t you know better than that?” Boys are not allowed to play in the parks nor on the streets. The City Council evidently don’t think boys have any right to live in Toronto. I’ll tell you what you will have to do. When you want to play another time take a run out to High Park and then run in again. The police won’t let you play in the city.⁹⁷

The journalist’s sarcasm was consistent with the remarks of social purity advocate C.S. Clark who attributed delinquency among boys to the absence of good, clean fun.⁹⁸

Susan Houston has argued that, by the end of the nineteenth century, a street culture among boys had evolved.⁹⁹ Viewed as completely undisciplined by middle-class Torontonians, these street boys were described metaphorically as “street arabs.” The street culture of Toronto boys was also comprised of gangs. “At the present time,” former mayor William Howland told the 1891 Royal Commission probing the prison and reformatory system, “the boys who commit petty thefts in and around the city are under the leadership of a gang leader.” According to Howland, boys who followed a gang leader were completely ruined: “The moment that a boy becomes attached to a gang leader his parents and everybody else lose all control over him.”¹⁰⁰

Gangs of boys and young men gathered on the street corners of St. John’s Ward in the evenings. The *News* reported in November 1884 that a gang of “young roughs” gathered nightly on the southwest corner of Elm and Chestnut Streets and engaged in ringing door bells and blowing peas against windows.¹⁰¹ The following year, the *News* complained about boys who gathered in the vicinity of Vanauley and St. Andrew’s Streets in the western part of the city, disturbing the residents of the neighbourhood with their “unseemly” language and conduct.¹⁰²

Gangs of bootblacks and newsboys were predominant among the young offenders targeted for moral regulation by J.J. Kelso, Beverley Jones, and other leading Toronto philanthropists. Fearing that the harsh conditions these boys faced on the streets would ruin them, these philanthropists petitioned the Toronto Police Commission in 1889 to regulate street vendors. The by-law, enacted in July 1890, required that newsboys and bootblacks be licensed and

97 *Telegram*, 16 January 1890.

98 C.S. Clark, *Of Toronto the Good* (Toronto 1898, Reprinted 1970), 81-85.

99 Houston, “The Waifs and Strays,” 131.

100 *Report of the Royal Commission into the Prison and Reformatory System*, 699.

101 *News*, 17 November 1884.

102 *News*, 4 August 1885.

tagged. Administered by the Morality Department under Inspector Archibald, any boy seeking a tag had to maintain a clean criminal record and attend school at least two hours per day.¹⁰³

Respectable hardworking boys and their parents objected to the licensing and tagging system. One disgusted boy remarked that he did not mind the license but he disliked the tag. The boy commented, "Think I'm a convict or something? Bet your life I'm not."¹⁰⁴ The father of one of the boys also voiced his opposition to the by-law:

I am too poor to give my children pocket money, and this one has been earning a little by selling papers. Now he's got to be tagged or quit. I don't like to think his going around labelled, but I suppose it will have to be done. It looks a great deal like a disgrace.¹⁰⁵

For both the boy and the father the tagging of newsboys and bootblacks was a symbol of working-class juvenile delinquency.

Throughout the period from 1870 to the early 1890s, the sentencing of young offenders in the Toronto police court was left to the discretion of the magistrate. The Juvenile Offenders Act of 1869, stipulated that all persons under sixteen years of age who committed, or aided, in the crime of simple larceny could be imprisoned, with or without hard labour, for a term not exceeding three months or fined a maximum of twenty dollars.¹⁰⁶ At the Toronto police court, first time young offenders were usually discharged with a parent providing security for the future good behaviour of the child. Repeated incidence of "petty pilfering" usually resulted in a short jail sentence ranging from a few hours to a week or ten days. Following a series of short sentences, a boy was declared "incorrigible" and sent to the reformatory at Penetanguishene. One notorious "bad boy," Tommy Kitts, nicknamed "The Crying Thief" for his tendency to burst into tears when brought before the Magistrate, had by the age of twelve been convicted seven times for petty larceny. In 1880, Kitts was sentenced to four years in the reformatory. On route to Penetanguishene, Tommy escaped, only to be recaptured several weeks later in London. Subsequently, in January 1884, Kitts was brought before Magistrate Denison on a charge of stealing a pair of boots, and was sentenced to three more years in the reformatory.¹⁰⁷

The Report of the Royal Commission into the Prison and Reformatory system described the reformatory at Penetanguishene as a "commodious

103 Bullen, "Hidden Workers," 178.

104 *News*, 2 July 1890.

105 *Ibid.*

106 Clarke, *Magistrate's Manual*, 208-9.

107 *Telegram*, 12 July 1880; *Telegram*, 23 August 1880; *News*, 25 January 1884; *News*, 1 November 1884.

prison.” “The boys were every evening locked up in a triple tier of cells, with doors of iron bars and fastenings strong enough to hold the most desperate felons ...”¹⁰⁸ The Commission recommended that the Reformatory be re-located to another locality where a cottage system and classification of boys could be implemented, thus allowing for the separation of boys who might be reformed from boys who were “hardened” criminals. A system of “moral restraints” rather than “material restraints” was also recommended to make the atmosphere one of a reformatory rather than that of a prison.¹⁰⁹

With the opening of the Victoria Industrial School at Mimico in 1887, the police court magistrate sent boys charged with petty larceny and vagrancy to this institution to learn a trade. The majority of the 140 boys at the industrial school in 1891, however, were committed at the request of their parents. The parents of the boys were required to pay between \$0.50 and \$2 per week according to their circumstances. The intent behind the fee requirement, the Report of the Royal Commission on the Prison and Reformatory system indicated, was to remove the temptation of “worthless parents to rid themselves of the care and expense of bringing up their children at home.”¹¹⁰

Conclusions

During the latter part of the nineteenth century, journalists and social reformers constructed representations about the perils of the city aimed at the moral regulation of working-class Torontonians. Through the police-court columns published in the daily press, the moral lessons of the police court were transmitted to a wider audience. Ruling-class notions of respectable masculinity and femininity were defined in the columns around representations of what a respectable working-class man or woman was *not*. These class-based views of manhood and womanhood often differed, and at times conflicted, with those of the city’s labouring poor. Gender must therefore be conceived as a variable and flexible category which shifted in the latter part of the nineteenth-century in the midst of wider social transformations brought about by urbanization and industrial-capitalist growth. These developments were also associated with contemporary movements for social and moral reform.

Temperance discourse about the moral ruin caused by the consumption of alcohol was central to the attempts by journalists and middle-class reformers to link urban peril with working-class criminality. Drunkenness was attributed to a deterioration of character. Among male heads of household, drunkenness resulted in a loss of manhood, since breadwinning obligations were

108 *Report of the Royal Commission into the Prison and Reformatory System*, 87-88.

109 *Ibid.*, 88-90.

110 *Ibid.*, 103.

neglected. Competing with temperance discourse was the stance taken by many workingmen that they had a right to spend part of their wages on drink as compensation for the many hours spent in the employment of others.

According to reform-oriented reporters, women who appeared before the police court magistrate on charges of public drunkenness compromised their femininity. As the mothers of future generations, women had an obligation to be morally "pure." Heart-wrenching depictions of women tried before the magistrate with children in their arms were not uncommon in the police-court columns. In cases of spousal abuse, women who were beaten by their husbands had to be sober, thrifty, and hard-working before their spouse would be characterized as a brute. If a woman was drunk, or neglected her household duties, the assault was perceived as "deserved," as she was unfeminine. Community tolerance of spousal abuse, as the police-court columns suggest, was seemingly quite high.

Throughout the period studied between 1870 and the early 1890s, Toronto was a regional winter gathering place for tramps. Gendered categories of tramps based on moral worthiness were identified from the narratives published in the daily newspapers. Sober, honest workingmen on the tramp in search of a job were among the deserving poor. They retained their status as respectable men. Habitual drunkards and loafers, however, met with the strong-arm of the law. This class of vagrants was seen as unmanly since they were generally supported by the labour of their wives.

The problem of distinguishing between "good girls" and "bad girls" was raised in instances where young women were prosecuted for vagrancy. During the 1880s, prostitution was singled out as *the* social evil, and was gendered as women's sexual immorality and girls' delinquency. Middle-class reformers further equated vice with women workers, particularly low-paid seamstresses, servants, and factory girls. Working women, in letters to the editors of the daily newspapers, denounced any association with prostitution declaring emphatically that they were respectable hard-working women.

Juvenile delinquency was constructed along gendered lines. Among girls, delinquency ultimately led to prostitution, whereas among boys delinquency was equated with crime. Delinquency among both boys and girls was attributed to working-class parentage. Using temperance language, reformers attributed juvenile crime to the consumption of alcohol by male heads of households and the resulting inability of spouses to fulfil the obligations of motherhood.

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