SECTION TEN (A)

THE NORTHWEST ARM PENITENTIARY, 1844-1852

Anthony Thomson (2000)

The Nova Scotia Penitentiary was built along the Northwest Arm in the south end just outside the property set aside for Point Pleasant Park. It was constructed in the middle of what historians claim to be a great "intellectual awakening" in Nova Scotia, which Harvey, for example, dates as having occurred between 1835 and 1848.1 Opened in 1844 and replaced by Dorchester Penitentiary in 1880, the Nova Scotia Penitentiary served several purposes subsequently and was finally demolished in 1948. In the early twentieth century, the functioning prison in Halifax was the City Prison built at the end of Gottingen Street in the North End of the city. When I first began research on the history of corrections in Nova Scotia, I mistook the city prison for the penitentiary. This error was reinforced by some early secondary sources. C. W. Topping, in his Canadian Penal Institutions, reported that, "In 1854 a two-story granite structure, one-hundred and eighty-one feet by thirty-six feet and containing eighty cells, was erected in Halifax, Nova Scotia. It has come to be called 'Rockhead Prison.'" He refers to this institution as the one that was visited by J. M. Ferres in 1867.2 In his World Penal Systems: A Survey, Negley Teeters repeats this information and refers to the penal establishment in Halifax as "known as Rockhead Prison, [which] was erected in 1854. It is now a jail for the city of Halifax."3

FOUNDING THE NEW BRIDEWELL

The Bridewell established in 1818 was supplanted thirty years later when a new House of Correction was opened, known as the Provincial Penitentiary. This institution was subsequently closed in 1880 with the opening of Dorchester Penitentiary.4 Baehre describes the change as a "transition from a system of public punishment and congregate confinement in jails to the penitentiary system, which sought to segregate and classify

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4 The first occupants of the Penitentiary were "several of the crew of the notorious death ship Saladin". After the penitentiary was closed it "served as a refuge for inmates of the Poor Asylum" when the City Home was destroyed by fire. (The Halifax Chronicle, 1 May 1948, p. 1). The Penitentiary was sold by the Dominion Government to the Church of England which intended to use the granite for building a cathedral on Spring Garden Road. The cathedral was not built and in 1895 the property was sold to the People’s Light and Heat Company as a gas works. Although the walls and roof were not to be disturbed, the interior was to be entirely remodeled. (Morning Chronicle, 5, 7 December 1895, p. 5).
prisoners and was based on enforced work, silence, and moral instruction. This clamour for penitentiary discipline arose in the 1830's in New Brunswick, Nova Scotia, and Newfoundland, and to a lesser degree in Prince Edward Island. Only the Saint John and Halifax jails were converted into penitentiaries.\textsuperscript{5} These institutions were described originally as a House of Corrections and Bridewell, respectively.

Site of NS Penitentiary (Bottom Left of Map)\textsuperscript{6}

\textsuperscript{5} Rainer Baehre, "The Prison in Atlantic Canada before 1880", (Ottawa: Ministry of the Solicitor General, 1985), p. 2.
\textsuperscript{6} http://www.google.ca/imgres?q=nova+scotia+penitentiary+hali&hl=en&sa=G&gbv=2&tbnid=nAxeo7BDfwMM7M:&imgrefurl=http://newscotland1398.ca/99/histindx.html&docid
The penitentiary built in Halifax was built “upon the model of one in Connecticut”,7 the Wethersford State Prison (1827-1963), which was based architecturally and programmatically on the Auburn Prison in New York state. The cornerstone of the Provincial Penitentiary was "laid with Masonic rites on June 24, 1841, by Grand Master Alexander Keith. The 1st Halifax Militia Regiment, the band of the 64th Regiment, the Masonic Bretheren, officials and spectators walked in a procession from the Mason's Hall on Barrington Street to Point Pleasant Park on a hot, dusty summer day. There was some comfort in their return to Masonic Hall where 18 toasts were drunk at a banquet."8

According to Baehre: " The Penitentiary Commissioners contracted with a local 'mechanic', in other words a skilled tradesman, to build the outer walls; but, in an ironic twist, the contractor could not pay his debts to several creditors and he himself was jailed temporarily."9

The Act to establish this new Bridewell was passed in 1840. According to this Act, which was intended to provide for the building of a new Bridewell, "the punishment of criminals ought to be applied with a view to their reformation and restoration to society, for which purpose the Penitentiary system adopted in Great Britain and the United States, is justly applauded." The existing Bridewell was in a "dilapidated state" rendering it "totally inefficient" for reformation. Consequently, the Act expressed the necessity to build a new building "of a Provincial character, and under Provincial control." To execute this Act, five men were appointed Commissioners for the purpose of the Act. They were granted 4000 pounds (to be spent at the maximum rate of 1000 pounds per year), and authorized to contract loans at 5%. The Commissioners were to locate a "suitable site near the Town of Halifax."10

The granite edifice, 148 feet long and 52 feet wide, was built "in a plain and substantial manner"11 on a 14 acre site off Franklyn Street overlooking the North West Arm.12 The Commissioners also purchased two quarries, one of granite and the other of iron stone. Despite the prison labour and the use of this building material, the penitentiary

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7 J. Harvey to Earl Grey, 17 October 1850, Appendix 27, pp. 92-93, Journals of Assembly, N.S., 1851.
10 Statutes of Nova Scotia, Cap. XLI, 1840 (3 Victoria). The Commissioners were: Edward Allison, John E. Fairbanks, Michael Tobin Jr., William Grisor and James Boyle Uniacke.
eventually cost more than double the original allotment of 4000 pounds.\textsuperscript{13} The building was opened in 1844, although the convicts continued to labour on further construction.\textsuperscript{14}

\begin{center}

\textbf{NOVA SCOTIA MUSEUM}

The Nova Scotia (Northwest Arm) Penitentiary, 1931, after it was closed.\textsuperscript{15}

\end{center}

\textbf{Physical description: Nova Scotia Penitentiary}

The penitentiary was described in 1856 in \textit{The Novascotian} as follows:\textsuperscript{16}

It stands on the descent of a hill facing the North-West Arm and the walls surround it in the form of a square. The building is of granite and in

\textsuperscript{13} Finances continued to be a problem for the penitentiary. George Carpenter, the Governor, petitioned the House of Assembly for additional salary. He could not live "with any degree of comfort" on 125 pounds per annum, having understood the salary to be 150 pounds plus provisions. His provisions, he declared, were the same as for a convict: "two plates mash, soup and hard biscuit, adding only 1 lb. beef on Sundays". (Carpenter to James B. Uniacke, 26 January 1846, P.A.N.S., RG 27 Vol. 6, File: "Penitentiary-1840-1846").

\textsuperscript{14} Carpenter to James B. Uniacke, 26 January 1846, P.A.N.S., RG 27 Vol. 6, File: "Penitentiary-1840-1846"

\textsuperscript{15} http://www.google.ca/imgres?q=halifax+penitentiary&hl=en&biw=1280&bih=631&gbv=2&tbnm

the centre of the structure is the erection, which contains the cells. They are exceedingly thick but not incommodious in length. During the day each bed is tucked up at the further end, and at night is simply stretched out on the floor. A strong piece of mechanism is that which secures the unfortunate convicts to their cribs during the night. The doors consist of wood and iron and are very strong. The lock of each door is placed in the narrow wall or partition, which separates one cell from the other, and the bolt shoots into a groove prepared for it in a bar of iron, which is fastened to the door. A few of the cells are used for extra punishment and these are completely dark, know not the luxury of a bed, nor has the occupant any food but bread and water;—

...The convicts are supposed to be out of their cells at 6 o’clock every morning, and after having breakfast they proceed to their designated workshops. Dinner is between 12 and 1 o’clock and supper is at 6....The walls enclosing the prison building are constructed of stone and are about ten feet high, and plainly legible in every stone of the barrier is an ominous 'No go'.

A more detailed description of the penitentiary was provided by J. Moylan, who wrote a report to J. O’Neill, the Chairman of the Penitentiary Directors, when he travelled to Saint John and Halifax in the late summer of 1871 in order to assess the adequacy of the Halifax institution for serving as the regional penitentiary.

The penitentiary, Moylan reported, was located on "an apparently healthy and secluded spot", easily drained, on the Arm, about one-half mile from the City. The Penitentiary property consisted of about twelve acres, six of which were "broken by rocky hills." The site was "convenient of approach by land and water, the arm of the sea being navigable to the Penitentiary wharf."

The three-story granite penitentiary building was 145 feet long and 42 feet wide, each story being "only eight feet in the clear." A basement, consisting of cellars, extended forty feet under the Warden’s quarters which occupied two rooms on the ground floor, in addition to an office and the Keeper’s Hall. The first floor, north-west end, had four bedrooms for the Warden’s family. On the third story (second floor) above these quarters were two rooms used as work rooms for the female prisoners, and eight cells, "each 6’10" by 3’7" divided off by 2 inch plank partitions”.

"The other portion of Main Building is devoted to the cells for male prisoners and contains three tiers, 30 cells in each tier". These 90 cells were 7’6" by 3’6", and were 7’10" high, build "back to back with corridors around." According to Moylan: "The cells are

defective in ventilation. Cell doors are close cast iron, having ventilation openings on the top and bottom." At the south-east end of the building, the corridor, which was only 9'1" wide, was used as the kitchen and held two boilers, each with 45 gallons capacity, forming the cooking range.

From the Block Plan of the Halifax Penitentiary, which accompanied the letter, it appears that the walls of the prison extended behind the main building, enclosing an area, which was about 210 feet long by 145 feet wide. In addition, there was a small enclosed yard to the right of the main building for the female prisoners, about 40 by 60 feet. Other prison buildings occupied part of this space. The space which was clear of the buildings was estimated by Moylan to be about 120 feet by 140 feet, and was enclosed by a granite wall about 14 feet high. Since the yard was only in the rear of the penitentiary, Moylan noted, "

"From each end of Main Building wings run at right angles toward the arm of seas; the outside wall of wings being on a line with and apparently once forming a portion of the prison walls."

One wing extended back from the Warden's quarters. Measuring 100 feet by 24 feet, and also built of granite, the wing consisted of two stories. On the lower story were located a scullery, storerooms and the stone shed. On the top story were the hospital, the Roman Catholic Chapel, and the shoe-shop.

The wing adjoining the south-east end was 80 feet long by 20 feet. It contained the dining room, which was capable of seating 60 inmates at one time. Beyond the dining room on the lower floor were a wood shed and a coal-house. The second story contained a drying room and the Protestant Chapel.

"In the lower part of the yard is a 2 story frame building, which was once 72 ft. by 22 ft. but is now disconnected by a passage way of 8'5" wide -- and forms on one side a wash house, and a carpentry shop over, and on the other side is a blacksmith's shop." Finally: "On the outside of the walls is a stable and pigsty, and a driving shed in front." Water was obtained from a well and cistern.
Government and Regulation of the Provincial Penitentiary

On 29 March 1844, the N. S. Legislature passed an Act, No. 2448, "for the government and regulation of the Provincial Penitentiary". It was subsequently put before Council. According to this Act, prisoners were to be "imprisoned and corrected" in the new Penitentiary and were "to receive such instructions and be subject to such discipline, as shall appear most conducive to their reformation, and to the repression of crime". The building, which was called "The Provincial Penitentiary", was reserved "for such Offenders ... as shall have been convicted of crime." This excluded numbers of other incarcerated people, such as those awaiting trial, vagabonds and drunks, as well as debtors. In 1846, the legislating on debtors was consolidated. Ten previous acts and amendments were repealed, being replaced by "An Act for relieving insolvent debtors
from imprisonment”.\textsuperscript{18} While the building was officially designated the Provincial penitentiary, subsequent legislation continued to refer to the existence of "bridewells".\textsuperscript{19}

Floor Plan, First Floor (Right Side)

\textsuperscript{18} Statutes of Nova Scotia, Cap XII, 1846 (9 Victoria).

\textsuperscript{19}For example, "An Act for the summary trials and punishment of offenders against Public Morals", specifies that those who keep gambling or disorderly houses could, upon summary conviction, be fined or be punished "by imprisonment in jail or bridewell, with or without hard labour, for a term not exceeding one month".
Between five and seven Commissioners were to be appointed at the pleasure of the Lieutenant Governor for the purpose of governing the Penitentiary. The Commissioners, in turn, were to appoint at their pleasure a Governor, a Chaplain or Chaplains, and a Medical Officer, as well as other "officers and servants". The Commissioners were empowered to make rules for the government of the Penitentiary, "and for the duties and conduct of the Governor, and other officers of the Penitentiary..., and for the diet, clothing, maintenance, employment, and discipline of the Convicts imprisoned therein". The Commissioners were to submit an annual report to the Governor, Council and Assembly on "the state of the Buildings -- the behaviour and conduct of the officers ... and of the Criminals" as well as the expenses of the penitentiary and the amount of the earnings of the convicts, "and such other matters relating to the discipline and management" of the prison.
While the Act specified that the Commissioners were responsible for the regulations, the legislation also established some specific guidelines. Except for Sundays and three other holidays, convicts were to labour "so many hours, not exceeding twelve, exclusive of the time allowed for meals and exercise". Only authorized persons were permitted to enter "any part of the Penitentiary Work or Airing Yards", or to "converse or hold communication of any kind with Criminals". Those defined as "incorrigible" could lawfully be removed "to any other Prison or place of confinement in which he may be lawfully imprisoned."

Imprisonment in solitary confinement was reiterated as a lawful punishment in 1842, although "such solitary confinement [was] not to exceed one month at any one time, and not to exceed three months in any one year". However, this was to be a punishment imposed by Court order in addition to imprisonment, or imprisonment with hard labour.20

The main form of discipline within the prison itself was to be additional sentences. For assaulting any employee, the convict was to be prosecuted and, upon conviction, liable to an additional imprisonment of a maximum of two years. Similarly, those convicted of prison break would be sentenced to an additional term not exceeding three years; those convicted of a second breach would be guilty of a felony, punishable by a term of from one to ten years. Attempted escapes were to be punishable by a maximum term of twelve months. Persons "rescuing" convicts would also be guilty of a felony offence.

The guidelines were also designed for the employees. Those with legal custody within the prison were given the same powers as Sheriffs or Gaolers, "and in case of any abuse of such custody or other misbehaviour or negligence in the discharge of his office, shall be liable to the same punishment to which a Gaoler is now liable by Law." Any official who "knowingly and willingly" allowed or assisted a convict to escape would also be guilty of a felony. If it is an act of carelessness rather than wilfulness, an official would be guilty of a misdemeanour, and subject to fine or imprisonment "at the discretion of the Court."

The Act also specified contraband to include money, clothing, provisions, tobacco, letters, papers "or other articles whatsoever, not allowed by the Rules of the Penitentiary." Officials who brought such items into the prison would be subject to suspension, dismissal, and summary conviction.21

Baehre continues: "The institution embarked on a modified Auburn plan in 1844 after legislation passed which outlined the general features of the system, namely, silence, labour, and instruction.... Interestingly, a Newfoundland visitor in these years found the

20 Statutes of Nova Scotia, "On the trial of a Felony including an Assault...", CAP XIX, 1842 (5 Victoria).
regimen at Halifax too severe.” Stanley, the Viscount Falkland, wrote from Downing Street on 20 December of that year advising the Governor to "bring under the consideration of the Council and Assembly the propriety of reducing the maximum number of hours of daily labour from twelve to ten, as I should fear that twelve hours, exclusive of other engagements, would not leave sufficient time during the day for the moral and religious instruction, meals and exercise of the prisoners.”

The Provincial Penitentiary, 1844

On the 9th of March 1844, the Attorney General presented the accounts of the Penitentiary to the House. On the 12th the Nova Scotia Legislature appointed H. Huntington, Mr. Dodd and Samuel Fairbanks a Select Committee to report on the Accounts of the Provincial Penitentiary. They reported on the 3rd of April that the Commissioners, in their 1844 report to the Governor, indicated that "during the last year, there has been finished on the ground floor, 30 cells for male Convicts, the Keeper’s Apartments, excepting one room left intentionally for a work-shop, 9 cells for Female Convicts on the second floor, a post and rail fence, ten feet high, put up around the yard, and a good well dug, and a pump placed in it.

"The Building is now fit for the reception of Criminals, and has cost in the whole, including the lot on which it stands, containing fourteen acres, and a quarry of Granite and Limestone on the West side of the North West Arm, £9751 17s. 7d., which has been paid off, excepting £490 8s. 5d."

The 1843 estimate of £2000 was exceeded by "only ... £261 8s. 2d." The Commissioners also expended "£229 3d., for Iron Bedsteads, Cooking apparatus, Privies, Drains, digging and stoning well, and other indispensable services, in order to have the Building in a state to admit Criminals as early as possible."

The estimates for the year 1844 included £125 for the Governor’s salary, £25 for the Matron, £50 each for the Keeper and the Turnkey, £75 for clothing and bedding, and £300 for food, soap, fuel, etc., for a sub-total of £625. A further £37 4s. was required for such items as locks for cell doors ordered from England, two large Canada Stoves and pipes (£15), and a grate for the Keepers’ Kitchen.

The Commissioners estimated that there would be about 27 convicts, 19 currently under sentence according to the Sheriff’s last Return of prisoners, 3 sentenced since the Return, and an estimated number of 5 yearly convicts. Accordingly, a further £110 was required to put the establishment in operation, and included 27 strong Osnaburg Straw

22 Baehre, "The Prison in Atlantic Canada before 1880”,
23 Stanley, the Viscount Falkland to Governor (?), 20 Dec. 1884, Order for reduction of labour from twelve to ten, 1845, PANS RG 5 Series P, # 50.
24 Journals of the House of Assembly, Nova Scotia, 1844, pp. 78, 81, 125.
Beds, 27 woollen rugs, 54 blankets, 54 suits of clothes, and an additional £20 for extra bedding and clothing. The whole sum for 1844, then, amounted to £1262 12s and 5d.\textsuperscript{25} The House agreed to provide the balance of £490 8s. 5d. to the Commissioners “to pay the balance of their amount for that building to 13th March 1844”, and voted a further £697 4s. for 1844.\textsuperscript{26}

J. B. Uniacke, one of the Commissioners, presented a Bill (No. 46) to the House on 5 March 1844 for the Government and Regulation of the Provincial Penitentiary”. The Bill was debated in the House in March of 1844 and the following amendment added: "And be it enacted, That any person guilty of Felony, under this Act, and being convicted thereof, shall be liable to be imprisoned in said Penitentiary for any time not more than fourteen years, nor less than one year, as the Court shall award.”

On the 20th of March the Council agreed to the Bill, with "sundry amendments”. At the end of the 6th clause they inserted: "Provided always, That nothing in this Act contained shall extend to prevent any Prisoner from receiving Religious Instruction from any Clergyman, Minister, or Religious Teacher, that he may select, under such regulations as the Commissioners shall, for that purpose, make and appoint." At the end of the Act they also inserted the following: "And be it enacted, That this Act shall continue to be in force for five years, and from thence to the end of the then next Session of the General Assembly.”\textsuperscript{27}

George Carpenter, who was appointed Clerk of the Works in May, 1841, prepared the plans and estimates for the Penitentiary, superintended the construction work of the blacksmiths, carpenters and masons, and served as pay clerk. The Commissioners of the Provincial Penitentiary were well pleased with his "efficient, intelligent and trust worthy" work, and with his "rigid economy”. They recommended that he become the first Governor of the Penitentiary. With his "mechanical knowledge", he would "bring the institution into effective usefulness."\textsuperscript{28}

The Act of 3 Victoria, which authorized the erection of a provincial house of correction, also made provision for the appointment of Commissioners. Among the first Commissioners were Edward Allison, Michael Tobin, James B. Uniacke, John Fairbanks, James Tremain, I. Shannon, Andrew MacKinley and W. Black. The Commissioners all visited the Penitentiary in its first week of operation, beginning 1 July 1844. Subsequently, in July they appointed a Commissioner for the week. By September, the responsibility of visiting the prison was rotated on a monthly basis. For example, Michael Tobin recorded

\textsuperscript{26} Journals of the House of Assembly, Nova Scotia, 1844, pp. 154, 172.
\textsuperscript{27} Journals of the House of Assembly, Nova Scotia, 1844, pp. 66, 72, 79, 80, 91, 97-99.
\textsuperscript{28} Report of the Commissioners, Provincial Penitentiary, 1844-1852, PANS RG 1 Vol. 418.
visits on 18 days in October 1844. James Tremaine noted visiting on only four days in March 1845.

The Commissioners reported that the Penitentiary was ready for the reception of prisoners and 13 were committed to the institution on 20 June, 1844. Four males and two females were received from the Halifax Bridewell, along with a woman from Lunenburg, two men from Annapolis County, two from Pictou, one from Lunenburg, and one from Kings County. According to James Tremain: "The conduct of the prisoners has been orderly and quiet and their conduct good. The rules of the prison have been enforced by the overseers."\(^{29}\) James Uniacke was equally satisfied with the conduct of the Governor and the officers.

### Prisoners Transferred to NS Penitentiary, 20 June 1844, Selected Details

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<th>#</th>
<th>NAME</th>
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<th>Race</th>
<th>County</th>
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Anthony McNaughton, a carpenter, and Alexander Malcolm, a taylor, both from Pictou County, had been sentenced in June by the Supreme Court to five years each for larceny. They were likely the pair referred to by the *Morning Chronicle* as the men “who committed the robbery upon the premises of the Albion Mines Company.” They “were brought to the city on Tuesday evening, and are now safely lodged within the granite walls of the new Penitentiary.”\(^{30}\) Both were pardoned, Malcolm in may 1845 and McNaughton after one full year in prison. Upon his release, McNaughton complained to

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\(^{29}\) Report of the Commissioners, Provincial Penitentiary, 1844-1852, PANS RG 1 Vol. 418, 22 July 1844.

Commissioner Black that he was in want of money to return to Pictou, whereupon the Commissioner gave him 10 shillings (with the sanction of the Board).\(^{31}\)

Benjamin Randall and Nathan Chute were transferred from Annapolis County, where they had been sentenced to two years each for larceny. The *Morning Chronicle* reported that the Annapolis Bank had been broken into and someone had run off with an old iron chest and about 45 pounds, which the paper condescendingly reported, “belonged to, or rather constituted, the Annapolis bank”. Charged and indicted, the two men pleaded guilty without a formal trial, and were sentenced by the Supreme Court at Annapolis to two years hard labour at the Penitentiary. On the 20th of June the *Morning Chronicle* reported that the two individuals were "on their way ... to commence their terms of penal servitude in the new Penitentiary."

Alexander Bundy, from Halifax, was committed by the Supreme Court during the Easter Term of 1842 to seven years for Highway Robbery, but he was discharged after three months in the penitentiary by order of the Lieutenant Governor.\(^{33}\)

Richard Larrington, a black labourer (although in the prisoners’ log he was described as having no trade), was sentenced by the Supreme Court in Kings County to 14 years for arson. He spent his time in the prison learning to be a stone cutter and, two years later, was described as making “very good progress”. He served most of the sentence before being pardoned by Governor John Harvey on 14 April 1857.\(^{34}\)

One of the immediate questions was that the old Bridewell, necessarily, would continue to house inmates under the rule that restricted confinement in the Penitentiary to those serving sentences of one year or longer. Consequently, only eight prisoners were transferred to the new Penitentiary, leaving the remaining inmates in the Bridewell.

Accordingly, the Court of Sessions for the County of Halifax and the Mayor, Aldermen and Common Council of Halifax City petitioned the House "praying that the Prisoners now confined in the Bridewell in Halifax, and such as may hereafter be sentenced or liable to be confined there, may be transferred to the Provincial Penitentiary."
The petition was referred to a Committee consisting of Charles Owen, Snow P. Freeman and James B. Uniacke for consideration.\(^{35}\)

In their report the Committee indicated that they "entirely concur in the opinion of the Petitioners, that the Bridewell buildings are insufficient, and in a dilapidated state, and not worthy of repair, which opinion was also expressed by the Resolutions of this


\(^{32}\) *Morning Chronicle*, 30 May, 6 June, 22 June 1844.


\(^{35}\) *Journals of the House of Assembly, N.S.*, 1845, pp. 276, 309.
Honourable House, passed 19th March, 1839, and by the Report of one of its Committees in the same year."

The Court of Sessions had powers to confine convicts from between three months to seven years, and the Committee "are of opinion that such offenders should be admitted into the Penitentiary; by which more efficient control would be exercised, safer custody ensured, and economy promoted, and operate with more dread upon evil-doers." The Committee then submitted a Bill for this object.

The Committee also agreed,

That the inhabitants of the County of Halifax, having together with the rest of the province, contributed to the Provincial finds from which the Penitentiary was erected, they are entitled to its benefits, especially as the jurisdiction of the Sessions for that County continues unimpaired, as regards criminal offenders.

That reformation of offenders being one great end which the Regulations of the penitentiary seek to ensure and promote, that the reception of Vagrants and transient offenders, committed by the City Courts, cannot be admitted, as thereby that wholesome design would be frustrated, offenders hardened in guilt, or confirmed in immoral practices, might thus retard the reformation of inmates committed for a longer period.

That commitments for a brief period would embarrass the government, an control the energies of an Establishment necessarily based upon systematic principles, and searching superintendence; and, therefore, they conclude that those whose offences bring them within the jurisdiction of the City Courts, ought not to be received into the Penitentiary, unless the Commissioners of the Penitentiary on the one hand, and the City Council on the other, devise and agree upon some plan by which those evils of such reception, would be avoided.

That it would, in the opinion of the Committee, be expedient to erect in the rear of the Penitentiary, a wooden Building for the reception of offenders committed by any City authority, and of Vagrants and disorderly persons, under the general superintendence of the Commissioners, the City funds paying for each of them 6d. Sterling per day, or such other sum as might be agreed upon hereafter.

That if such building be erected, it is matter of consideration whether the expense thereof should not partially be borne by the Provincial funds, in aid of City assessment and contributions, many of the offenders being (as stated in the Journals of your House for 1839), from the country.36

The prison opened in June 1844 with sufficient cells to accommodate thirty male and nine female prisoners "but with the surrounding land in a wilderness state, the interior of the building unfinished and destitute of workshops or any accommodation for carrying on the labour of the convicts to advantage. The convicts being scattered over the province made it necessary to receive them so soon as the building was in a state of safety."37

Among the first inmates of the Penitentiary were six sailors who had been charged with piracy. These most infamous prisoners from the ship Saladin, were at first in the custody of the Sheriff of Halifax County, and were subsequently transferred to the North West Arm Penitentiary "as a place of greater safety and more conducive to the health of the prisoners". The Governor of the Penitentiary was instructed "not to employ the Saladin's men at labour, to afford them as much air and exercise as requisite for health, and consistent with their safekeeping." One overseer was assigned to have special charge of them during their confinement.38 The six were tried on 22 July 1844 and four were found guilty, sentenced, and returned to the Penitentiary. The two who were found not guilty were returned to the County Jail.39

The 52nd Regiment conveyed the Saladin pirates, Jones, Hazelton, Anderson and Johnson, to the place of execution, on the South Commons (east of the present Victoria General Hospital) on Tuesday, July 30, 1844. Raddall describes the scene as follows:

Upon a summer’s day the whole city turned out and gathered about a grassy knoll between Tower Road and South Park Street, just opposite Holy Cross Cemetery in what then was the South Common. There stood the scaffold, surrounded by a red-coated company of her Majesty’s 52nd Foot. Up Tower Road from the prison at Northwest Arm came the sheriff in a jig, followed by the condemned seamen in a pair of carriages with four priests, all escorted by a strong detachment of the 1st Royals....On the scaffold the

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39 Report of the Commissioners, Provincial Penitentiary, 1844-1852, PANS RG 1 Vol. 418, I. Shannon, Commissioner, 22 July 1844. The Saladin crew members were indicted for piracy and murder and were tried in the Court of Vice Admiralty. Sir Charles Adam, Admiral of the Station, was President of the Court, which also included the Chief Justice and three Puisne Judges. The following account was written in the Novascotian on 15 July 1844, p. 235: "We heard a voice in the crowd enquiring which of the gentlemen on the bench was the author of the Clockmaker. 'Ah!' said he, 'I have read his books, but I never saw him before; he is a fine-looking man, and wears a graver countenance than one would have thought.' Some one, in return, said that he could not expect a judge, acting on so solemn an occasion, to be devoid of becoming gravity. 'Who could read the Clockmaker, and suppose the countenance of the author could wear anything but a smile of perpetual merriment?' replied the stranger.
prisoners confessed their crimes. One made a speech to the crowd which delighted the hearts of the ballad mongers. The priests prayed, the drops fell, the four seamen swung in the hot July sun—and Halifax went home to its dinner.”  

As the Commissioners of the Penitentiary explained, the pirates from the Saladin were sent to the Penitentiary upon an application from the Office of the Admiralty Court "for safe keeping until time of trial and execution; the penitentiary being considered a prison better adapted for security, and to prevent communication between the prisoners, than the County Jail. The Commissioners were obliged to employ an additional Keeper during the time they were in prison, whose wages have been charged to the account kept in relation to the ship Saladin's crew.”

### Prisoners Sentenced, July–December 1844, Selected Details

<table>
<thead>
<tr>
<th>#</th>
<th>NAME</th>
<th>Age</th>
<th>Race</th>
<th>County</th>
<th>Trade</th>
<th>Yr</th>
<th>Crime</th>
<th>Years</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>14</td>
<td>John Sewers</td>
<td>20</td>
<td>c</td>
<td>guysboro</td>
<td>fisherman</td>
<td>43</td>
<td>arson</td>
<td>7</td>
<td>pard</td>
</tr>
<tr>
<td>15</td>
<td>Thomas Pye</td>
<td>23</td>
<td>c</td>
<td>guysboro</td>
<td>fisherman</td>
<td>43</td>
<td>arson</td>
<td>7</td>
<td>pard</td>
</tr>
<tr>
<td>16</td>
<td>John O'Donnell</td>
<td>23</td>
<td>c</td>
<td>guysboro</td>
<td>shoemaker</td>
<td>43</td>
<td>larceny</td>
<td>3</td>
<td>esc'd</td>
</tr>
<tr>
<td>17</td>
<td>Peter Foley</td>
<td>24</td>
<td>c</td>
<td>halifax</td>
<td>carp' ter</td>
<td>44</td>
<td>larceny</td>
<td>1</td>
<td>pard</td>
</tr>
<tr>
<td>18</td>
<td>John Rogers</td>
<td>42</td>
<td>c</td>
<td>halifax</td>
<td>shoemaker</td>
<td>44</td>
<td>attempt rape</td>
<td>3</td>
<td>died</td>
</tr>
<tr>
<td>19</td>
<td>William Bruce</td>
<td>19</td>
<td>c</td>
<td>halifax</td>
<td>blacksmith</td>
<td>44</td>
<td>larceny</td>
<td>2</td>
<td>time</td>
</tr>
<tr>
<td>20</td>
<td>Charles Currell</td>
<td>31</td>
<td>c</td>
<td>halifax</td>
<td>blacksmith</td>
<td>44</td>
<td>larceny</td>
<td>2</td>
<td>pard</td>
</tr>
<tr>
<td>21</td>
<td>Walter Roach</td>
<td>38</td>
<td>c</td>
<td>annapolis</td>
<td>none</td>
<td>44</td>
<td>larceny</td>
<td>2</td>
<td>oth</td>
</tr>
</tbody>
</table>

After its opening in June, eight more prisoners were sent to the Penitentiary. Jophn Sewers and Thomas Pye, fishermen from Guysborough County, arrived in the penitentiary on 1 July, 1844, being originally sentenced for arson (7 years) on the 20th of October, 1843. Both became “good stone cutters”. William Bruce and Walter Roach would become notorious within the prison.

From its opening on 18 June 1844, until 31 December 1845, 35 prisoners were received into the Bridewell. Twenty of these were from Halifax County. Twenty-three were convicted of larceny. Other offences were attempted rape (2), concealing a birth (2),

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40 Thomas H. Raddall, *Halifax: Warden of the North*, (New York: Doubleday, 1965), p. 183. The execution may have been on 5 August 1844. The *Novascotian* reported in June that someone had found the skull of the pirate Jordan, as well as the iron ring with which he was suspended. 24 June 1844.


horse stealing (2), arson (3), forgery (1), using counterfeit money (1) and highway robbery (1).\textsuperscript{43} By July 25\textsuperscript{th}, the penitentiary held 17 men in addition to the three women.

The Provincial Penitentiary was designed for provincial prisoners: those who were convicted of a breach of the criminal law by the Supreme Court of Nova Scotia. However, it sometimes held prisoners from the County of Halifax who would normally be kept in the County Jail.\textsuperscript{44} In October 1846 the Penitentiary received John Collins from Liverpool, sentenced to 3 months for larceny. In the Journal, Michael Tobin commented: "The period of the sentence being less than 12 months as specified by law the Governor was in doubt as to the correctness of receiving him but did so and reported immediately" to the Attorney General.\textsuperscript{45}

While the Governor was responsible for the order of the prison, his authority overlapped with that of the Commissioners, who could punish the prisoners and assign work as well as discipline the officers. Uniacke noted that, during the first week of his visits, he had "no reason to punish any convict nor exempt any from labour."\textsuperscript{46}

The Attorney General had the opportunity of explaining the expectations with which the new penitentiary regime was held in the case of \textit{R. v. Wilson} (Supreme Court, Halifax). Counsel for the defence, defending a man for allegedly stealing 100 pounds from captain Duggan, argued that the "Penitentiary would leave an enduring stain upon the reputation of any person who was judicially immured within its walls." The Attorney General responded, asserting that: "There would be ... that kind of discipline exercised towards the convicts, that would lead to the improvement of morals and to the recovery of lost reputation. There would be the same chance of moral action in that prison as elsewhere, and the principle of virtue could be as easily recognized in the amended conduct of a convict, as in any other individual more fortunately situated, and he hoped the future inmates of the Penitentiary would leave it reformed in their morals, and fitted to become useful members of society".\textsuperscript{47}

In August 1844 the first major breach of discipline was reported by the Governor and recorded by the visiting Commissioner. A quarrel and fight had broken out between two prisoners, John Sewers (No. 14), a fisherman from Guysborough, and William Bruce (No. 19), a Blacksmith from Halifax. The Commissioner investigated and found that no blame should be attached to the officials. The offenders were put in "close confinement".

\textsuperscript{43} The source for these figures is unknown. The main source does not indicate any counterfeiting or highway robbery, and only one horse thief of the 35 committed. However, no records are listed for four, No.s 3, 5, 6 and 16. See: A return of the work and labour executed and performed by the convicts at the Provincial Penitentiary between 1st January and 31st December 1845, George Carpenter, 16 January 1846. PANS RG 27 Board of Works, Series B, Vol. 6.

\textsuperscript{44} MacKinnon, p. 208; cites \textit{Journals of House of Assembly}, 1854, Appendix 53.

\textsuperscript{45} Comm. J. 1844-1852, 19 October 1846. PANS RG 1 Vol. 418.

\textsuperscript{46} Report of the Commissioners, Provincial Penitentiary, 1844-1852, PANS RG 1 Vol. 418, 7 July 1844.

\textsuperscript{47} \textit{Morning Chronicle}, 18 July 1844, p. 298.
The Commissioner ordered a further period of confinement, exercising his authority in the matter. Bruce was a persistent offender. On 14 August 1845 he was again reported in solitary confinement "for using insolent and violent language before the convicts". He was released after one day, however, returned to work, although the Governor was ordered to report daily on his conduct. On 8 February 1846, Bruce was also insubordinate, being insolent to the keeper, and was again placed in close confinement for part of two days. He was released but was "still under the imposition of chain and clog" for a time. Bruce was finally released 22 July 1846.

In October 1844, Governor Carpenter brought to the attention of the Commissioners the "fresh misconduct" of prisoner No. 16, John O'Donnell, a shoemaker from Guysborough, who was put in irons on 12 October. According to Commissioner Tobin's report, when his cell was opened on the morning of the 13th, "he made an attack on the Keeper W. Fitzpatrick with the leg of his bedstead which he had broken off and he several times threatened to take his life and otherwise behaved in a most disorderly manner." Tobin "directed the Governor to reduce his allowance to bread and water and to keep him in solitary confinement." On the next day, O'Donnell was reported to be ill and the doctor placed him in the hospital. Tobin therefore had directed that his handcuffs and irons were to be removed. Upon being convalescent, O'Donnell was placed in partial solitary confinement. Tobin, however, was distressed by this incident and what he regarded as the inadequate discipline. He wrote: "In remarking upon the outrageous conduct of this prisoner, I cannot but regret the inadequacy of the punishment for offences committed within the Penitentiary, to which by law the Commissioners are restricted. The example of No. 16 and the comparatively light punishment which has been awarded to him will I fear be prejudicial to the future peace and good order of the establishment."

John O'Donnell, however, had other plans: he escaped from the Penitentiary on 27 November 1844. Upon his immediate investigation, Commissioner Black found that the Governor had been unwell and had directed an Underkeeper "to take the prisoners to the room used as an hospital and there to lead the evening prayers." During the service, Black concluded, O'Donnell "must have left the room made his way through the lower [floor?] into the cellar and escaped through the coal cellar window a bar having been removed for the purpose of putting in the fuel. This discovery however was not made until their return

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49 Report of the Commissioners, Provincial Penitentiary, 1844-1852, 14, 15 August 1845, Commissioner Tremaine. PANS RG 1 Vol. 418.
50 Report of the Commissioners, Provincial Penitentiary, 1844-1852, 8, 11 February 1846. PANS RG 1 Vol. 418.
from prayers. During the greater part of the night they made diligent search for the run away but without effect.”

One of the legends surrounding the Penitentiary and the so-called “prisoner’s cave” was related by John Regan in his book, originally published in 1908, *Retales[?] and Traditions of the Northwest Arm*.

“The legend is that an escaped prisoner from the penitentiary swam across the Arm and remained in hiding in the cave for a long time until search for him had been abandoned, he being supplied with food meanwhile by residents of the locality, whose compassion had been [ ] excited by stories of suffering within the prison walls.” The cave was located in “rugged, hilly country on the western shore of the Arm near William’s Lake.”

On 20 December 1844, Stanley wrote to Lord Falkland from Downing Street in reference to the Act No. 2448 concerning the government of the Penitentiary. In part the letter stated: "I enclose an Order made by Her Majesty in Council on the 13th Instant, leaving this Act to its operation, but I wish your Worship to bring under the consideration of the Council and Assembly the propriety of reducing the maximum number of hours of daily labor from twelve to ten; as I should fear that twelve hours labor, exclusive of other engagements, would not leave sufficient time during the day for the moral and religious instruction, meals, and exercise of the prisoners.” Accordingly, Bill No. 124 amended the Penitentiary Act which was declared to be in force for four further years.

In March 1845 the Attorney General presented to the House the Report of the Commissioners of the Penitentiary and a Select Committee consisting of Huntington, Fairbanks and Marshall, was appointed to examine the documents and accounts. The Committee reported on March 27th.

The Commissioners, J. W. Johnston, James B. Uniacke, Michael Tobin, W. A. Black, J. N. Shannon, James Tremain and Andrew MacKinlay, reported in 1845 that the following Officers had been appointed by the Governor on their recommendation:

- George Carpenter, Governor
- Mrs. Carpenter, Matron
- James Fitz Patrick, Keeper
- Thomas Berrigan, Under Keeper
- Lawrence Hickey, Messenger
- Rev. William Cogswell, Chaplain

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Thomas Berrigan subsequently resigned as Under Keeper and, upon Hockey’s appointment to that post, James Lucas was appointed Messenger. For salaries, the estimate for 1845 proposed the following: Governor, £ 125; Matron, £ 25; Keeper, £ 50; Under-Keeper, £ 50; Messenger, £ 40.\textsuperscript{57} In addition, Rufus Black, MD, was appointed Medical Attendant.\textsuperscript{58}

The Penitentiary opened for the reception of criminals on the 15th June 1844. To the time of the 1845 Report, 21 convicts, 18 males and 3 females had been admitted. The prison also housed 13 military prisoners (as well as six prisoners from the ship \textit{Saladin}). Of these 40 prisoners, the 13 military prisoners had been withdrawn as had the six sailors from the \textit{Saladin}. Two convicts had been pardoned, one had been discharged upon expiration of the sentence and one had escaped. There remained, then, 17 convicts including three women.

The Commissioners explained that: "By the Articles of War all prisons are open for the reception of military prisoners, upon the payment of 6d. sterling per day. The Commanding Officers availing themselves of the Act, placed in the penitentiary at sundry times, thirteen prisoners, to whom 394 rations have been issued, for which the funds of the Prison have been credited £ 12 6 3."

Among the prisoners were three carpenters in their mid-20s, Alexander McNaughton (Pictou), Nathan Chute (Annapolis) and Peter Foley (Halifax), "whose services would in a great measure be lost to the Province, unless they were employed at their trade". Accordingly, the Commissioners "have incurred debts for timber, lumber, and shingles, with which they have had the hospital for the females completed, tables, benches, desks, closets, and other furniture for the prison made; also a shed built in front of the main building for straw, &c. They have also completed a range of buildings for workshops within the prison yard, 78 feet in length, two stories in height; the ground floor for workshops for cutting granite, and a forge for blacksmiths; the upper story for carpenters, tailors, and shoemakers shops." The Commissioners estimated that the service of these crafts workers amounted to 100 pounds "at a low estimation; and the buildings are ready for the workmen a year earlier than if the Commissioners had not purchased the material for their labour.

During the season of the year which permitted the labouring convicts to work outside, they were employed in clearing and levelling the ground in front of the prison, making roads, building the wharf, and preparing foundations for the workshops.

"The females have been employed in the washing for the convicts, making of clothing, spinning yarn, and knitting stockings.

\textsuperscript{57} Appendix 47, \textit{Journals of Assembly, N.S.}, 1845, p. 150.
\textsuperscript{58} \textit{Morning Chronicle}, 25 June 1844, p. 258.
The Commissioners reported that they had received from several "Votes for the Establishment", £ 772 4s. which they had expended on clothing for summer and winter (£ 75 10 10), furnishing the prison with "Mattresses and Bedsteads, Chairs, Kitchen Utensils, Grates, Stoves and Stove Pipes, Coking and Eating Pans, &c., &c., &c." (£ 166 0 8); provisions including a winter's supply of vegetables (£ 146 13 1) as well as on salaries, incidentals, stock iron, steel and leather and 100 tone of granite.

However: "A balance of £ 274 is still due on last year's expenditures, and the estimates for the present is £ 650, which does not include Lumber for fencing, salary for Chaplain, Doctor, or Secretary". "[W]ith the most rigid economy", the estimate was presented to be about £ 1300 for the present year. This sum, in addition to the estimates and unpaid debt noted above, included £ 175 for fencing round the buildings and £ 210 for a "Wing on the North side of Building".

The £ 650 included £ 228 2 6 for provisions for 20 prisoners and 5 officers for 365 days, ad 6d. per day; £ 2 10 each for clothing for 20 prisoners; £ 30 for 20 caldrons of coal (at 30s. each), £ 22 10s. for 30 cords of wood (at 15s each); £ 24 7 6 for incidentals, such as soap, candles, straw, &c.

Between 15 June and 31 December 1844, 5137 rations had been issued, including 144 to the men of the Saladin, 6 men confined for 24 days (18th June to 12th July), and also including 394 rations for military prisoners. The Treasurer had also prepared a digest of provisions, indicating that in the period from June to 31 December 1844, 15,294 pounds of provisions had been consumed, an amount "equal to 2 lbs. 15 oz. each day per man."

The House granted a sum of £ 1359 17s. 4d. to the Commissioners on 10 April 1845, and a further £ 40 to pay the annual services of a Chaplain, the sum paid as required to pay "from the date of his appointment up to the present time."

Initially, during the first three months, a table was provided for the Keepers and Officers "affording them such fare as they would receive if at board, but finding that the arrangement would probably lead to an expense difficult to control, they discontinued the system, and offered to each of the Officers their choice, to accept the daily rations of the house; or receive a remuneration in cash of 3d[?]. per day. With one exception, the Officers now receive the rations of the house, whereby much additional labor and some expense is saved."

For 1844, "the half-year ending 31st Dec. the cost of the ration daily was bout 60d, including hospital supplies; but that fir the three months ending Dec, 31st, the cost of the daily ration was reduced to 50d., in consequence of some changes made in the diet table, 

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59 Appendix 47, Journals of House of Assembly, N. S., 1845, p. 144.
60 Appendix 47, Journals of Assembly, N.S., 1845, p. 151.
61 Appendix 47, Journals of Assembly, N. S., 1845, p. 152.
62 Journals of Assembly, N.S., 1845, pp. 344, 361.
to render it more healthy. Upon the diet as now arranged, the convicts continue in good health".63

The Penitentiary was described as being "remote from the City"; accordingly the Chaplain and the Physician "find it necessary to keep horses; particularly the Medical Officer, who has occasionally to visit the prison during the night". The Commissioners noted this so that the Assembly would consider this circumstance in the setting of their salaries.

Commissioner James Tremain served as Treasurer and Secretary. The Commissioners indicated that an annual allowance might be needed for the services of a Secretary or Clerk. Among the urgent necessities the Commissioners noted was the "necessity for having the whole buildings surrounded with a high fence, in order that no stragglers may be allowed to loiter about the outside as at present they frequently do. Unless this evil is remedied, it will have a tendency in some measure to do away with that seclusion, which constitutes an essential part of the discipline necessary for the reformation of convicts.

"The Commissioners in conclusion remark, that their object has been to introduce the Auburn system as far as practicable, and from the experience which they have already had they believe decided benefit has resulted; and that great reformation among the prisoners, both moral and religious, as well as the formation of industrious habits, may be expected: but the Institution in its infant state is not yet in a condition to be fairly judged.

"The Building is incomplete, and the system of moral discipline is of necessity comparatively imperfect. Still however, when compared in its present state with the practice which lately prevailed throughout the Province, of immuring convicts in a cell, without employment, or any means of retrieving their lost character, the improvement already effected by this Establishment will be found to be very great; and the Commissioners would pursue their duties with less interest and feeling, had they not the conviction that the Institution is capable of reaching a much higher degree of usefulness in the improvement of an unhappy class of individuals, who though degraded by their offences are yet the subjects of moral influence and elevation.

"In making their first Report, the Commissioners cannot refrain from expressing their sense of the high importance of the office your Excellency has been pleased to commit to their trust, and their earnest desire to make the Institution placed in their charge as instrumental as possible in carrying

out the extensive benefits of which they believe it to be capable. They annex
a number of explanatory documents."  

In 1845, two other prisoners made their escape. Again, the Governor was absent, having gone to town to purchase birch plank for stair railings. On 23 July 1845, taking advantage of his absence, two men from Annapolis County, Walter Roach and James Francis, escaped from the garden where they were working and under the supervision of keeper Hickey. Roach had been received from Annapolis County on 17 October 1844, and was serving a sentence of two years hard labour for larceny. James Francis (# 27), a black farmer from Digby, had entered the prison one month earlier, 25 June 1845, serving one year for the same offence. Commissioner Shannon attended the prison, obtaining whatever particulars he could, and found "the remaining prisoners all locked up and the keeper in pursuit of the fugitives." Shannon took "memorandums of their description and dress" to the Police Office, to find that Hickey had been there and had furnished the information. The keeper searched all that night with the city constables but received no information "that can be relied on". Roach was subsequently recaptured and returned to the prison by the Sheriff of Annapolis on 23 August 1845, one month after escaping. However, Francis, like John O'Donnell before him, was not recaptured. Roach, a 42 year-old white male, was originally sentenced to two years for larceny on 4 October 1844. Upon being recaptured he was not released on his normal expiry date. Instead he was held and tried in Halifax Supreme Court in Halifax on 19 December 1846 for escaping from the penitentiary and recommitted for an additional four months as prisoner No. 60.  

On the 25 July 1845, the Commissioners met at the prison "and framed several regulations for the greater security of the prisoners in the future", including not permitting any to be employed outside.  

The Penitentiary also received soldiers from the Rifle Corps and the 74th Regiment, "394 days at 6d stg. each, is 7d each per day, amount £ 12 6s 3d., paid and deposited at the Credit of this Establishment in December 1844, in the Bank of Nova Scotia."  

Rufus Black also reported that, "Although a considerable number of Prisoners have been upon the sick list, and there have been several cases of severe disease, I am happy to say no death has occurred. The Establishment has been visited by no disease of an epidemic character", nor have the diseases which did occur result from "either defects in the construction of the prison itself, or in the mode of discipline carried out." 61 prisoners were on the 1845 sick list, and ten confined to hospital. Some prisoners' diseases recurred.

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64 Appendix 47, Journals of House of Assembly, N. S., 1945, p. 144.
65 Report of the Commissioners, Provincial Penitentiary, 1844-1852, 23 August 1845. PANS RG 1 Vol. 418. The monthly returns submitted by Carpenter in 1846 list neither prisoner 16 nor 27 (Francis).
67 George Carpenter, Report, 1845, Appendix 17 Journals of Assembly, N.S., 1846, p. 63.
Most illnesses occurred in the months from January to April, principally "catarrh, pleurisy, pneumonia and rheumatism" common at that season. "Fewer cases of derangement of the digestive organs presented themselves during the summer months than might have been anticipated, owing in great measure no doubt, to the attention paid by the Board to the clothing and diet of the prisoners."\(^{68}\)

In its estimates for 1846, the following salaries were reported: Governor, £ 150; Matron, £ 25; Keeper (no trade), £ 50; Under Keeper and Mason, £ 78; Messenger ("an excellent Stone Quarrier"), £ 40. Materials for the buildings included "20 Freestone Covers for tops of Cells" at 60s, as well as 10 iron doors for cells (at 50s).\(^{69}\)

The Committee of the House charged with examining the Accounts and Reports (Jno. Creighton, Chairman, John Ryder and S. S. Thorne) complained "of the imperfect manner they [the accounts] appear to be stated" and declare themselves unable to judge their correctness. Each Commissioner maintained monthly accounts in different ways. They find no reason to claim mismanagement, however, and "recommend that a more correct system should in future be pursued". The expenses for maintaining the Institution for 1845 was £ 648 18 2p, in addition to sums for such purposes as material for finishing the Penitentiary and supplying granite, lumber for the buildings, making a final total of £ 1105 5 5. "As a set off against this expenditure there must be taken into account the labour bestowed upon the building by the prisoners. Ten new Cells have been erected and will be completed by the end of the present month, and the workmanship reflects great credit upon those employed in their erection."

The Committee estimated that the 1846 expenditures would amount to £ 471 8 8 for maintaining the prison, £ 300 for salaries, £ 385 11 4 for building materials, "and a further sum for the salary of the Physician, say £ 50 currency. The Governor complains that he is only allowed the same kind of provisions as the convicts, and that his salary of £ 125 is not adequate to his comfortable maintenance." The Committee, therefore, recommended raising his pay to £ 150 or "allowing him suitable provisions". They also recommended that a clergyman be employed. "The prisoners are occasionally visited by a Clergyman, but the anticipations of the Committee of last year have fallen far short of what was expected."

"Two of your Committee have visited the Institution, and they have great pleasure in expressing their entire satisfaction with everything connected with its management and supervision, which reflects great credit upon all persons connected therewith."\(^{70}\)

On the 25 July 1845, the Commissioners met at the prison "and framed several regulations for the greater security of the prisoners in the future", including not permitting

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any to be employed outside.\textsuperscript{71} Differences apparently existed among the Commissioners concerning "the subject of the prison management", a matter which was raised in meetings of the Commissioners on 21 and 28 April 1845. According to Uniacke, the members of the Board made decision during the latter meeting "and adopted steps to prevent a recurrence of differences in management of the prison."\textsuperscript{72} Michael Tobin reported that he had enquired of each keeper and prisoner in the month of May and "could not learn that any complaint existed either against the officers or the mode of treatment."\textsuperscript{73}

**THE PENITENTIARY REGIME**

More is known about the prisoners than the employees from the documents examined to date. As noted above, the first Governor was George Carpenter and Mrs. Carpenter served as Matron, their salaries set at 125 pounds and 25 pounds respectively. In addition there was a Keeper (salary 50 pounds), an Underkeeper (salary 50 pounds) and a Messenger (salary 40 pounds).\textsuperscript{74} A note in the Commissioner's Report Book indicated that one underkeeper, Thomas Berrigan, left the establishment on 1 November 1844, at his own request. Jamie Lucas as underkeeper replaced him on that date.\textsuperscript{75} Subsequently, it was reported that Lucas, described as a Messenger, had been given leave by the Governor "to be absent until 6 O'clock" on the 6th of November 1845 but had remained absent all night. Upon being reprimanded, Lucas "used insubordinate language" and was suspended. George Carpenter assumed the duties of the messenger "until pleasure of the Commissioners should be known."\textsuperscript{76} John Piers as messenger replaced Lucas in November.\textsuperscript{77} Keeper Hickey appears in the Commissioners Reports because of the escapes of convicts Roach and Francis. Lawrence O'Hearn[?], an underkeeper, left the establishment on 1 May 1846 to "return to his former employment on Citadel Hill."\textsuperscript{78}

While the Commissioners were effusive in their praise of George Carpenter, at least with respect to the reports from their visitations, he was not pleased with his salary. In January 1846, Carpenter wrote to James Uniacke complaining that he had understood in 1844 that his salary was to be 150 pounds per year, in addition to provisions. However, he

\textsuperscript{71} Report of the Commissioners, Provincial Penitentiary, 1844-1852, 23, 24, 25 July 1845. PANS RG 1 Vol. 418.
\textsuperscript{72} Report of the Commissioners, Provincial Penitentiary, 1844-1852, Commissioner James B. Uniacke, 12 and 28 April 1844. PANS RG 1 Vol. 418.
\textsuperscript{73} Report of the Commissioners, Provincial Penitentiary, 1844-1852, 31 May 1845, Commissioner M. Tobin. PANS RG 1 Vol. 418.
\textsuperscript{74} Abstract from the Book of the Provincial Penitentiary Halifax for the year ending 31 December 1846. PANS RG 27 Vol. 6
\textsuperscript{75} Report of the Commissioners, Provincial Penitentiary, 1844-1852, 1 November 1844. PANS RG 1 Vol. 418.
\textsuperscript{76} Report of the Commissioners, Provincial Penitentiary, 1844-1852, 10 November 1845, J. B. Uniacke, Commissioner. PANS RG 1 Vol. 418.
\textsuperscript{77} Report of the Commissioners, Provincial Penitentiary, 1844-1852, 30 November 1844. PANS RG 1 Vol. 418.
\textsuperscript{78} Report of the Commissioners, Provincial Penitentiary, 1844-1852, 13 April 1846. PANS RG 1 Vol. 418.
declared, he had only been paid 125 pounds. The Matron, Mrs. Carpenter, was paid 25 pounds per year, he added, "which she has earned faithfully, but I conceive that it is taken off mine." Both the Governor and the Matron received provisions the same as a convict, namely two plates mash, soup and hard biscuit, adding only 1 lb.[?] beef on Sundays." With this present allowance, he could not live "with any degree of comfort'. "Consequently my salary has been still further reduced to purchase such subsistence as, without being extravagant, I had a right to expect. My income therefore as Governor of the Provincial Penitentiary is reduced to less than I could earn as a tradesman, freed from the serious and heavy responsibility of my present situation." Carpenter claimed that he worked six days per week, often acted as clergyman (a point he underscored), and supervised the progress of the building.

Carpenter claimed that he had spared neither his bodily labour nor his mechanical knowledge and had rendered himself "an useful public servant", noting that: "From the want of a carpenter I have performed all the work of that department, for sometime, without ceasing to superintend the progress of the building, instruct, and with my hands assist the masons in their work, and direct the labour of all the convicts to the best advantage, consistent with their continuance in the personal good health which they enjoy." The result of this work is that, within two weeks, ten new cells will have been finished and "considering the help I have had, it will appear that he most rigid economy has been used in the establishment, and as far as practicable every effort has been exerted to make the convicts good members of society and useful tradesmen, without losing sight of the best means of turning their labour to the advantage and interests of the Province."79

Prisoners served their entire term and were then discharged, or they received a release (pardon) from the Lt. Governor. Prisoners Alex Bundy[?] and John Dougherty (No’s 3 and 6 or vice versa) were discharged by order of the governor on 23 September and 14 November 1844 respectively. Thomas Bergin (No. 5) was discharged on 11 December 1844, having served his sentence of 12 months, which commenced on 12 December 1843. Bergin was given one suit of clothing as an allowance upon being discharged.80 The unusual circumstances of the discharges of Charlotte Semindinger and Charles Carrol are discussed below. In 1848, discharged prisoners were given either 10 or 20 shillings (the basis for the distinction may be length of sentence, but I am not sure of this) as well as some "plain comfortable clothing".81 However, this allowance was discretionary, as the case of Ann Albright shows. She was discharged on the 27th of May 1848 but, "her character not standing so fair as the others [released that month] and

79 George Carpenter to James Uniacke, 26 January 1846. RG 27 Board of Works, Series B Vol. 6 Penitentiary 1820s-1947.
81 Comm. J. 1844-1852, 31 May, 30 December 1848. PANS RG 1 Vol. 418.
apprehending that she still intended to pursue her former evil courses, was not allowed anything on leaving, except one or two articles of clothing."82

The twin pillars of the regime were disciplined work and spiritual contemplation, and the latter was greatly overshadowed by the former. Uniacke instructed the Governor to commence and close each day with prayers. The Commissioners, who stated that they visited the prison at various days and times during the week, sometimes attended the religious services. In Uniacke’s view, during the daily prayers "the inmates appear attentive and their behaviour good." At first, clergy of various denominations visited the prisoners. Twelve Bibles were presented for the use of the prisoners by ladies from the Saint Matthews Church.83 During the Sabbath on 18 August, the Commissioner reported that the prisoners were "generally attentive and conducted the singing with much propriety and interest."84 On 11 November 1844, Reverend Mr. Copp[,] was appointed Chaplain of the Penitentiary.85 One year later, however, the practice had fallen considerably. Between 24 September and 30 November, for example, the prisoners had not had a Sabbath service.86 For the most part, prisoners spent Sundays in their cells.87 On June 1846, Reverend William Bennett performed Sunday service. Uniacke, who attended, reported that the prisoners were well behaved with three exceptions. One was William McLean (No. 31), a 24-year old man from Lunenburg, serving two years for larceny). The other two, James Thomas (# 41), from Halifax, and Stephen Blaney (# 45), from Hants, both 18, sentenced to two years for larceny and, apparently, partly blind, "who are under punishment". Uniacke ordered the release of McLean "to be employed but in fetters until his promise of good conduct be proved."88

The fundamental activity in the prison, however, was labour. As noted above, the prison was in a very incomplete state when it was opened in June 1844. During the ensuing years the Commissioners "directed the labour of the convicts to clearing and fencing the grounds, forming roads, completing the interior of the building, and erecting substantial workshops and sheds to protect the convicts while at work." Convict labour, in addition, constructed ten additional cells by 1847 and work was proceeding on ten more. "The stone gallery and stairs are also the work of the convicts, who, under the able superintendence of the Governor of the Penitentiary, have completed work which will bear inspection from the best mechanics."

82 Comm. J. 1844-1852, 31 May 1848. PANS RG 1 Vol. 418.
83 Report of the Commissioners, Provincial Penitentiary, 1844-1852, PANS RG 1 Vol. 418, 7 July 1844.
84 Report of the Commissioners, Provincial Penitentiary, 1844-1852, PANS RG 1 Vol. 418, 18 August 1844.
86 Report of the Commissioners, Provincial Penitentiary, 1844-1852, 30 November 1845, Commissioner James B. Uniacke. PANS RG 1 Vol. 418.
87 Report of the Commissioners, Provincial Penitentiary, 1844-1852, 1 February 1846. PANS RG 1 Vol. 418.
88 Report of the Commissioners, Provincial Penitentiary, 1844-1852, 7 June 1846. PANS RG 1 Vol. 418
The Commissioners added: "It is gratifying ... to be able to state that the work and labour has been performed by men, who have received all their instruction, in cutting and laying stone, since they have been in the prison, many of whom will return to the world useful mechanics and (from their behaviour while in prison) the Commissioners trust they will become better members of society." The Commissioners included in their estimates for 1848 additional money for materials necessary for the construction of more cells. The original plan called for 90 cells for males and 9 for females "and this kind of labour is well adapted to employment of the convicts during a great part of the year."

Between the opening of the prison in 1844 and 31 December 1845, 35 prisoners were sentenced to the Provincial Penitentiary. During 1846, Governor Carpenter wrote monthly reports for the Commissioners, detailing the behaviour and, in particular, the work performed by the prisoners in the prison. From these records it can be seen how the number of prisoners increased, from 19 recorded at the end of January 1846 to 37 on the 31st of December that year (making a total of 60 prisoners who had served time in the prison). In his Return of 31 December 1845, Governor Carpenter reported that the main work done in the prison entailed clearing the land around the prison and fencing it in. The carpenters constructed workshops for the stonecutters and the blacksmiths, and did considerable work in the interior of the building.

Prisoners Sentenced, 1845, Selected Details

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<th>#</th>
<th>NAME</th>
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89 Commissioners of Penitentiary to Lt. Gov. John Harvey, 7 July 1847. PANS RG 27 Vol. 6.
90 A Return of work and labour executed and performed by the convicts at the Provincial Penitentiary between 1st January and 31st December 1845, George Carpenter, Governor, 16 January 1846, PANS RG 27 Board of Works, Series B, Vol. 6 Penitentiary.
Of the 14 new prisoners sent to the prison in 1846, 11 had been convicted of larceny. Most sentences were relatively short, 6 months to 3 years. Four were described as being dark-skinned. Almost all the prisoners served their full time before release. John MacKenzie, the 51-year old labourer from Halifax, was given a larceny sentence of five years. According to the Governor’s report, in 1846 he was "Making himself very useful and working in the garden." Later in the year he was working as "Chiefly as clerk to establishment", but as to his behaviour, Carpenter reported he "Cannot be trusted." He was released after four years by Governor’s pardon. Thirty-one year-old Sophia Forbes was the first prisoner to be sent to the penitentiary from Cape Breton. Henry Clark the younger, a 21-year old black farmer, was convicted of assault and attempted rape.

Carpenter’s monthly reports emphasized the work, which each convict did. The majority were employed for at least part of the first year clearing land. Generally speaking, Carpenter employed the prisoners according to what use he could make of them, taking into account their skills. Of the first 35 prisoners (to 1845), 16 were designated "labourers" in the work reports (with trade listed in the prisoner’s log as “none”). In addition to other work, such as clearing land, tailors Alexander Malcolm (No. 2, Pictou - larceny) and John Dayley (No. 7, Halifax - forgery) made clothes for prisoners; joiner Benjamin Randall (No. 8, Annapolis - larceny), whose behaviour was noted as "excellent", built a stair case, hand rails and spinning wheels; shoemaker John Rogers (No. 18, Halifax - assault with intention to commit rape) made and repaired shoes for the convicts; cooper John McLean (No. 28, Halifax - larceny) made tubs and buckets; and blacksmiths William Bruce (No. 19 - larceny) and Charles Carrol (No. 20 - larceny), both of Halifax sharpened tools for the stone cutters. The most days of any activities in 1846 were spent clearing land (151 days), cutting stone for the second tier of cells (122 days).

Stone cutting was among the other skilled jobs necessary for construction of the prison. In 1844 and 1845, prisoners were working on cutting stone and constructing the second tier of cells. George Carpenter noted that "six prisoners were making great progress in learning the art of stone cutting towards finishing the Penitentiary." Three

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92 A return of the work and labour executed and performed by the convicts at the Provincial Penitentiary between 1st January and 31st December 1845, George Carpenter, 16 January 1846. PANS RG 27 Board of Works, Series B, Vol. 6. Four prisoners were not listed in this return, Alexander Bundy, Thomas Bergin, and John Dougherty (No.s 3, 5, and ) having been discharged in 1844, and # 16 (John O'Donnell) having successfully escaped. For the work of the Tailors, (Alexander Malcom, John Dayly, and James Pennell), Governor Carpenter contracted with Mr. Eastwood for 75 yards of striped cloth, at a price which appears to be 6 s. per yard. (Report of the Commissioners, Provincial Penitentiary, 1844-1852, 19 May 1845, Commissioner Michael Tobin, PANS RG 1 Vol. 418.

93 A Return of Work and Labour Executed and performed by the Convicts, 1845, PANS RG 27 Public Works, Series B Penitentiary Vol. 6 Penitentiary 1840-1846.
were Richard A. Larrington (No. 9 - Arson), a labourer from Kings County. John Sewers and Thomas Pye, (Nos. 14 and 15 - arson), both fishermen from Guysborough. Both Sewers and Pye were committed for 7 years, on 21 October 1843 for arson. Sewers was transferred to the North West Arm penitentiary on 20 June 1844, among the first 14 prisoners from the Bridewell. Pye was not admitted until 1 July 1844. Both received pardons. Sewers served less than two years; Pye served about three and a half years.

Other stone cutters were Henry Clarke, a 21-year old black farmer from Hants County (# 24 - assault with attempt to commit rape), Michael Keilly, a 22 year-old farmer from Halifax County (# 25 – six months for larceny), and Michael Dougherty, a 22 year-old labourer (# 35 - larceny), from Halifax. For these prisoners, the prison experience was deemed to have taught a trade. Commissioner Black reported: "Many of the granite cutters under the able supervision of the Governor bid fair to make good workmen. In Gaol the greater part of them work with cheerfulness and have a desire to be instructed."95

The blacksmiths, among other jobs, sharpened the tools of the stonecutters. Although two blacksmiths were in the penitentiary, including William Bruce, whose term was not to expire until 22 July 1846, when Charles Carrol was discharged under order from the Lt. Governor on 23 July 1845, Commissioner Shannon referred to him as "our only Blacksmith". Because there were several jobs left unfinished, he "authorized his being employed for a few days on wages, in the hope that his apprentice or assistant, may learn sufficient of the trade, to sharpen the tools and perform other work which may be required."96 He was finally discharged on August 2nd.97

During the first half year, the prisoners constructed sheds and workshops, and on removing 140 tons of granite from the wharf to the yard preparatory to cutting.98 By 30 July 1845, 45 pieces had been cut "preparatory to the building of the second tier of cells", and a total of 317 tons of granite had been received.99 Ten new cells were completed by the end of February 1846. The able bodied prisoners were employed in this work.100 The Governor then embarked on the third tier of cells.

Among the first 35 prisoners were four women, listed as having no occupation. Three of these were transferred from the old Bridewell: Lucy Potter (No. 11 - concealing a

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94 A return of the work and labour executed and performed by the convicts at the Provincial Penitentiary between 1st January and 31st December 1845, George Carpenter, 16 January 1846. PANS RG 27 Board of Works, Series B, Vol. 6.
97 Report of the Commissioners, Provincial Penitentiary, 1844-1852, 2 August 1845. PANS RG 1 Vol. 418.
100 Report of the Commissioners, Provincial Penitentiary, 1844-1852, 28 February 1846. PANS RG 1 Vol. 418.
birth), from Lunenburg, Dianah Johnstone (No. 12) and Charlotte Semindingen (No. 13), both from Halifax and charged with larceny. The fourth was Sophia Forbes (No. 30 - concealing a birth), from Cape Breton. The women did the knitting, washing and spinning in the prison.101 James Tremain reported that the Matron (Mrs. Carpenter) had reported the women to be "quiet and industrious employed as usual in the labour of the establishment and knitting."102 Charlotte Semindingen (one of the original 13 inmates) was ordered released by the Lt. Governor on the 2nd of July 1845. However, as Commissioner Shannon reported: "as she had no home to go to, and having expressed a wish to stop and assist the Matron in the work of the House, until a situation offered, I permitted her to remain until the end of the month, subject to the decision of the Board."103 One month later, James Tremain "found her still desirous of remaining here as a place of safety until her friends can provide for her removal. She is to assist Mrs. Carpenter in the customary work", apparently receiving cookhouse wages.104

With the exception of No. 16, who escaped in November 1844, the other three prisoners were discharged. Thomas Bergin (# 5), sentenced 12 December 1843 for 12 months was discharged when his time expired. Two other prisoners were discharged in 1844 -- Alex Bundy (# 3) and John Dougherty (# 6), both by order of the Lt. Governor.105

During 1846, the number of prisoners confined in the Penitentiary grew. On May 31, 28 prisoners were in confinement. This grew to 30 in October, 32 in November and 37 in December.106 During that year, the prisoners continued to work clearing and levelling land, and made progress on the third tier of cells. According to Carpenter, the road leading to the front of the building was lowered considerably "forming a more gentle descent." In addition, “considerable progress has been made during the same time in cutting stone for the portico and steps and for the third tier of steps.”107

Prisoners Received, NS Penitentiary, 1846, Selected Details

101 A return of the work and labour executed and performed by the convicts at the Provincial Penitentiary between 1st January and 31st December 1845, George Carpenter, 16 January 1846. PANS RG 27 Board of Works, Series B, Vol. 6.
102 Report of the Commissioners, Provincial Penitentiary, 1844-1852, 7 March 1845. PANS RG 1 Vol. 418.
103 Report of the Commissioners, Provincial Penitentiary, 1844-1852, 2 July 1845. PANS RG 1 Vol. 418.
104 Report of the Commissioners, Provincial Penitentiary, 1844-1852, 2 August 1845, James Tremain, Commissioner. PANS RG 1 Vol. 418.
106 Return showing the progress of work and the behaviour of the convicts for the month of May 1846, George Carpenter, May, 1846. PANS RG 27 Board of Works, Series B, Vol. 6; Ibid., 31 October 1846; Ibid., 30 November 1846; 31 December 1846.
107 Return showing the progress of work and the behaviour of the convicts for the month of October 1846, George Carpenter, 31 October, 1846. PANS RG 27 Board of Works, Series B, Vol. 6.
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Twenty-five prisoners were admitted in 1846. William Parker, a 19-year old black farmer from Halifax, was a recidivist, having been sentenced first for larceny in 1845. Parker was the first person sent to the penitentiary for a term less than one year (his first sentence was for six months, determined by the Court of Quarter Sessions – the first prisoner sentenced by other than the Supreme Court. Early on, Carpenter described his character as “very indifferent” and he was “confined for bad behaviour” and set to work “breaking stone”. Walter Roach was sent back to prison for having escaped unsuccessfully. The increase in the number of prisoners in 1846 cannot be attributed to a proportional increase in short-term prisoners, using the definition of those sentenced to

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108 Provincial Penitentiary Return Showing the Progress of Work and the Behaviour of the Convicts for the Month of March 1846, George Carpenter, 31 May 1846.
under two years (a definition formalized when the prison became a federal penitentiary in 1867). Of the 25 prisoners received, 9 received short sentences of from four to 18 months, about the same ratio as previously. Among the first 35 committals, however, all but two had been sentenced by the Supreme Court. In 1846, six of the short-term convicts were sent to the prison by the Court of Quarter Sessions.

Among the men sentenced from the Supreme Court, sitting in Halifax, were five black men, between the ages of 18 and 22, listed as having no trade, and sentenced for larceny: Hazel Crowd, Charles Edwards, Thomas Wilson, Dinis Charles, and Thomas James, all convicted and sent directly to the penitentiary on 16 March. (None of the five black prisoners were given names in Carpenter’s Return, and thereafter not all prisoners were named, some being referred only by number.)

Crowd (#37) performed labouring work such as assisting to build the garden wall being “otherwise useful”. Edwards, Wilson, and Charles were similarly employed and also learned stone cutting; “A pretty fair stone cutter”, Carpenter commented for all three men. Carpenter described Charles as "a good and quiet black boy", in reference to being struck by William McLean (No. 31) in May 1846. Thomas James (#41) worked at various labouring jobs and assisted in sharpening tools for the blacksmith. On the 14th of February, 1848, nearing the expiration of their two-year sentences, Edwards and James were disciplined in the prison by Michael Clinton "for riotous mutinous conduct" and served “48 hours in [the] dark cell on bread and water with handcuffs and shackles on”. Charles was also locked in his cell for 48 hours on bread and water by Acting Governor Michael Clinton on February 14th "for whistling and joining chorus with the prisoners in the Dark Cells." William Parker joined him in whistling and shouting and was similarly confined.

By that time, 12 of the 41 (and 14 of the first 60) were described as being black. Black prisoners prior to March 1846 included 21-year old Alexander Bundy from Halifax (# 3) serving seven year for robbery, 28-year old Richard Larrington from Kings (# 9), serving 14 years for arson, 68-year “mulatto” old Henry Clark the younger (# 24), a farmer from Hants, sentenced to three years for assault with attempt to rape, William Parker (# 26 from Digby) and James Francis (# 27 from Halifax), both farmers each serving a year for larceny, and George Clayton (# 32) from Halifax, serving a year for larceny. Among the

109 Provincial Penitentiary Return Showing the Progress of Work and the Behaviour of the Convicts for the Month of May 1846, George Carpenter, 31 May 1846.


111 Carpenter to Commissioners, 30 May 1846. PANS RG 27 Vol. 6.


first 41 prisoners were four women, one black, 23-year old Dinah Johnston (# 12) who was confined in the Penitentiary one and a half years for larceny.

Some prisoners, such as No. 45, were admitted in what was described as a very bad state of health. James Bennett (No. 22 – larceny), a sailor from Halifax, was also sickly and did little work. No. 55 (John Cameron, a 22-year old shoemaker from Pictou County) was sick "the greater part of the time ... with measles." Thomas Bergin (No. 29 - horse stealing), a labourer from Halifax, was an "old man", of "little use to the establishment". In fact, Bergin was serving his second sentence, the first recidivist in the penitentiary. The partly bald man from Halifax had been sentenced to one year during the Michaelmas term in 1843 for Horse Stealing. He was convicted of the same offence again in July 1845 and served the entire two-year term. Similarly, No. 49 (John Peter Loss, a 61-year old labourer from Lunenburg who had been sentenced to life for a felonious killing), was described as an old man unable to do anything, although he apparently worked at "blowing blacksmith's bellows". Loss was soon pardoned by the Lieutenant Governor, in 1849. Thirty-eight year old Samuel Harrison, sentencing to two years for assault in 1847, had "served his country for nearly 22 years in Her Majesty's 89 Regiment in three quarters of the globe", the prison Governor reported, adding that he "cannot therefore be expected to be able for much hard labour."115

There were also two "Indians" from Hants County identified in the Prisoner’s Log, Joseph Bennett and Paul James (#s 52 and 53), although Bennett was listed in the Governor’s monthly Labour Return as being a "black man." Bennett was sentenced on 24 October 1846 to fourteen years for manslaughter. He was apparently learning to be a carpenter, although being "lame of the right hand and unfit for labour".116 He served a little over six years before being pardoned. In addition, in October the Governor reported that the Penitentiary had received a "lunatic Indian" (36-year old James Paul) from Hants County "for a few days" sent by the Attorney General for safe keeping until the House meets." This prisoner, No. 52, was still listed in the December 1846 returns.117 James Paul was committed for safe-keeping "having been charged with larceny and acquitted from insufficiency of intellect."118 Paul was subsequently removed to the Poor's Asylum on 27

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116 Provincial Penitentiary Return Showing the Progress of Work and the Behaviour of the Convicts for the Month of March 1846, George Carpenter, 31 October 1846.
117 A return of the work and labour executed and performed by the convicts at the Provincial Penitentiary between 1st January and 31st December 1845, George Carpenter, 16 January 1846. PANS RG 27 Board of Works, Series B, Vol. 6; Return showing the progress of work and the bahaviour of the convicts for the month of May 1846, George Carpenter, May, 1846; 30 November 1846; 31 October 1846; 31 December 1846. PANS RG 27 Board of Works, Series B, Vol. 6
118 Comm. J. 1844-1852, 28(?) October 1846. PANS RG 1 Vol. 418.
January 1847. On 18 March 1848, another "insane indian", Paul Murray, was received under an order from the Lt. Governor. Murray does not appear in the Prisoners’ record Book.

The prison regime utilized the skills of some prisoners upon their confinement, but not all. The main trade taught was stone cutting and working as a blacksmith, trades essential for constructing a prison of stone. When shoemaker Henry West from Annapolis, confined for malicious damage to property, was sent to the prison, his trade was not utilized; rather, he cleared land and performed other labour. Shoemaker John Cameron from Pictou, however, was employed making and repairing prisoners’ shoes. Eighteen-year old George Armsworthy, who was described as a cook from Guysborough County, however, was set to work cooking for the establishment. He was helped in the kitchen by 55-year old John Collins, from Queens County, who worked as an assistant cook for his short three-month sentence.

John Rogers (# 18), a shorter than average (5’ 3 ½’’), 42-year old shoemaker, from Halifax, serving a three-year sentence for attempted rape, was the first to die in the Penitentiary. The Commissioners described Rogers as being ill and under Doctor’s care on the second of March 1847, and as having died the next day. Rogers was interred in the Poor House Cemetery.

At times, military Court Martial sent military prisoners to the Penitentiary, to serve periods of solitary confinement. In October, William Johnstone, sentenced to Transportation by General Court Martial, was also confined in the Penitentiary temporarily. His term was not recorded in the Prison Record Book. As we have seen, military prisoners were also not always recorded in the Penitentiary Record Book. One exception was Patrick Hall (# 62). Described as a 29 year-old labourer, Hall was sentenced by Court martial to 1 year 7 months and 11 days for being a “habitual drunk” on 31 March 1847 and sent to the Penitentiary the same day. On the 8th of October, 1847, Hall was removed to Military Cells by order of the Lieutenant Governor.

In June, 1846, the Commissioners reported that prisoner No. 46, whom they identified as John Donahoe, committed from the Supreme Court on 30 March 1846, had

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122 The trade as “cook” is listed in the Governor’s monthly Return of labour performed in the prison; in the penitentiary prisoner log, both cooks are listed as “labourer”.
123 Commissioners Journal, 1844-1852, PANS RG 1 Vol. 418, 2,3 March 1847.
124 Report of the Commissioners, Provincial Penitentiary, 1844-1852, 30 July 1844, Commissioner Andrew MacKinley; 1 October 1844, Commissioner Michael Tobin; 6 November 1844, Commissioner Black. PANS RG 1 Vol. 418.
escaped on the 15th of June of that year.\textsuperscript{125} No further details of this escape are recorded in the Commissioners' Visiting report. However, in the Abstract from the Book of the Provincial Penitentiary for 31 December 1846, no special reference was made to No. 46, who was actually James Nickerson, a 24-year old from Shelburne who was present during the whole of his time, which expired 5 May 1848. The reference by the Commissioners probably, then, refers to No. 42.

Prisoner No. 42, John Donahoe, a 32-year old carpenter from Halifax, was sentenced to 7 years for Highway Robbery on 30 April 1846 and immediately received at the penitentiary. Donohoe served only about a month and a half before he escaped, on the evening of the 18\textsuperscript{th} of June 1846.\textsuperscript{126} He is reported as "handling tools until the evening of the 18\textsuperscript{th} June" in Carpenter's monthly return (June 1846), and not again listed.

In May 1846, Carpenter brought to the attention of the Commissioners the bad behaviour of William McLean (No. 31), a 26 year-old man from Lunenburg who struck No. 40 "who is a good and quiet Black Boy" (Charles Dinis, a 20-year old from Halifax). He also used "very bad language to the Messenger and to my self.... I immediately put him in irons and then his conduct was most outrageous in using blasphemous language to any of the prisoners that happened to go by his cell." Carpenter then recommended that "it would be very advisable to put up 2 or 3 dark cells in one of the cellars for punishment." He said that McLean had been clearing land up to the 26\textsuperscript{th} of May 1846 but that since then his behaviour was reported as "extremely bad".\textsuperscript{127}

Also in May 1846, Governor Carpenter reported that he had confined for one week for bad conduct, No. 41, James Thomas, an 18-year old partially blind man from Halifax who was serving two years imposed by the Court of Quarter Sessions for larceny. He described his character as "very indifferent", a similar judgement that he recorded for No. 45, who was confined two weeks for bad behaviour.\textsuperscript{128} No. 45 was Stephen Blaney, a 18-year old from Hants County serving two years for larceny, who was received from Windsor on the 8\textsuperscript{th} of May 1846 and, according to Carpenter, "Appears to be a very bad character."\textsuperscript{129}

In summary, during 1846, 44 prisoners were confined in the penitentiary (ones completing their sentences or newly incarcerated that year). Of these, 30 were white males, 2 white females, 11 black males and one "Insane Indian", confined for "safe-keeping". Of the 43 crimes committed, 23 prisoners were confined for larceny (between 5 years and 3 months, average being just under 2 years), three for arson 14, 7, 7 years), two females for

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\textsuperscript{125} Report of the Commissioners, Provincial Penitentiary, 1844-1852, 15 June 1846. PANS RG 1 Vol. 418.
\textsuperscript{126} Abstract from the Book of the Provincial Penitentiary for the year ending 31 December 1846. PANS RG 27 Vol. 6.
\textsuperscript{127} George Carpenter to Commissioners, 30 May 1846. PANS RG 27 Vol. 6.
\textsuperscript{128} Return showing the progress of work and the behavior of the convicts for the month of May 1846, George Carpenter, May, 1846. PANS RG 27 Board of Works, Series B, Vol. 6
\textsuperscript{129} Carpenter to Commissioners, May 1846. PANS RG 27 Vol. 6.
concealing a birth (2 years), two for assault with intent to commit rape (3 years), and two for assault (2 years). Other crimes were: two sentences for horse stealing (1 and 2 years), highway robbery (7 years), shop breaking and larceny (4 years), uttering counterfeit money (2 years), malicious damage to property (1 year), felonious killing and murder (life), manslaughter (14 years), burglary (2 1/2 years) and for escaping from the provincial penitentiary – that was Walter Roach -- (4 months). Two others were sentenced for what was recorded as "felony". These two, Moses Munro (# 56) and James Munro (# 57), both young men listed as fishermen from Guysborough, were sentenced on the 22nd of October 1846 for two and one years respectively and were pardoned by the Lieutenant Governor in 1847. The youngest prisoner was 18; the oldest, No. 49, was 61. The average age was 29.9.

The Supreme Court, in most cases, handed down the sentences and prisoners were received periodically as the Supreme Court sat in different parts of the province. For example, prisoners were sentenced in Halifax in December 1845, April 1846, and again in December 1846. Between May and October 1846, prisoners were received from Hants, Shelburne, Annapolis, Guysborough, Lunenburg, Queens, Hants, Digby, Pictou and Guysborough Counties. While in Halifax, the sentence was pronounced on one day and the prisoners received in the penitentiary the next, there was a longer time between these events in the other counties, sometimes amounting to a considerable period. For example, while Stephen Blaney (No. 45) was received from Hants in one day, James Nickerson (No. 46) from Shelburne was sentenced 18 May and received 6 June. Transfers were quicker from Hants, Lunenburg and Queens, although Joseph Countewa Jr. (No. 50) from Lunenburg was sentenced to one and a half years for larceny on 18 April 1846 and was only received in the Penitentiary on the 11th of September. Transfers from Guysborough County took more than a month (the two "felons" mentioned above were sentenced on 22nd of October and received on the 3rd of December 1846).

The number of prisoners received was greater than what had been anticipated in the estimates for 1846, which was calculated on the basis of 21 prisoners (and five officers), "but there were numerous committals ... greatly increasing the outlay for food and clothing". Furthermore, Carpenter explained, when the estimates for 1846 were drawn up "it was anticipated ... that our efficient blacksmith would have been committed to the prison, last year, but he was not, and for the want of such a tradesman a great deal of blacksmith's work had to be given out." Provisions in 1846 cost approximately 450 pounds; clothing about 137 pounds, and 172 pounds were spent on such items as fuel and for the physician. Building material, stone, lime, and so on, cost an additional 307 pounds. Total expenses amounted to 1369 pounds.

During that year: "A great deal of stone cutting and other valuable labour has been done as well within as without the prison and a large quantity of land thoroughly cleared
... for the future benefit of the Province and the Institution.”

The prisoners continued to work clearing and levelling land, and made progress on the third tier of cells. According to Carpenter, the road leading to the front of the building was lowered considerably "forming a more gentle descent.”

The closeness with which Governor Carpenter worked with the prisoners has been noted above. This was reinforced by an incident in March 1847. In Shannon's account:

On the 19th Inst. No. 9 (Larrington) ... became outrageous and on having his chisels returned without being sharpened, he treacherously attempted to strike the Governor with his hammer and had it not been for the timely assistance of No. 56 [Guysborough fisherman Moses Munro] who seized hold of No. 9 and prevented the blow, great injury might have been the consequence. Since which time No. 9 has been confined to his cell and supplied only with bread and water. Deeming the act of No. 56 a fit subject to be laid before the Board, I have thought proper to embody it in my Report, in the hope that a favourable consideration of the case may lead to his benefit — and ultimately prove an advantage to the institution, as an inducement for others, to do likewise.

Sentenced to two years on 3 December 1846 for “felony”, Moses Munro was pardoned on 27 April 1847, serving only five months. James Munro, who appears to be his younger co-accused, but was sentenced to only one year, was pardoned on the same date.

In their Report to Falkland for the year 1845 (19 January 1846), the Commissioners note: "The want of Chaplains or some persons attached to the Institution to instruct the prisoners in religion, and thus advance the moral discipline of the Institution.... Although Ministers of the various religious denominations have frequently visited the prison, yet the Commissioners deem officers of this description essential to the establishment of a sound system of prison discipline.”

In their Report the Commissioners included detailed tables listing the name of each convict, their trade, county, and crime, how they were employed in the prison, their behaviour, and remarks (generally about their discharge); also their date of confinement, length of sentence, court by which sentenced, when they were received into the Penitentiary and when discharged. Governor Carpenter certified "that the conduct of the Prisoners during the last year has been remarkably good -- I have had no fault to find with

130 Abstract from the Boks of the Provincial Penitentiary Halifax for the Year ending 31 December 1846. PANS RG 27 Vol. 6.
131 Return showing the progress of work and the behavior of the convicts for the month of October 1846, George Carpenter, 31 October, 1846. PANS RG 27 Board of Works, Series B, Vol. 6
133 Appendix 17, Report of Commissioners, Journals of Assembly, N.S., 1846, p. 59.
one of them, all have exerted their best endeavours to perform tasks assigned them to my entire satisfaction. A large piece of land has been cleared and completely fenced round. The carpenters have made great progress in finishing the Work Shops for the Stone Cutters and Blacksmiths, they have also done a great deal of work in the interior of the building. Six convicts are making great progress in learning the art of Stone Cutting, towards finishing the Penitentiary."134

The 1846 Report of the Commissioners (9 February 1847) was the first submitted to the new Governor, John Harvey. For his information, the Commissioners summarize the substance of former Reports:

The Provincial Penitentiary was opened for the reception of Convicts in the month of June, 1844, with Cells, sufficient to accommodate thirty male and nine female Convicts, but with the surrounding Lands in a wilderness state, the interior of the Building unfinished, and destitute of Workshops or any accommodation for carrying on the labor of the Convicts to advantage, the convicts being scattered over the Province, made it necessary to receive them so soon as the Building was in a state of safety. The Commissioners have, therefore, directed the labour of the Convicts to clearing and fencing the Grounds -- forming Roads -- completing the interior of the Building, and erecting substantial Workshops and Sheds to protect the Convicts while at work. In addition to which, they now have, (by the labour of the Convicts alone,) furnished ten additional Cells, some of which are now occupied; and there are ten more in a state of forwardness, to meet any future demand.

"The Stone Galleries and Stairs are also the work of the Convicts, who, under the able superintendence of the Governor of the Penitentiary, have completed work which will bear inspection from the best Mechanics.

"It is gratifying to the Commissioners to be able to state that this work and labour has been performed by men who have received all their instruction in cutting and laying stone since they have been in prison, many of whom will return to the world useful Mechanics, and (from their behaviour while in prison,) the Commissioners trust that they will become better members of society.

Given an increase in the number of convicts, the expenditures of the prison amounted to £ 104 7s. 3d. over the amount voted in the last session, "notwithstanding the utmost economy has been practiced."

"In the estimate for the present year, the Commissioners have provided for material for the erection of more Cells, as the original plan of the Building contemplates Cells for ninety males and nine females, when finished, -- and this kind of labour is well adapted to employment of convicts during a great part of the year."

Finally, the Commissioners noted that the estimates do not include a salary for a clergyman. The 1846 grant also did not provide for the Physician. The Commissioners expressed the hope that the grant for 1847 would provide for both officers.

The actual salaries paid in 1846 were: Governor, £125; Matron, £25; Keeper, £50; Under Keeper, £61 13 4; Messenger, £40. The actual expenditures for 1846 amounted to £1369 1 10, short of the grant of £1170 plus the balance of about £94, leaving a short-fall of £104 7 3 for the year. Carpenter explained the deficit as follows:

[T]here were numerous committals ... over and above the number estimated, greatly increasing the outlay for Food and Clothing. It was anticipated when the estimate was prepared, that an efficient Blacksmith would have been committed to the Prison last year, but he was not, and for the want of such a Tradesman a great deal of Blacksmith work had to be given out. The salary of the Under Keeper (a Stone Mason,) who wished to retire, was reduced....

A great deal of Stone Cutting, and much valuable labour, has been done, as well within as without the Prison, including a large quantity of Land thoroughly cleared during the past year, for the future benefit of the Province and this Institution. No exertion has been spared, on my part, in following up the most rigid economy, and conducting the Building, as far as means allowed, as well with my architectural skill as personal labour. From having no Tradesmen whatever among the Keepers. I have been necessitated to instruct the Stone Cutters, Blacksmiths and Carpenters, in their several vocations, besides directing the employment of the labourers to the best advantage.

Carpenter estimated the 1847 expenses at £1671 18s. 7d., for a total grant, including the 1846 deficit, of £1776 5s. 10d. The estimates for 1847 include provisions for 40 prisoners; £221 for granite and iron stone; £82 for lumber for building a cook-house and sheds at the north-west end; 10 free stone covers for the tops of the cells; 10 iron doors for the cells; 10 iron bedsteads; and a "Cooking Camboose" (galley) costing £30.

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135 Report of Commissioners of Provincial Penitentiary to Governor John Harvey, Appendix 27, Journals of Assembly, N.S., 1847, pp. 120-121.
136 George Carpenter, 30 January 1847, Appendix 27 Journals of Assembly, N.S., 1847, p. 125.
137 Appendix 27, Journals of Assembly, N.S., 1847, p. 126.
Prisoners Received, Provincial Penitentiary, 1847, Selected Details

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<td>38</td>
<td>c</td>
<td>annapolis</td>
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<td>c</td>
<td>pictou</td>
<td>labourer</td>
<td>47</td>
<td>larceny</td>
<td>1+6m</td>
<td>t</td>
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<tr>
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<td>31</td>
<td>c</td>
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<td>45</td>
<td>c</td>
<td>inverness</td>
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<td>none</td>
<td>47</td>
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<td>6mo</td>
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During 1847, 16 more prisoners were committed to the Penitentiary, only four with sentences of two years (none longer). Four convicts were females, two of whom (32-year old, Ann Pence, a black woman, sentenced for larceny (one year), and 38-year old Catherine Williams (for receiving stolen goods, one year). The women worked as washing and mending for the prisoners (Pence), carding and spinning (Williams and Albright), and knitting stockings (McCloud). Twenty-one-year old Christie McCloud was sentenced with 24-year old William Nybrout, both from Cape Breton. They were each given two-year sentences for manslaughter on 28 May 1847, and were received into the penitentiary on 8 June of that year. On the 26th May 1849, they were discharged after the expiration of their term. “They received the usual allowance of clothing and money.\(^{138}\)

Among the men, five were committed for larceny, three for assault (one year for two and only 14 days for the third, a sailor, Baptiste Francois); one for burglary (1 year), and one for attempting to commit rape (1 year). Other than Baptiste, none of the prisoners had a listed trade other than “labourer”. Most of them worked in the prison gardening, clearing land, quarrying stone, and cutting wood. Nybrout worked as a carpenter; Metre cooked for the prisoners, assisted by Lpoch; and Jones was learning to cut stone.

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\(^{138}\) Commissioners Journal, May 1849.
Patrick Hall, a soldier (# 62) was confined in 1847 for 192 days by order of Courts Martial on 31 March 1847 for "habitual drunkenness" and taken directly to the Penitentiary. The Commissioners recommended that the necessary steps be taken to secure the provision of 6d. per day for this confinement. Governor Hutchinson found him to be "incorrigible". Hall was discharged on the 8th of October, on which date he was removed to the military cells, which at that time would have been in the Halifax Citadel. Hall served only about six months in the Provincial Penitentiary.

The prisoners ranged in age from 22 to 45 (average age 31). Eight of the 16 were from Halifax, sentenced by the Supreme Court in March, July and November. Altogether, 51 prisoners were jailed in the Penitentiary in 1847. On 31 December 1847, 44 prisoners were confined. Of those discharged, the soldier had been sent back to the military prison, the "Insane Indian" (No. 53) had been committed to the Poor Asylum, and No. 18, John Rogers, had died. According to the physician, R. Black, this was the first death since the opening of the Penitentiary. In his report, Black stated that this "occurred in the person of a man of broken down constitution who had been labouring under the disease of which he died for two years previously to his admission in July 1844. Consequently his death was irrespective of any want of efficiency in the regulation of the prison with regard to health."

Black added: "Indeed, the small mortality as compared with that existing in the City and suburbs, argues well for the sanitary state of the prison." Generally, Black found the prisoners to "have enjoyed better health than usual", with no "endemic or epidemic" diseases prevailing. Another year's experience "serves to show, that the system of diet and discipline carried out in the establishment is conducive to the health of the prisoners." The sick list consisted of 51 prisoners, of which number, "six were confined to the hospital for a longer or shorter period."

The Committee of the Assembly charged with reporting on the Penitentiary (John Creighton, R. Clements and R. McG. Dickey) approved the Accounts as well as the "improved system". Forty stone cells were now completed, the Committee indicated, and 32 male prisoners and one female were currently confined. They estimated that the expenses would be £1825 15 10, and added:

"It should be determined not to proceed with the erection of more Stone Cells, but employ the Prisoners in other work about the Grounds, a considerable amount of the estimate will not be required; but your Committee consider, that employing the Prisoners in cutting Stone, and erecting Cells, (although they may not be immediately required), is the most advantageous plan that can be adopted, and is highly advantageous to the

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139 Abstract from the Book of the Provincial Penitentiary Halifax for the year ending 31 December 1847. PANS RG 27 Vol. 6.
140 R. Black to the Commissioners of the Provincial Penitentiary, 31 December 1847. PANS RG 27 Vol. 6.
prisoners, by enabling them to acquire a knowledge of Masonry and Stone Cutting, and cannot fail to be highly beneficial to them when discharged, and is the cheapest mode of finishing the building.

Again, the Committee was concerned about to absence of a paid clergyman. "A Clergyman of the Methodist Persuasion has been in the habit of attending occasionally, and administering spiritual assistance to the Convicts; but no funds has been provided for the payment of his services. They recommend, therefore, that a sum of money should be voted for this service, and that he should receive some compensation for his past services."

Two of the members of the Committee had visited the prison and express "their entire approval of every thing connected with its management and supervision, which reflects great credit upon the Governor, and all parties connected therewith." 141

During the 1848 session of the Assembly, the actual reports of the Commissioners, as well as accompanying documents from the Governor, and Physician of the penitentiary were no longer published in the appendices of the Journals of the House of Assembly.

As previously, a select committee was established in 1847 to examine and report on the state of the Penitentiary. The Select Committee (Saml. Creelman, Alfred Whitman, William Card, Henry Y. Mott and James D. Fraser) reported that the actual expenditures for 1847 had been £1634 3s 11d, less than the sum of £1825 15s 10d. granted for the year. Current estimates amounted to £1279 16s 8d (in addition to a credit on the balance of £104 3 3); plus £10 added to the Messenger's salary; £50 for the payment of the Physician's salary for 1847; "and a further sum to remunerate the Rev. William Bennett, a Methodist Clergyman, for his services in imparting religious instruction to the convicts during the past year."

The estimated expenses for a day’s rations were 8d., and for clothing, 60s. annually. These amounts, however, were exceeded by £141 for rations and £ 5 per prisoner for clothing. If the 1848 expenditures also exceed the estimates, "it must lead to embarrassment and difficulty in the management of the Institution." The prices of goods were found to be "irregular" and the Committee recommended that in the future all articles be supplied by contract.

During the year: "Considerable improvements have been made on the premises and in the building”. "Four cells are now erected in the third story, making in all, 44 stone cells, and nine for females, now completed and fit for the reception of prisoners. "Twelve prisoners have been discharged on account of the expiration of their time, three pardoned, two removed, and one has died during the year, while the whole number admitted during the same period is 16, leaving at the commencement of this year, 30 males, and 4 females, in confinement —22 of whom will, according to their respective sentences, be discharged during the present year."

The Committee Report extracted from Dr. Black’s comments that the prisoners had "enjoyed better health than usual" and no "disease ... has prevailed among them." the mortality, compared with the City and Suburbs, was small and "argues well for the sanitary state of the prison", the system of diet and discipline being "conducive to the health of the prisoners."

To these comments, the Committee added their own endorsement, based on their visit, noting the "cleanliness, order, and apparent industry of the prisoners", and they endorsed "the present mode of discipline" which was "quite creditable and worthy of approval". The accounts were also satisfactorily kept.

"The Committee recommend that a Record be kept at the Penitentiary of the daily conduct of each prisoner; and when punishment is necessary, the nature of the same, and the fault for which it is inflicted -- this also to be recorded daily."142

The expenses for the penitentiary amounted to 1,746 pounds, less than the 1,850 pounds allotted by the House of Assembly for 1847. Carpenter estimated that, in 1848, the expenses would only be 1,279 pounds. This included an amount for an additional Underkeeper, expanding the staff to 6, as well as 25 pounds for the services of a Chaplain.

Discipline in the Halifax Penitentiary

According to the Act which established the new Bridewell,143 prison discipline was patterned on the standard maintained by the penal system of Great Britain, which had received commendation from many countries for its organized reform methods. The object of the prison was not only to imprison offenders but also to correct, instruct, and discipline them in a manner which was “most conducive to their reformation.” Baehre summarized the details of the prison rules and regulations as follows:

Thus, staff members were subject to the general mode of discipline. For example, they were told to be vigilant, ‘never give way to passion, but always remain self possessed and calmly but [...]olutely and undeviatingly enforce the discipline of the prison.’144 They were also expected to be punctual, sober, to preserve harmony among themselves, not to talk to anyone except in the performance of their duties, and so on.... [T]he expectation was, ‘the executive management of a Prison must be precise, rigid and undeviating, subject to no confusion or irregularity,’ in order to preserve the institution’s operations....145

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142 Committee Report, Appendix 47, pp. 44-45, Journals of Assembly, N.S., 1848.
144 Baehre, “The Prison in Atlantic Canada before 1880”,
145 Baehre, “The Prison in Atlantic Canada before 1880”,
45
Observation, inspection, supervision were the foundation stones of good order and discipline in the penitentiary system. To this end the most important element was the insistence on silence, the only hope for reformation, supposedly. Staff were ‘never’ to allow ‘the rule of silence to be broken by the convicts.’ Vigilance, therefore, ensured domination. The behaviour of the inmates was constantly checked and directed. Punishment was meted out to any transgressor of the penitentiary’s rules and regulations”\footnote{Baehre, “The Prison in Atlantic Canada before 1880”,}

The discipline was extended “to the staff and convict population alike.”\footnote{Baehre, “The Prison in Atlantic Canada before 1880”,} Specifically, for the convicts, the instructions stated:

‘in no case shall any hope of pardon or favour be held out to them, they will not be permitted to engage in any other kind of work than that assigned to them, nor shall they leave their stations to range about the shops or go into the yard. In passing to and from the cells, to and from the shops, and to and from their meals, the the [sic] convicts must move in close single file with lock step, in perfect silence, and facing towards the officer in immediate charge of them, their working tools and [/] instruments must be left in the shops, and their knives in the eating room. Each convict must wash his hands and face at least daily, his feet once a week, and he must change his clothes once a week, every male convict shall have his beard shaved weekly, and his hair cut monthly; the females shall have their hair cut as often. The men and women shall always be kept separate, and no possible opportunity of intercourse be allowed them. They shall have three meals a day of such plain wholesome food as may be decreed proper by the Commissioner...”\footnote{Baehre, “The Prison in Atlantic Canada before 1880”,}

"There is little doubt”, Baehre wrote,” that strenuous efforts were made to carry out this system.”\footnote{Baehre, “The Prison in Atlantic Canada before 1880”,} Unlike the lapse regime at the former Bridewell, Baehre says, more than just hard labour, “almost every aspect of the prisoner’s life was highly structured and regulated.” The approach reflected “a general and widespread shift in attitude towards punishment symbolized by the penitentiary itself.”\footnote{Baehre, “The Prison in Atlantic Canada before 1880”,}
discipline aspect of this ideology was common to the factory as well as the workhouse and penitentiary.\textsuperscript{151}

In the Halifax Penitentiary, rigid discipline was enforced and prisoners who disobeyed were "severely punished. Such offences as breaking prison, fighting, or other minor misconducts were usually punishable by an extension of the prison term".\textsuperscript{152} Guards who assisted prisoners in such affairs were punished by a fine or were themselves imprisoned. The Keeper and his staff "were not allowed to read, write, talk, sleep, relax, smoke, drink, sing, or whistle" while on duty. Messages transmitted from keeper to keeper were to be whispered and out of the hearing of the prisoners. Guards and prisoners were not to intermingle and no gifts were to be exchanged.\textsuperscript{153}

This formalized set of rules emphasizing discipline and silence was reported to be effective in the short run. A report from the Governor had cited general good behaviour during the first year.\textsuperscript{154} By the following year, however, some indiscipline was reported and Governor Carpenter recommended the construction of two or three dark cells. Irons had not proved sufficient deterrence to indiscipline and Carpenter wanted these cells built in the cellar for purposes of solitary confinement. William McLeod, No. 31, struck "a good and quiet Black boy" and then used "very bad Language to the Messenger" and Governor. He was placed in irons but continued to berate the other prisoners. Carpenter recommended dark cells.\textsuperscript{155} Another method of control, which was also introduced into the Bridewell from Britain, was a point system. According to this method, prisoners were given points or marks for good behaviour. The reward for good character was early release. J. W. Johnston, the Attorney General who introduced the Bill, stated that "when a prisoner was immured for life, and lost all hope of release, it produced a demoralizing effect".\textsuperscript{156}

An account reminiscing about the penitentiary written in 1896 described the difference between new and old inmates:\textsuperscript{157}

\begin{itemize}
\item \textsuperscript{151} As Magdoff stresses: "Not only were many factories constructed like poorhouses and prisons, but the work discipline imposed in these shops also presupposed prison-like practices." Harry Magdoff, "The meaning of work", \textit{Monthly Review}, 34, 5 (October, 1982), pp. 1-15.
\item \textsuperscript{152} Saunders, "Conditions", p. 191.
\item \textsuperscript{153} Saunders, "Conditions", p. 193.
\item \textsuperscript{154} In his Annual Report for 1845, Carpenter stated that the conduct of the prisoners had been "remarkably good.... All have exerted their best endeavours." This report lists names, crimes, counties of origin and work performed in the prison. 31 men were confined, 22 of them for larceny. They worked at cutting pickets for fencing, breaking stone, clearing land, building cells, planting potatoes and making tubs and buckets. Four women were confined, two for larceny and two for concealing births. They knitted, washed and spun for the convicts. ("Return of work and labour, executed and performed by the Convicts at the Provincial Penitentiary, 1 January - 31 December 1845", P.A.N.S., RG 27, Vol. 6, File: "Penitentiaries-1840-1846").
\item \textsuperscript{155} (Carpenter to the Commissioners of the Provincial Penitentiary, 30 May 1846, P.A.N.S., \textit{Ibid}.
\item \textsuperscript{156} \textit{Novascotian}, 5 March 1849, p. 72, col. 1; cited in Saunders, "Conditions", p. 201.
\item \textsuperscript{157} J. F. G., \textit{Halifax Herald}, 6 May 1896, p. 6.
\end{itemize}
The stranger to durance will take up his food in a rude and hasty manner, if not with disgust, and consume it as quickly as possible, if he has some of his appetite. No such haste with the old stoger. He goes leisurely to work making his homely affair as toothsome as possible, with the aid of the simple condiments allowed by the rules; then leisurely enjoy it with much satisfaction....Old jail-birds, are generally also well behaved prisoners. They have learned by experience that good conduct is the only way to ameliorate their position. They will conciliate and even flatter the guards, when that is possible, and fool the chaplain. I confess I have very little faith in the religious expressions, or impressions of convicts; and the last man I would enquire of is the parson.

According to the original Act, prisoners were to work a maximum of 12 hours per day except on Sunday—a duration which was subsequently reduced to ten hours. Prisoners cut stone, picked oakum, worked in the blacksmith's or shoemakers' shops, or worked on the farm raising "potatoes, cabbage hay, corn, pumpkin, rhubarb, and gooseberries." Prison labour supplied by three carpenters "made furniture for the institution, finished the women's hospital, built a shed for straw, and erected workshops seventy-eight feet long and two stories high. The women...washed clothes, spun yarn, and knitted many garments". The first year of the Bridewell was profitable. According to Saunders, "there were benefits of a financial nature and of a spiritual nature". In the words of Governor Carpenter, "every effort has been executed to make the convicts good members of society and useful tradesmen".

MacKinnon concluded that, although the institution was "a drab, forbidding, depressing place; the food was terrible; the prisoners' living conditions were primitive and detrimental to their health", it was "not the worst penal institution in the British North Americas." He cites the existence of trade training, a school for inmates and the "rough form of merit system" as examples of progressive practices.

The chaplain served the ideological function. He visited once a week and circulated religious literature, although most of the prisoners were illiterate. The ideology of repentance was symbolized by two metal hands with their palms turned upwards as in supplication which were on the pediment of the prison wall. Saunders comments that the "prisoners seemed to want religious guidance and for the most part their moral

158 MacKinnon, p. 208; cites Journals of House of Assembly, 1854, Appendix 53.
160 P.A.N.S., RG 27, Vol. 6, File: "Penitentiary-1840-1846".
161 MacKinnon, p. 213.
162 The Halifax Chronicle, 1 May 1948, p. 1
character was somewhat improved". One obvious form of resistance, besides running away, was to visit the hospital ward. During 1856 [1854?], MacKinnon writes, there were 504 sick calls made by less than 30 people.

With the exception of the problem of runaways, the Committee on the Penitentiary in 1856 were still reporting the institution to be pervaded by "order, good management and cleanliness". This had changed by 1864, when the number of prisoners had doubled to an average of 49. MacKinnon notes:

The Committee on the Penitentiary found the main building unfinished and in terrible condition. The roof was leaking badly; the ventilation was defective; the atmosphere was disagreeable and unwholesome: 'The health of the convicts is apparently no good, owing...to the bad atmosphere of the cells, and to the nature of the diet.'

The atmosphere was polluted by a sewage drain that was too small, allowing sewage to build up in the basement creating a disagreeable effluvia.

The Select Committee of the House of Assembly for 1849, established to report on the Penitentiary, consisted of Samuel Creelman, John Weir, John MacDougall, John Ryder, and Alfred Whitman. The Report of the Commissioners of the Penitentiary, of the Physician, as well as the returns and Accounts were presented to the House and given to the Committee for consideration. The Report was presented on 5 March 1849.

The Commissioners finished the 1848 year with a balance of £265 12s 2d. According to the Governor, the value of labour performed in the prison amounted to £504 9s 6d. "This labour was chiefly expended in making improvements on the premises; a commodious and convenient Root House has been completed; a stone wall on the boundary line has been erected; a considerable quantity of granite cut; and some improvements in the interior of the building have been made."

In 1848, 33 prisoners were discharged and 22 committed. At the end of 1848, then, there were 23 prisoners (including two females), 11 of whom would have their sentences expire in 1849. About two-thirds (14) were short-term prisoners (under 2 years), 8 of whom were from Halifax County. Among the eight long-term prisoners, three were from Halifax and 5 from other counties.

Among the more serious criminals were Patrick (# 82) and John Roach (# 83), from Lunenburg, aged 20 and 21 respectively, sentenced 14 April 1848 for five or four years for "felony". It is possible that it was Patrick Roach’s second conviction. Number 54 was

164 MacKinnon, p. 208; cites Journals of House of Assembly, 1854, Appendix 53.
165 Journals of House of Assembly, 1856, Appendix 57; cited in MacKinnon, p. 209.
Patrick Roach, a blacksmith from Digby, sentenced at the age of 18 to one year for Larceny in 1847. He was discharged in October, 1847. More probably, they were different men. The Roach from Digby was listed as 65.5 inches in height; the Lunenburg Roach was one inch taller and described as having no trade. Patrick Roach (# 83) escaped on the night of 1/2 May 1849 along with a number of other prisoners (see below), but was recaptured. In January 1850, Commissioner Shannon reported that most of the prisoners performed their work with cheerfulness with the exception of Pat Roach “and the French Boy, Charles Benoit No. 107”. Both “have been very disorderly and have destroyed their clothing.”

Only two of the committals were woman: Lea Burton from Halifax (assault with attempt to maim), and Catherine McDairmaid, a 32-year old woman from Antigonish for assault.

Prisoners Received, Nova Scotia Penitentiary, 1848, Selected Details

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<thead>
<tr>
<th>#</th>
<th>NAME</th>
<th>Age</th>
<th>Race</th>
<th>County</th>
<th>Trade</th>
<th>Yr</th>
<th>Crime</th>
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<tr>
<td>98</td>
<td>Catherine</td>
<td>32</td>
<td>c</td>
<td>antigonish</td>
<td>none</td>
<td>48</td>
<td>assault</td>
<td>0.3</td>
<td>p</td>
</tr>
</tbody>
</table>

167 Commissioners Journal, May 1849.
168 Commissioners Journal, January 1850.
Three youths from Halifax were sentenced on August 9, 1948, for larceny and shop-breaking: Richard Keefe (age 13), George Hawes (16) and William Linch (14). Hawes and Linch would later escape. Governor Hutchinson certified “that the conduct of Richard Keefe, No. 91 committed ... for the term of five years (for larceny) ... has been generally good and latterly most exemplary. The convict was 12 years of age on his imprisonment and is now 14 years of age.” On a note on the front of this document was the notation: "Pardon to be made out at once.”

John Cain, a 29-year old convict from Halifax, described as “Brown”, admitted in 1848, was “labouring under a severe form of Scrupulous disease” and had “been the subject of treatment ever since”. Cain was getting rapidly weaker, and Black reported that "it is to be apprehended that should he remain in the prison till the setting in of the cold weather, his disease could speedily terminate fatally.” Sentenced in April to one year for manslaughter, he was pardoned on 27 August of that year.

The 1849 estimate was £866 12s 9d, based on a full complement of officers, "but the Governor is of opinion, that with the present number of prisoners the services of one of the keepers might be dispensed with", saving £62. The Committee added that the Physician’s salary ought to be halved, to £25, thereby reducing the estimate to £779 12s 9d. They also looked to save money on the daily rations, explaining that,

While your committee would be far from recommending that for the sake of the saving of a trifling expense a sufficient supply of wholesome and nutritious food should not be supplied to the prisoners, they are led to believe, that a somewhat less expenditure for rations than that for the past year, ought to amply supply the wants of nature, and secure to the prisoners as high a degree of comfort as is necessary to be enjoyed in the Institution.

In their visit, the Committee commended the usual "cleanliness, order and apparent industry of the prisoners. Mr. McDougall, one of the Committee, visited the prison on a Sabbath-day, and was present during the time of Divine Service, and has expressed his unqualified approval of the continuance of the services of a Chaplain to the Institution.”

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170 R. Black, "Medical Report for the Month of July 1848", to the Commissioners of the Provincial Penitentiary, 31 July 1848, PANS, RG 27, Vol. 7, "Provincial Penitentiary, 1848-1861", File 1 "Penitentiary -- 1848".
The Committee also made reference to a circular from Earl Grey to Governor John Harvey "on the subject of prison discipline", which "contain much valuable and practical information, and appears to have been the result of much experience on the subject; but as the suggestions it contains appears to be, as far as is practicable, already adopted in the present arrangement of the establishment, they do not deem it necessary to recommend that it should be entered in the Journals of the House."

According to the Physician, 61 were on the sick list for the year "rather more than an average amount of sickness. The propriety of a more efficient mode of warming the prison is also suggested in the same Report. It likewise contains a complaint of want of Hospital accommodation; upon these subjects, however, your Committee did not come to the conclusion of making any recommendations."171

**Escape and Suspension, 1848**

In February 1848, this close relationship between the Governor and some of the prisoners almost led to George Carpenter’s undoing. On the night of the 4th of February, Michael Dougherty, a 23-year old man from Halifax serving three years for larceny (# 35) had escaped from Keeper Hickey. Three prisoners were permitted to leave the prison in search of the deserter. This was in direct violation of the rules of the Penitentiary, according to which prisoners were to remain confined until their release or pardon. J. B. Uniacke immediately suspended Carpenter from his post. Afterwards, at a full Board meeting, it was ordered that George Carpenter would be removed from his situation "for flagrant violation of the rules of the Institution ... in ordering and permitting many of the prisoners to leave the prison, some of them armed and divested of the prison dress, in search of an escaped convict and to be engaged in such search in the woods and the streets of the city throughout the greater part of the night following."172 As described by the *Novascotian*, under the heading "Penitentiary Doings", after Michael Dougherty escaped, "Mr. Carpenter ... despatched his son and five of the prisoners, armed and equipped, in search of the runaway, who designing to make merry at their temporary freedom from 'the stone jug,' proceeded to the house of a man named Peers, living near John’s foundry. The police officers 'getting wind' of the affair commenced a search, where the prisoners were found says the Recorder pretty comfortably if not gloriously intoxicated.' All of them, however, were eventually captured, and again taken to their home, before doing further injury. Mr. Carpenter is suspended from office."173

The Board of Commissioners began to take steps to replace Carpenter. Meanwhile, however, Michael Clinton had to restore order in the Penitentiary. On the 8th of February,

172 Commissioners Journal, 1844-1852, February 1848. PANS RG 1 Vol. 418.
173 *Novascotian*, February 14, 1848, p. 50.
William Parker, a 19-year old Farmer from Halifax (No. 44) was “Confined in irons... for throwing a shoemaker's last[?] at No. 35 (Michael Dougherty), thereby wounding him in the shoulder when on his way to his cell from the back yard.” He was placed in the Dark Cell with shackles for 48 hours and fed bread and water.”¹⁷⁴ On the 13th of the month, No. 35 Michael Dougherty (the recent escapee) was "Confined on bread and water for 48 hours for calling out that the dinner was not fit for a dog to eat".¹⁷⁵ Charles Gordon, No. 70 was likewise confined by Michael Clinton on 13 February 1848 for 48 hours in the Dark Cell on breads and water, also "for objecting today that his dinner was unfit for a dog to eat, and for insolent, insubordinate language".¹⁷⁶ France Lpoch (No. 70), a 38-year old labourer from Annapolis, confined one year for larceny, was likewise confined for 48 hours in the Dark Cell on breads and water "for objecting today that his dinner was unfit for a dog to eat, and for insolent, insubordinate language".¹⁷⁷ The next day, two more prisoners were sent to the Dark Cells for 48 hours on bread and water, "for riotous, mutinous conduct" (No. 38 – Charles Edwards, and No. 41 – James Thomas); No. 40 (Charles Dinis) and No. 44 (William Parker) were placed on bread and water and locked in their cells for 48 hours "for whistling and joining chorus with the prisoners in the Dark Cells".¹⁷⁸ The Board sought the approval of the Lieutenant Governor for this action and Harvey indicated that he: "Approved under the circumstances" on the 8th of February.¹⁷⁹

On the 9th of February, following the assumption of the chairmanship of the Board by J. B. Uniacke, superseding J. W. Johnston (who, following a change in administration, was no longer a member of the government), the Board of Commissioners proceeded to interview applicants for the position of Governor. Approximately 16 men were interviewed on the 9th, 10th and 14th. Included in this list were three sergeants with substantial service in the British Army, a former head constable in the Royal Irish Constabulary, a 15 year police constable, a stone mason, a blacksmith, Michael Clinton, the man who was then in charge of the Penitentiary, as well as other individuals with fewer qualifications. The Board expressed interest in the wives of these applicants and the number of children, since the position of Matron would go to the wife of the new

¹⁷⁵ J. B. Uniacke, Commissioner of the Month, 13 February 1848, PANS, RG 27, Vol. 7, "Provincial Penitentiary, 1848-1861", File 1 "Penitentiary -- 1848".
¹⁷⁸ M. Clinton, Discipline Reports, 14 February 1848, PANS, RG 27, Vol. 7, "Provincial Penitentiary, 1848-1861", File 1 "Penitentiary -- 1848".
¹⁷⁹ Commissioners Journal, 184-1852, PANS RG 1 Vol. 418, February 1848.
Governor. Papers were received from each applicant, reviewed and returned, and the applicant was instructed that he would be sent for if required further.\footnote{Commissioners Journal, 1844-1852, PANS RG 1 Vol. 418, February 1848.}

Following these interviews, on February 14 the Board decided that: "The Board adhere to their former resolution and decide that the late Governor George Carpenter be removed under the Provincial Act, and that a copy of the Resolution adopted by the Board and approved by the Governor be served on Mr. Carpenter, and that he be required to prepare a list of property belonging to the Province and agree with the Commissioner for the Month on a time to deliver the same with the Books, etc. to him on behalf of the Board."\footnote{Commissioners Journal, 1844-1852, PANS RG 1 Vol. 418, February 1848.}

Meanwhile, the prisoner who had escaped, Michael Dougherty, apparently complained about his treatment. Shannon and Tremaine were appointed a Committee to examine and report on this complaint. On the 14th, the Board resolved to hear a statement from Archibald Hutchinson on the treatment of Dougherty "on his return to the Penitentiary". (At the same time, they enquired whether there were any blankets in the store-room.)\footnote{Comm. J. 1844-1852, PANS RG 1 Vol. 418, 9 Feb. 1848.} There was also a complaint from Michael Clinton, who assumed responsibility for the Penitentiary during Carpenter's suspension.\footnote{Comm. J. 1844-1852, PANS RG 1 Vol. 418, 16 Feb, 1848.} Later in February, "Mr. Doyle laid on the Table of the House certain papers relating to the Penitentiary." What the \textit{Novascotian} described as a "short conversation" ensued, and "Mr. Johnston stated that the Commissioners had not yet appointed Mr. Carpenter's successor" but would shortly do so.\footnote{\textit{Novascotian}, 21 February 1848, p. 62.} It should be noted that, as an applicant for the job of Governor, Clinton had an interest in exposing any bad management during Carpenter's tenure. (The role of Carpenter's son as Messenger and then Under Keeper, and his role in the escape, bear further research).

The upshot of this investigation came on the 16th. Lawrence Hickey was reduced to the situation of UnderKeeper for being responsible for the escape of Dougherty. George Carpenter Jr., the Underkeeper, was removed from this office "in consequence of his misconduct in the discharge of the duties of that office." Archibald Hutchinson was employed [presumably promoted from Under Keeper] in his place as Keeper. Governor Harvey subsequently ordered that Carpenter Jr. "quit the Penitentiary" within 48 hours.\footnote{Comm. J. 16 Feb 1848. PANS RG 1 Vol. 418. Order of Harvey dated 18 Feb. 1848. \textit{Ibid}.}

The main item, however, concerned George Carpenter Sr. The Board resolved that he be continued for three months as Governor and that J. B. Uniacke "admonish him and urge and enforce the obedience to the Rules and Regulations particularly as respects McKenzie and Dougherty, and for their protection." John McKenzie was a 51-year old man from Halifax sentenced to 5 years for larceny. The Board explained that this move

\footnote{Ibid.}
was "in consequence of Mr. Carpenter's long service at the Penitentiary from laying the foundation thereof to the present period, and the convicts who had escaped having been brought back to the prison and therefore by a change in the Government of the Penitentiary to give another trial to him after a suspension of eighteen days." Six pounds was stripped from Carpenter's pay as a result of the suspension (18 days at 6/8p per diem). Governor Harvey subsequently passed an order reinstating Carpenter.\textsuperscript{186} It is not clear from this source the extent to which Carpenter made representations on his own behalf, or had others make representations for him. The following applicants were interviewed for Position of Governor, Feb. 1848:

Sgt. Nichols, RE; Acting Sgt. major of artillery, 21 years service, 19 as non-commissioned officer and 14 as Sergeant; shoemaker.

Matthew Campbell -- Head Constable in the Irish Constabulary for 21 years; certificate of character from Col. MacGregor; no trade but has a good idea of shoemaking, masonry work and carpentry. Family of 6, wife 35.

William Ryan -- No pension; hospital clerk; Dr. Twinning

William Rankin -- "petitions from many persons"

John McLean -- Thomas DeWolfe

Michael Monaghan -- stone mason; been here 20 years; recommended by A. Richardson, William Lawson and Dr. Hume, Judge Hill, the Master of the Rolls, and the Sheriff. Has 3 children, ages 20, 18 and 10 years

Sergeant Black -- 21 years service as colour sergeant; had half charge of convicts at Wollwich. Scotch Presbyterian; blacksmith and engineer, wife and four children, wife able, 30 years of age. The Board also listed the medals, good conduct medals and noted his gratuity for merit of 10 pound annuity.

Sergeant Robert Boak -- Aged 52 years; Royal Artillery 27 years, 23 years NCO. Enlisted June 1813 when 17. Served in Belgium and France in 1815 nd 1816, Canada in 1835. Millwright and house carpenter. Wife's age 47 years, certificate from Customs, retired with a pension, character good, discharged in 1839.

James Ham -- 15 years police constable. Shoemaker, between 50 and 60, character good.

J. A. FitzMaurice

\textsuperscript{186} Comm. J. 1844-1852, 16 Feb. 1848. PANS RG 1 Vol. 418.
Michael Clinton -- at present in charge of the Penitentiary; certificates of character; "Mr. Tremain read report after investigation at Penitentiary on 12th February 1848 in conjunction with Mr. Shannon."

A. Hutchinson
William Grant

Sgt. Patrick Lucy -- Co. Cork; married in Bermuda, wife 20 years of age, a sergeant’s daughter, one child 14 months old, no trade, age 26 years.

Alexander Keval -- Native C Leitrem[?], mason and stone cutter. His wife a farmer’s daughter; has 6 children, the eldest 16 years the youngest 2 years.

Alex Robinson -- native of Halifax, blacksmith, married, has 2 children, wife 30 years old, applicant 29; wife brought up on a farm, her father’s name was Henry Gilford of Sheet Harbour; children young; served his time with Amos Pedlar.

The Board also fashioned some new rules, and reiterated old ones. The Governor's attention was "called to the Rules and particularly that which restricts all purchases for the Penitentiary to those sanctioned by the Commissioners, and in future any article purchased without an order from the Commissioner for the Month will not be paid for by the Commissioners." Carpenter was ordered to maintain a Book "and all stock to be entered therein, and from time to time the quantity consumed and taken out of the stock be marked therein". "[N]o person shall be admitted to visit the Penitentiary without an order in writing from a Commissioner and this to be strictly obeyed as no palliative will be allowed." The Commissioners also resolved that the horse and pigs be removed, "except two pigs to be kept in the yard, on or before the first of May." Most interestingly, the Board resolved that "Clinton's complaint be sent to Mr. Carpenter for comment then it is intended by the writer to be submitted to the Assembly."187

During March, April and May, the Commissioner of the Month again paid periodic visits to the Penitentiary, commenting on discipline and order and also noting discharges and admissions, in contrast to the apparent neglect of the previous year.188 In March, M. Tobin observed that "the proceedings of the Commissioners in regard to the conduct of the Governor have resulted in the maintenance of more order in the Establishment than previously existed. The employment of the prisoners has been more uniform and a large

188 In 1847, few visits were recorded. Tobin commented on "the usual good order" on 31 January 1847. In addition to a long account on the attempted assault on Carpenter by Larrington, and the intervention of Munro, and the details about purchasing and making new chisels, Shannon also commented that there was "excellent order and the prisoners fully employed in March, 1847. Tremain made a similar comment in April, and MacKinley in May. Thereafter, the Commissioner of the Month made no further comment until January 1848. [Check this detail; my notes suggest this, but are they complete?]
amount of work” accomplished. Commissioner Black made “frequent visits” in April, noting "a fine general improvement has taken place in its management" and Shannon "visited frequently" in May, when he "always found the various operations of gardening, stone cutting, digging foundations for the wall in the prison yard, and collecting stones for the same, carried on in a quietly and orderly manner".

Thereafter, visits were again made monthly (or at least recorded monthly) from October to December 1848. In his “Medical Report for the Month of July”, Dr. Rufus Black reported that the prisoners had generally enjoyed good health, with the exception of John Cain "who was admitted labouring under a severe form of Scrupulous disease, and who has been the subject of treatment ever since". Cain was getting rapidly weaker, and Black reported that "it is to be apprehended that should he remain in the prison till the setting in of the cold weather, his disease could speedily terminate fatally."

Uniacke visited in October and he, too, was "pleased with the conduct of the Governor and the Keepers. The prisoners have behaved orderly and been subordinate.... Considerable work has been done finishing a root cellar and clearing land." Uniacke noted that: "The solitary cells have been completed under ground but no confinement therein has yet taken place." The Commissioners again express their confidence in Carpenter as Governor. According to Tobin, writing on 31 October 1848, the "conduct of the officers and prisoners has been exemplary.... The establishment exhibits in its clean and wholesome appearance the attention and care of the Governor." On 30 November 1848, Commissioner [?] commented: "The Governor and Matron are indefatigable in their execution in keeping the prisoners fully employed and the establishment clean and comfortable. The other officers are correct in their conduct and perform their duties to the satisfaction of the Governor."

Commissioner Shannon remarked on 30 December 1848 that the Penitentiary had received no prisoners for some time, "which is somewhat singular, as the Supreme Court has been in session for five or six weeks. I make the remark in the hope that it may be an argument in favor of a moral improvement in the Community."

Such had not been the case earlier in the year, however. In February 1848, in "consequence of a representation made at the Police Office", officers obtained a warrant to

190 Comm. J. 1844-1852, 30 April and 31 May 1848. PANS RG 1 Vol. 418.
191 R. Black, "Medical Report for the Month of July 1848", to the Commissioners of the Provincial Penitentiary, 31 July 1848, PANS, RG 27, Vol. 7, "Provincial Penitentiary, 1848-1861", File 1 "Penitentiary -- 1848".
192 Comm. J. 1844-1852, PANS RG 1 Vol. 418, 30 Oct. 1848. Uniacke also made note of the harvest: 12 dozen cabbages, 10 buckets of acrrots, 80 bushels of potatoes, and 10 bushels of turnips. These were stored in the new root cellar. However, in December, no potatoes were purchased for the prison because there was "doubt about their keeping". Instead, the Commissioners purchased "by the advice of the Governor" 140 bushels of turnips of "excellent quality" at 13 pence a bushel, which were keeping well in the "Root House", "it being in a measure necessary to have some vegetable kind to mix with their soup". Ibid., 30 December 1848.
search a house in the north end of the city. "A large quantity of wearing Apparel, Bed and Table Linen, and other goods was found concealed about the premises." The police seized these apparently stolen articles "and the principal of the establishment safely lodged in gaol." The Novascotian editorialized: "It is hoped that some clue to the various robberies which have lately been committed will now be afforded." In a separate incident, the house of Mr. Sarre, a hairdresser, was broken into and 18 pounds stolen. Later in the month, 20 pounds was stolen from a home at the corner of Brunswick and Dockyard lane (thieves entered by a back window, placing a barrel under the window).

Some of this reported thievery may have been due to the "Very great distress at present prevailing among the labouring class" of Halifax "for want of employment". The Mayor appealed for the "many poor persons needing assistance by charity. Let those who have a surplus give to the poor." City Council decided "that such having abilities desiring it should be employed in breaking stone", soliciting money from citizens, to be taken to the Mayor's office, or aid in kind, "in stone suitable for breaking, to be left at the places of deposit near Bridewell, and on the North Road, leading to the Common, near the Racket Court."

Prisoners Received, Nova Scotia Penitentiary, 1849, Selected Details

<table>
<thead>
<tr>
<th>#</th>
<th>NAME</th>
<th>Age</th>
<th>Race</th>
<th>County</th>
<th>Trade</th>
<th>Yr</th>
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<tr>
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<td>i</td>
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<tr>
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<td>halifax</td>
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James B. Uniacke, Chairman of the Commissioners, reported to the Governor and House of Assembly in 1850 that "it affords them pleasure to say that the number of Convicts now in confinement is less than during former years." Twelve men were sent to

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193 *Novascotian*, 7 February 1848, p. 43.
194 *Novascotian*, 21 February 1848, p. 59.
195 *Novascotian*, 7 February 1848, p. 43. Mayor’s order issued on 3rd Feb.
196 *Novascotian*, 7 February 1848, p. 43.
prison in 1849. At the close of 1849, 15 men and boys remained in confinement. No women had been confined during the last six months of the year. "The employment of the Convicts has been, dressing granite stone for completing the cells -- breaking bones for manure -- collecting seaweed -- and clearing land."

Fifty-two year old William John, a shoemaker from Halifax, became the one hundredth convict confined in the penitentiary. James Paul, “an Indian”, was put in the prison for the second time on 20 March, 1849, “for public safety” and later transferred to the Poors’ Asylum. Several of the prisoners would distinguish themselves during the year by escaping – some more than one (see below) – and bringing about Governor Carpenter’s resignation. Others, such as Charles Benoit and John Swift, would be disciplined for various acts of insubordination in the following years.

No one died in the institution in 1849. Rufus S. Black added, in the Physician’s Report, that 48 cases were on the sick list in 1849 of which "some were cases of an alarming character”, although no deaths occurred. He added that, "during the last three or four months, small pox has prevailed extensively in the City and its environs, and has carried off many as well in the middling as in the lower classes of the community”. However, there were no diseases of an epidemic character in the prison.

In the month of November, when cases of the disease were to be found in all parts of the City, fearing that it might reach the prison, I deemed it prudent to vaccinate such of the prisoners as were still unprotected, and to re-vaccinate the others. One of the inmates of the Establishment is an insane Indian who, as you are aware, was sent thither not as a prisoner, but for safe keeping; it would seem desirable that he should be removed as soon as a more suitable place can be procured, as his being in the prison, seriously interferes with its discipline.

I have here much pleasure in stating, that great attention is paid by the Governor to cleanliness and ventilation, and whatever may promote the comfort of the prisoners.\footnote{R. S. Black, Physician’s Report, 31 December 1849, Appendix 29, p. 119, Journals of Assembly, N.S., 1850.}

In 1850, the House of Assembly appointed a Select Committee to report on the Penitentiary. Consisting of Saml. Creelman, jams McLeod, Stephen Fulton, John McDougall, Henry Mignowitz, John Kedy and M. Beckwith. They reported on the 7th of March 1850.

The Committee quote from the Report of the Governor: ""The lands under cultivation have been kept in good order, and have yielded 104 bushels of potatoes; 657 heads of cabbage; 75 bushels of turnips; 9 bushels of beans; 17 bushels of carrots; and the stones have been cleared off nearly two acres of land.""
The Committee recommended that the institution be granted £850 for 1850, and that the balance of former grants be appropriated to the construction of a wall around the building, and other purposes in connection with the establishment."

During the year twenty prisoners have been discharged, four have escaped from the prison [the Record Book lists five having escaped] and twelve have been received, leaving but fifteen in custody at the end of the year. One of these is an insane Indian, committed for public safety, so that the number of convicts is only fourteen; of these, seven are natives of England, five of Nova Scotia, one of Ireland, and one of the United States.

The Committee regrets to observe that the behaviour of the Convicts does not appear to be as good as by previous reports it appeared to be in former years, there being but seven whose conduct is reported as good, and four of these are of those committed during the past year. Ten convicts have escaped from the prison, six in May that were again capered, two of these again effected their escape in July, and two others in August, who have not been heard of since.

When the Committee visited the establishment they were pleased with its cleanliness and order.

The Committee also had under its consideration a petition from Henry Lawson, claiming £36 5s. 10d. compensation for the loss of his Schooner, taken by the six prisoners who escaped in May, 1849. The Committee believed that £12 of this claim, for the loss of the use of the Schooner for 24 days, should be disallowed, and left it up to the House without recommendation, to determine the disposition of the remaining £24 5s. 10d.198

In March, 1849, the Attorney General introduced a Bill for altering the law affecting the Provincial Penitentiary. According to the Novascotian,199

He stated that when a prisoner was immured for life, and lost all hope of release, it produced a demoralizing effect. In England they had allowed prisoners to demand at the end of each year a character as to his servitude for that year, from his Keeper; if he was imprisoned for one year and obtained a good character for nine months, he was released. The Bill went to introduce a system something of the same character here; the Bill was received, read a first time, and placed upon the table.199

199 Novascotian, 5 March 1849.
On Monday, 5 March, "Mr. Creelman, from the Committee to whom were referred the accounts touching the Provincial Penitentiary, reported that the sum required for its support during the present year would be 866 12s 3d, and recommended a reduction in the salary of the physician of 25 [pounds], and that one of the Keepers should be removed, effecting a saving of 62 [pounds], making in all 87 [pounds]". He added that "they were highly pleased with the cleanliness and order of the Institution." The Report was received by the House and "laid on the table".\textsuperscript{200}

In April, Uniacke, the Commissioner of the Month reported favourably on the management of the Penitentiary. In May, 1849, however, a serious escape occurred, and the Commissioners' took statements from the principals and wrote the evidence in their Journal. Carpenter was again called on the carpet but, this time, he was forced to resign and the Keeper was promoted to the position of Governor.

\section*{The Great Escape and Carpenter's Denouement}

On the night of 1-2 May, 1849, seven prisoners successfully coordinated their escape from the prison: John Powell (# 96), Patrick Roach (# 83), Joseph Bennett (# 52), William Smith (# 101), William Lasberry (# 105), Joseph Jones (# 104), and William Lynch (# 93). Powell was a 27 year-old black man from Kentville, confined for three years for attempting to commit rape; Patrick Roach, 20 years old from Lunenburg, had been sentenced to five years for "felony; Joseph Bennett was a 52-year old man from Hants described as an “Indian” serving a fourteen year sentence for manslaughter; William Smith, a 32-year old sailor from Halifax, was sentenced to five years for burglary, was committed on the 20\textsuperscript{th} of December 1848, but not received in the Penitentiary until 16 April 1849.

Of the other three escapees, two were William Lasberry, a 22-year old and Joseph Jones, 25, both from Halifax and both serving four years for larceny, having been committed on the second of May 1849. For Jones, it was his second confinement. The final member of the initial group was William Lynch, who was only 14-years old when he was sentenced to seven years for shop-breaking on the 9\textsuperscript{th} of August 1848.

Once the seven escapees left the prison, they crossed the Northwest Arm on a boat and then took “possession of a Shallop belonging to Mr. Henry Lawson on which they had proceeded to sea.” The sailor, William Smith, presumably had the necessary expertise to navigate the ship. The Commissioner for the Month, W. Black, was informed on the morning of the third and “Immediately caused hand bills to be struck off naming and describing the Prisoners and offering a reward of Two Hundred Dollars for their apprehension and lodgement in the Penitentiary.”

\textsuperscript{200} \textit{Novascotian}, 12 March 1849.
Nothing was heard of the escaped prisoners until May 11, when the Commissioners learned they had landed their stolen boat near Liverpool. The Board then obtained leave to send the Government Schooner, *Daring*, under Captain Danby[?], to proceed to Lunenburg in pursuit. At Lunenburg, Danby was informed that the prisoners had been seen “in the neighbourhood of that town and after much trouble and with assistance they were” brought back in the *Daring* “and lodged in the Penitentiary.”

The *Novascotian* described the "sudden and decidedly unexpected departure" and the recapture, recounting an account from the *Chronicle*.

Seven inmates escaped and took to sea in a boat stolen from Lawson’s Mills, landing in Port Medway. They then separated into two parties, one of which headed for New Germany and the other for Lunenburgh. Both groups then broke into a store, that of Messrs. Mack of Mill Village and that of John Rudolf, respectively, stealing cutlery and other items from Mack and about 16 pounds from Rudolf. Three of the convicts were arrested by the inhabitants of New Germany, after the arrival into Lunenburgh of the Schooner *UI*, in pursuit of the escapees. The crew of the *UI*, "after considerable difficulty, secured the remaining four." All seven were then sent by packet to Halifax from Lunenburgh and returned to the Penitentiary.201 Commissioner Black noted, in his 31 May 1849 report, that the conduct of the prisoners upon their return was unruly: "I cannot close this report without remarking that the conduct of many of the prisoners has been most disorderly since their return; but by strictly enforcing the rules and regulations of the Establishment, I ... have reason to believe a different course of conduct will be produced."

Any legal action (for example, charges of prison-breaking) taken against the seven escapees following their recapture is not reported in the Commissioners’ Book. Four of the seven were listed in the Prison Record Book as having, eventually, been pardoned before the expiration of their original sentences: John Powell was pardoned after about three years; Patrick Roach was pardoned after four; Joseph Bennett, was pardoned a few months short of half of his 14-year sentence; and William Smith was pardoned in 1853, about six months short of his full sentence. William Lasberry and Joseph Jones escaped a second time, successfully, on 12 July 1849. Fourteen-year old William Lynch made his second bid for freedom successfully on 31 August 1849.

The Board of Commissioners held a meeting on the 5th of May “to investigate the matter fully and to ascertain in what manner they had affected their escape”. The meeting

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201 *Novascotian*, 21 May 1849.
was continued on the 8th and then, after the prisoners had been recaptured, on May 15th. (see Appendix 1).

The prisoners had access to keys, which was the means of their escape. By rule, the keys for the prison were supposed to be in the hands of the Keeper or Governor. On the Wednesday evening before the escape, Carpenter was in town and Keeper Hutchinson was in charge of the prison. The Messenger, James Linnihan, was also in town with the keeper’s permission and Underkeeper Larrington was sleeping in the guardroom. Spare keys were locked in the storeroom. Asked to account for the keys, Carpenter said there were 30 in all, including two master keys. There were originally 36, he said: “There are 6 keys absent. I cannot account for them”, suggesting the possibility that the prisoners may have had access to lost keys.

On the fifth of March, the Commissioners (Uniacke, Johnston, Tremaine, McKinley and Black) began interviewing the principals. Rather than following a normal rule of precedent and beginning with the Governor, the first to give evidence was the Keeper, Archibald Hutchinson. Carpenter was called third, after Underkeeper Lawrence Hickey.

According to the testimony of Hutchinson, on Wednesday evening, the prisoners were in their cells “with the locks on the staples”. He ordered prisoners Bennett and Hayman to be locked in their cells. Then, at 8 o’clock, accompanied by Underkeeper Hickey, Hutchinson went around the prison and “ascertained all was right.” Hickey testified he “spoke to all of them as I locked up”. Hutchinson then gave the keys to Carpenter, who had returned to the prison from town about nine o’clock, at which time he told Hutchinson that he was not going to bed until later. Larrington returned between nine and ten, reported to Carpenter, who was in his office, and then went into the Guardroom until 11, preparing to go to bed. Hickey did the late check on the prisoners and reported that all was secure. By this time, Carpenter had gone to his room “and his family were up playing some instrument of music.” As a routine, Hutchinson said, the keepers were up past 11 and then on duty by six in the morning.

Linnihan made the most revealing comments. He testified that, on the night of the seventh when he locked up the prisoners, he could not find Bennett until he discovered that, “He was in the Governor’s room.” He testified that “Bennett had access to the Governor’s room” on other occasions. He had also been found in the workshop in the company of another prisoner, John (?). Linnihan said that prisoner Campbell had also, on other occasions, been found out of his cells after lock-up: he had “found him in the morning in the office.” Bennett, Gordon, and John Roach (who had not escaped) also “had access to a cell used for a storeroom.” Hutchinson affirmed furthermore that Carpenter “associated with Bennett in the back kitchen”. He had seen prisoners Bennett, Samson[?],

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202 Minutes of Evidence taken before the Board of Commissioners at a meeting held to enquire into the escape of prisoners from the Penitentiary on the night 1/2 May 1849. (Provincial Penitentiary, 5th May 1849. Commissioners’ Journal, 31 May 1849.
Gordon and Hayman out of their cells as late as 11 o’clock and added, “I saw him (Bennett) out at one o’clock.” According to Hutchinson, “The keys were accessible to Gordon and afterwards to Bennett.”.

To compound the charge of fraternizing with prisoners, the keepers reported that Carpenter had been drinking. On the night of the 7th, Linnihan said, “When I reported myself to Carpenter, if I was under oath, I should not be able to say he was sober.” The Governor, he said, had not been sober from the 4th to the 8th of April, a time that was corroborated by Hutchinson.

About a month after the escape, Commissioner Johnston visited the prison on the 10th of June, having been informed by Governor Hutchinson “that Bennett had communicated to him the means of his late escape.” The Commissioner, however, heard contradictory tales from the prisoners he interviewed. Bennett’s statement was most damning. According to Bennett, Mr. Carpenter opened his cell about 11 o’clock and told him that this was his chance to escape. Then, Carpenter opened Patrick Roach’s cell and other cell doors as well as the back door, so informing Bennett, and finally went out of the first door into the yard and unlocked the prison door. Bennett added that Carpenter locked the cells afterwards.

Patrick Roach, however, told a different story. He said that "he escaped by getting into an empty cell in the evening and that when he came out" later at night, other convicts were out. "How they got out and how the outside door was opened he affects not to know." But other testimony put Roach at the centre of the escape. Smith said that, "Roach opened his cell and that he was with Roach when he opened Bennett’s cell door — that Roach had the key and opened all the cells and also the back door which he states was not barred on the outside.” Prisoner Powell said that he was awakened and “told to come out and found his door open and other men already out.” He didn’t “know by whom his door was opened.” William Lasberry’s account was similar to Powell’s. According to Lynch, Roach had the keys as long as a fortnight before their escape. He said that Roach had hidden “until after the Keeper had retired for the night”, and then he had released Bennett, giving him the keys. Bennett “let the rest out”.203

The immediate outcome of the escape was the replacement of Carpenter, who resigned as Governor of the Penitentiary. The two principal prison officials who testified against Carpenter received rewards. Mr. Hutchinson, the former Under Keeper who was said to have the Commissioners’ “confidence”, was appointed Governor in Carpenter’s place.204 He was to be “kept on trial until the Matron arrives and is examined and he proves himself satisfactory to the Commissioners.” Hickey was promoted to Keeper in place of Hutchinson. In light of the role played by keys in the institution, the Commissioners decided to replace the locks, calling for the importation of three dozen cell

203 Commissioner’s Journal, 10, 19 June 1849.
204 British Colonialist, 10 May 1849; Novascotian, 21 May 1849.
padlocks and 3 master keys. In addition, discipline in the prison was tightened. The prisoners

are now kept under more rigid discipline -- they are not being allowed to leave their cells except in chains. The Commissioners further report that about one thousand stones have been collected and prepared for the foundation of a wall around the prison yard -- at present enclosed by a wooden fence, the posts of which are decaying fast, rendering it necessary either to furnish new posts, or to commence the ensuing spring to build the wall. The latter being the only permanent mode of inclosing the premises, and as the stone can be contained from a quarry already opened on the Penitentiary grounds, and the work may be performed by the prisoners, they beg leave to suggest to your Excellency that if a vote of £200 or £250 should pass the Legislature for this purpose it would prove a lasting advantage to the establishment, and tend to prevent the escape of the prisoners for the future.

Also in June, Tremain directed that the prisoners be allotted an addition allowance of bread and meat, at first temporarily until the monthly meeting of the Commissioners.205

Despite the change in responsibilities of the prison staff, the prison was still insecure and difficult to manage. On the second of June 1849, Commissioner Johnston inspected the prison and found that the cells in the cellar were very insecure caused some time previously by a prisoner cutting the planks in one of the cells. He also found "the partition between the cells above the ground on the different tiers also insecure." William Smith (# 101, one of the seven May escapees) was reported to have been confined in the cellar for disorderly conduct. Smith complained that the other prisoners had used opprobrious language to him which, Johnston concluded, led to the disorderly conduct.206

On the 14th, Johnston reported that a prisoner from Pictou, John Merry (# 106, a 27-year old from Pictou sentenced to 5 years for burglary) was put into solitary confinement in the cellar for very insubordinate and unruly conduct. Merry was still so confined on the 19th when Johnston visited again and his behaviour continued to be unruly. On the 27th, Tremain ruled that John Merry, who had been confined in the dark cell since the 13th of June, should be released for Divine Service and go on outside labour on Monday.207

According to Governor Hutchinson, Patrick Roach's behaviour was also bad, "noisy and disorderly" and he had attempted “to break through his cell into the adjoining one.” Roach, a 20-year old from Lunenburg, who was serving 14 years for “felony”, was put in

205 Commissioners Journal, 27 June 1849.
206 Commissioners Journal, 2 June 1849.
207 Commissioners Journal, 27 June 1849.
the dark cell for 24 hours. Most of the remaining days in June were quiet, as reported by Tremain, although No. 102, John MacIntosh, a 17-year old from Halifax, sentenced to concurrent sentences of two and one year for larceny, was confined below for a couple of days for insolence to Keeper Hickey.

By July, according to Commissioner Shannon, the prisoners continued to be “somewhat refractory and not inclined to submit themselves to the discipline of the Governor.” The conduct of the May escapees was particularly bad. “They were therefore watched with greater vigilance and only a part of them allowed to work at a time. By the end of the month, Shannon reported that the prisoners were more quiet in their behaviour, with the exception of Patrick Roach "who has remained for the most part of the time in close confinement, through misconduct, but is now more orderly." Shannon, therefore, recommended that Roach should, again, be employed in the yard.

In August, Tremain reported that a prisoner who was "under military confinement for disorderly conduct - at the expiration of two days was again turned out to work under promise of good behaviour." On the 8th, the Governor reported that No. 107 (16 year old Charles Benoit) "a lad lately from Antigonish had behaved extremely ill by destroying a book given to him and also by cutting up one of his blankets." He also refused to give any reason for doing so. Tremain "Ordered that he be confined to a dark cell upon Bread and Water until further orders." Benoit had been confined for three years for burglary. Furthermore, "No. 83 [Patrick Roach] who had been confined for sometime partly in consequence of riotous conduct and also for made his escape, was this day released and ordered out to labour. Punishment had subdued him, and he is glad to be employed again. All well." On Thursday the 20th of August, Tremain reported that "No. 9 still continues in low spirits and remains in his cell, will not speak to any person and at times refuses his meals. But always ... stubborn in quietly wishing to do things as it may please himself." This was Richard Larrington, committed in October 1843 from Kings County to 14 years for arson, and one of the original prisoners transferred from the Bridewell to the Penitentiary. Larrington wasn’t pardoned until 1852. Finally, "The Indian is quiet and orderly, nearly recovered from his wound." This may be a reference to Joseph Bennett, one of the May escapees, sentenced in May 1846 for manslaughter.

Despite the change in Governor, escapes continued from the penitentiary. In the summer of 1849, five prisoners successfully escaped on three separate occasions. The first

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208 Commissioners Journal, 19 June 1849.
209 Commissioners Journal, 28 June 1849.
210 Commissioners Journal, 31 July 1849.
211 Commissioners Journal, 4 August 1849.
212 Commissioners Journal, 8 August 1849.
213 Commissioners Journal, 9 August 1849.
214 Commissioners Journal, 20 August 1849.
to go were 25-year old Joseph Jones (# 104,) and 22-year old William Lasberry (# 105,) from Halifax (their second escape of the year). Both were convicted in Halifax of larceny and sentenced to 4 years. They escaped together on 12 July 1849. On that day, Jones and Lasberry, had been “placed under the charge of [Lawrence] Hickey in the field and being permitted by him to step aside made their escape at about 4 o’clock in the afternoon and notwithstanding diligent search as made they have not been since taken.” Two days later, at a special meeting of the Commissioners, Hickey was questioned and gave a “statement in regard to the offence”. Despite his promotion, Hickey had been in trouble before. On the 30th of June, Commissioners Uniacke, Johnston, Tremain and Black met at the Penitentiary, and admonished Mr. Hickey "about adherence to strict discipline and the necessity of not allowing visitors to him particularly his own family.”215 After investigating the July escape, the Commissioners decided to discharge him immediately from the position of Underkeeper but pay him until the end of the.216 The next month, on 2 August, John Merry (# 106), a 27-year old from Pictou serving 5 years for burglary, followed suit. Finally, on 31 August 1849, two young shopbreakers, 16-year old George Hawes (# 92) and 14-year old William Linch (# 93) escaped.

Monthly meetings of the Board of Commissioners were held on the last day of the month, although on 31 August, Tremain reported that no one except himself attended. He was informed then by the Governor that two boys had escaped on the previous day (30th), about half past 2 o’clock. They were probably George Hawes and William Linch (#s 92 and 93). The two "were under charge of the Messenger in the forge and work shed when Linahan the Messenger left them.... While he was absent a board ... behind the work table of Smith [was] forced off far enough for the two boys to escape. Smith having on double irons did not attempt it.” Linahan reported the escape to Governor Hutchinson and “chase was given ... until 5 o’clock when it was reported to the Commissioner of the Month in the City. The police was appraised of it and diligent search was made by them and the Keepers around the woods at the south side of the City, also a watch kept at the houses in town" to which it was thought they would seek refuge "but without finding them.” On Saturday, “the chains from the boys were found by some children playing in the woods near Steel Pond and the woods were again searched.” The Commissioners held back the monthly payment due to the Messenger at the end of August, a sum Tremaine thought “ought to be brought before the Board before payment.”217

On the 3rd of September, McKinley, Johnston, Black, Shannon and Tremaine met in McKinlay’s office. The accounts were presented and an account given of the escape of the two prisoners. The Board expressed “trust” that the two would be “taken by the police as the parents and friends of the boys were residing in the city and neighbourhood.” They

215 Commissioners Journal, 30 June 1849.
216 Commissioners Journal, 31 July 1849.
217 Commissioners Journal, 1 September 1849.
also decided not to pay the Messenger until after another meeting of the Commissioners, "the President being absent and the course of escape not being yet sufficiently and satisfactorily explained to them." The subject of another Keeper was to be discussed at the next meeting. Finally, they contracted for an additional 150 to 200 tons of granite and decided to have the leading on the roof examined.\(^{218}\) Apparently the delay in his salary did not affect the Messenger positively. In December, according to Commissioner Johnston, Hutchinson reported that the Messenger, John Carney, had been recently out the entire night without leave "and that a bottle with a little rum remaining in it was found underneath his bed." The Governor also reported that James Kennedy and Carney exercised insufficient control over the men; they did not exercise sufficient authority to ensure their safety while working.

During September, October and November, with the exception of 19 October when two prisoners, and former escapees, Numbers 83 [Patrick Roach] and 101 [William Smith], were in solitary confinement for insubordination, the prison was reported to be orderly and clean, and the prisoners healthy and principally employed in clearing land.\(^{219}\) The prison entered the new decade on the heels of a turbulent year.

The Nova Scotia Penitentiary, 1850-1852

The Halifax Penitentiary began the new decade in some turmoil despite the relative decline in the number of admissions. Carpenter had resigned as a result of the mass escape in 1849. Problems of disciplining prisoners and additional escapes continued throughout the year. Referring to the situation in 1849, the Commissioners blamed former superintendent Carpenter who was "of opinion that great indulgence might be allowed the prisoners". His attitude "suffered the discipline of the Prison to be relaxed more than was consistent with the safe keeping of the prisoners". When carpenter was removed and a more stringent regime imposed, the prisoners "became disobedient to their keepers, restive, and unwilling to labor. Several escapes were effected." In response, the Commissioners felt "compelled ... to adopt more stringent measures to quell the insubordination; they therefore directed chains to be put on all the prisoners."\(^{220}\) In their year-end report, the Commissioners noted that

This [measure] had the desired effect, and the Commissioners have lately -- in consequence of the quiet and orderly conduct of the prisoners -- ordered the chains to be taken off at night from all those undergoing their first sentence. They contemplate the entire removal of the chains so soon as it can

\(^{218}\) Commissioners Journal, 3 September 1849.

\(^{219}\) Commissioners Journal, 30 November 1849.

\(^{220}\) Report of Commissioners for 1850, Appendix 15 Journals of Assembly, N.S., 1851, pp. 48-49.
be done with safety. Severe punishments have never as yet been resorted to; solitary confinement for a few days has hitherto reduced the most refractory, corporeal punishment not being permitted in the Prison. The Commissioners have also lately introduced the "mark system," for good behaviour, which has been found to work beneficially.\textsuperscript{221}

Saunders says that the shackles were removed from first offenders at night and from others if "it was advisable to remove them". He adds that more "severe punishment was never permitted in the prison" perhaps because "the management had discovered that solitary confinement served the purpose just as well".\textsuperscript{222} One legend surrounding the penitentiary concerns the sympathy felt for some local residents aroused by the stories of suffering at the prison. An escaped prisoner was supposed to have lived for a long time in "Prisoner's Cave", on the western side of the Arm, where he was supplied by food by people in the locality.\textsuperscript{223}

In January 1850, Shannon reported that construction in the prison was continuing, six men being employed at cutting granite. They had improved much in that department, Shannon noted, and "have got nearly through those at present on hand." Most of the prisoners performed their work with "cheerfulness", he said. There were two exceptions: "Roach No. 83 and the French Boy, Charles Benoit No. 107 have been very disorderly and have destroyed their clothing. The Boy, more particularly, has torn up three blankets and one rug, in consequence of which I gave directions to have them confined in the dark cells for a week at a time."

The Commissioners were well aware that the main prison was not "comfortable during the extreme cold weather" and agreed to furnish the prison with a round stove to burn coal which, Shannon commented, "has added much to the comfort of the convicts." Twelve cords of wood, for fuel enough to last until mid-summer was also secured, along with a supply of red flannel shirts "sufficient for a change at regular periods". Three men were employed breaking bones for manure ready for the spring. The Governor believed that a few pounds "laid out in manure from the City would enable him to cultivate the ground to advantage in growing the greater part, if not all the vegetables that may be required for the use of the Establishment."\textsuperscript{224}

There was also a considerable turnover of staff in the early part of 1850. The main issue in January concerned complaints from the Keepers against the Governor. Accordingly, the Commissioners met in their Hollis Street office on 25 January to examine the Keepers on the matter. Present were President J. B. Uniacke, J. W. Johnston, J. Shannon, J.

\textsuperscript{221} Report of Commissioners for 1850, Appendix 15 Journals of Assembly, N.S., 1851, pp. 48-49.
\textsuperscript{222} Journal of Assembly, 1851, App. 1, p. 47; cited in Saunders, "Conditions", p. 201.
\textsuperscript{223} PANS MG 9, Vol. 36, Item No. 115.
\textsuperscript{224} Commissioners Journal, 31 January 1850.
W. A. Black and James Tremain. The Board heard separately from three officials, the Keeper (Kennedy), Underkeeper (Kearney), and Messenger, who “stated the charges they had against the Governor.” Five days later the entire Board, including the Attorney General, heard Governor Hutchinson’s reply to these complaints “. The Board interpretation suggested both parties were at fault, but they sympathized with authority and tended to place the blame for problems in the prison on Hutchinson’s subordinates. After their “careful examination”, they declared

that one principal cause of the difference among those who are entrusted with the discipline and government of the Prison arises from not attending sufficiently to that respectful language so essential from subordinates to superiors and at the same time they hope that the Governor of the Penitentiary will by forbearance give no occasion for any deviation from the above Rule and instead of recriminating language will Report the accusations to the Commissioner of the Month.

Kearney and Kennedy took the brunt of the blame. The Board decided to dispense with Kearney’s services at the end of February and demoted Kennedy to Under Keeper.

On 28 February 1850, the Commissioners read the applications and recommendations of the persons who had applied for the position of Keeper. The applicants were: John Costley, John Price, Hugh Campbell, Timothy McMahon, John Buckley and John Shortell. They selected J. C. Shortell to fill the position of Messenger at a salary of 40 pounds per year, to replace the discharged Kearney. At the February meeting, the Board decided to make further personnel changes, giving notice to recently demoted Under Keeper John Kennedy that his services would no longer be required at the end of March 1850. Joseph Price was then offered a position as "Keeper or Messenger". Kennedy received a payment of 36 pounds at the end of August of that year, likely a long-delayed final payment. According to the Salary Receipts, the new Keeper who began work late in February was Henry Morash, who would remain for the remainder of the year.

In the beginning of February, Tremain again reported that "some of the men were disposed to be disorderly and unwilling to obey the orders of the Keepers or Governor. He ordered that the cook be changed, and afterwards the Governor confined him or two or three days for insubordination. The disorderly prisoners were handcuffed and put into the dark cells for 48 hours. During the month another Keeper, Dennis Donahoe, was dismissed by orders of the Board after which the men were released from confinement and irons removed. John Shortell was appointed Under Keeper, and the position of Messenger was vacant for April and May. Once the prisoners were returned from the dark

225 Commissioners Journal, 28 February 1850.
cells, Tremaine said, and “been restored to their upper cells they have been quite quiet and obedient and the prison discipline carried on quietly.” In his opinion, problems in the prison were exacerbated when the keepers did not maintain a suitable distance from the prisoners. He wrote:

The Commissioner is of opinion that one great cause of disturbance was the Under Keeper and Keeper allowing the men to talk and make complaints to them and he therefore ordered that in future no officer under the Governor be allowed to entertain or have complaints from the prisoners but they be directed to send them either to the Governor or to the Commissioner of the Month as the most proper person to receive complaints.

The prisoners were healthy in February, Tremaine commented, except for one (whose number he left blank), who was not seriously ill but elderly man who "has been unable to be made useful." Overall for 1850, the Commissioners said in their Annual report, “The health of the prisoners ... has generally been good, a state of affairs they attribute to Dr. Black, “the medical officer in attendance, whose prompt attention to the complaints of the Convicts has enabled them to attend to the duties of the Prison without incurring much loss of time.” Over the last seven years, only one prisoner had died in the penitentiary. Given the nature of the work and the often inskilled labour, few injuries were reported. In 1852, however, one prisoner had a stove fall on his foot and suffered the loss of two toes on his right foot. By the end of the month he was considered recovered.

In part, also, the Commissioners attributed the health of the prisoners to the regime of cleanliness: “Great attention has been paid to the cleanliness of the prisoners, by permitting them to bathe during the summer months, and by requiring them to wash their prisons weekly through the winter.” The Commissioners attributed the few deaths and the "healthy state of the convicts" to “Divine providence” but particularly “to the strict attention paid to the rules of the penitentiary by the superintendent, as regards the labour, cleanliness and diet of the convicts, and also the prompt attention of the medical officer to every complaint by night or by day, and sometimes at great inconvenience from the distance that the prison is from the place of his residence.”

Doctor Black’s report comments in more detail on prisoner illnesses in his annual report to the Commissioners of Provincial Penitentiary, dated 31 December 1850:

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227 Commissioners Journal, 28 February 1850.
228 Report of the Commissioners of the Penitentiary for 1851 (February 1852), Appendix 29, pp. 181-182, Journals of Assembly, N.S., 1852.
229 Commissioners Journal, 31 March 1852.
231 Report of the Commissioners of the Penitentiary for 1851 (February 1852), Appendix 29, pp. 181-182, Journals of Assembly, N.S., 1852.
There has been rather less than the usual amount of sickness among the prisoners during the year, yet several cases of severe indisposition occurred in which active treatment was required. The issue in these cases was favourable, owing in a great measure to the system of reporting, which brings the sick convict, immediately upon his attack, under the eye of the physician, prevents the occurrence of the severer symptoms, and greatly lessens the danger of a fatal event. The prison has been visited by no disease of an epidemic character during the year, and there has been no case of death. The whole number on the sick list was forty-two; the prevailing diseases were catarrhal and rheumatic complaints during the winter and spring, and diarrhæa and other affections of the bowels during the summer and autumn. There were no instances of diseases which could be imputed to local causes, or be considered peculiar to prison discipline.

I have much pleasure in stating that great attention is paid by the Governor to cleanliness and ventilation, and whatever may promote the comfort of the prisoners; and that I have on all occasions received every necessary assistance in the prosecution of my professional duties.232

"The diet table for the past year shews that great economy has been used by the superintendent, as the price has been further reduced to 4 3/4 per day for each convict, and the healthy state of the prisoners gives evidence that they are supplied with as much provision as they can consume consistent with good health." The potato crop repeatedly failed. Part of this land was consequently devoted to barley "which yielded a good return. The remainder of the land was appropriated to vegetables, and yielded an abundant supply for the use of the convicts. Barley and some other "productions" of the prison were sold.233

During April, Uniacke visited and again reported that the general conduct and health of the prisoners were good, "except one or two instances of insubordination which were remedied by solitary confinement, No. 84 was confined in a dark cell for 17 days, he has now been released from confinement, is orderly and has returned to work." Number 84 was John Roach who, along with Patrick, had been confined for "felony" in 1848. Patrick, No. 83, who was one year younger than John, was the more frequent source of disciplinary complaint. In contrast to the recent difficulties, Uniacke reported that the "conduct of the Governor and those in charge of the prison has been exemplary.234

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233 Report of the Commissioners of the Penitentiary for 1851 (February 1852), Appendix 29, pp. 181-182, Journals of Assembly, N.S., 1852.
234 Commissioners Journal, 28 April 1850.
In June, the "Governor reported that James Shortell, Under Keeper, left the prison last evening without leave" and against his advice. Shortell was replaced as Under Keeper in June by Kenny Goygin, who remained in that post for the remainder of the year. The post of Messenger, vacant since April, was filled in July by Robert Hogan who, however, was replaced in the next month by John Foggarty. The salaries for the year were as follows: Superintendent -- 125 pounds; Matron -- 25 pounds; Keepers -- 50 pounds each; Physician -- 35 pounds; Chaplain -- 25 pounds.

The main occupation of the years 1850 and 1851 was "the erection of a wall around the prison yard"; the commissioners draw attention to the extent of work performed "and also the very substantial manner in which the wall has been built by a few convicts, assisted by one mason only to direct them in laying the stones." During the winter the convicts laboured to prepare the granite and wall construction recommenced in the spring. During the months of June and July, the prisoners were quiet and orderly, working in the grounds around the prison or cutting stone. "The foundation for the wall has been filled in and is now ready for the wall." Work on the wall to enclose the prison yard continued in July, as did planting crops. Nine prisoners worked cutting granite, and Shannon remarked on the unexpectedly great quantity cut, and also on the high quality of the stonework. Again, the report from the Governor and the Commissioner indicated that the prison was orderly and the work done to the "entire" satisfaction of the Governor. By the end of the year, the prison had "on hand a large quantity of Granite, dressed and prepared for the erection of cells and for walling in the yard of the Prison." The Commissioners contracted for an additional four hundred tons of Granite for 1851, “to be extended, if necessary, for the completion of the wall -- Granite being found to be the most economical material to be used in its erection.”

Most of the work in the prison, such as construction, gardening, clearing land, and so on, however, could be done only in good weather. There was a dearth of employment for the winter months. In December, the visiting Commissioner made the observation that: "There is great need for introducing some indoors manufacturers for winter employment of the convicts”. He ordered the Superintendent to visit the Poor Asylum and determine “whether the making of mats of ... hats or of baskets might not be successfully conducted.”

The accounts for 1850 revealed the following amounts:

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235 Commissioners Journal, 2 June 1850.
237 Report of the Commissioners of the Penitentiary for 1851 (February 1852), Appendix 29, pp. 181-182, Journals of Assembly, N.S., 1852.
238 Commissioners Journal, 30 June 1850.
239 Commissioners Journal, 31 July 1850.
240 Report of Commissioners for 1850, Appendix 15 Journals of Assembly, N.S., 1851, pp. 48-49.
241 Abstract of Expenditures at the Provincial Penitentiary from 1 January 1850 to 31 December 1850, PANS, RG 27, Vol. 7, "Provincial Penitentiary, 1848-1861", File 2 "Penitentiary -- 1850".

73
Superintendent -- 125
Keeper -- 50
Under Keeper -- 45 2s. 5d.
Messenger -- 38 19s. 1d.
Chaplain -- 25
Secretary -- 12
Medical Officer -- 35
Provisions -- 163 5s. 3d.
Rations -- 24 16s. 4d.
Clothing -- 31 6s. 9d.
Furnishing -- 58 16s. 2d.
Building and Material -- 79 16s. 8d.
Repairs of Penitentiary -- 134 17s. 3d.
Expenses -- 99 5s. 6d.
Total Expenditure: 923 5s. 5d.

The two largest expenditures were for the salary of the Governor and for prison repairs. The Commissioners spent £134 on repairing the roof, which was necessary because:

The original formation of the roof allowed the water to lodge upon the centre of the wall, and was conveyed off by a leaden gutter. The contraction and expansion of the lead caused continued leakage; and the heavy lodgements of snow upon the roof, owing to such formation, would in few more years have destroyed the Prison walls. The Commissioners have had such alterations made as would discharge the snow and the rain entirely clear of the building.²⁴²

Deducting the expenses for repair and other materials for the prison, the Commissioners reported that £708 11 6 was expended for keeping the prisoners in 1850, an amount that was “much reduced” relative to former years “in consequence of the strict attention of the present Superintendent to the duties of his office in issuing the rations; a saving is made notwithstanding an addition to the prisoners rations was made last year.” The daily cost of each prisoner's daily ration for the year was five-pence and one-eighth of a penny. The somewhat lower cost for rations was effected despite “the almost entire loss of the potato crop on the Penitentiary grounds the last year from the usual disease, as an ordinary crop would have yielded more than sufficient for the supply of the prisoners. The remainder of

²⁴² Report of Commissioners for 1850, Appendix 15 Journals of Assembly, N.S., 1851, pp. 48-49.
the crop, however, was abundant, affording sufficient supply of carrots, turnips, cabbages, and other vegetables for the winter.”

In his estimates for 1850, Uniacke listed £540 for rations, £347 for salaries "exclusive of a Matron's salary", £50 for cloth, the stock purchased in 1849 "being expended", £140 for 400 tons of Granite, and £175 for an additional 500 tons "If the Granite wall around the yard of the Penitentiary is to be completed 50 tons would be required to keep the Convicts in employment". The total for the year, then, amounted to £1252, less £231 credited to the prison. As usual, the estimates were directed to the House of Assembly and assessed by a Select Committee of the House, consisting of James McLeod, Stephen Fulton, John Weir, James McKeagney and H. Blackadar. In their report back, the committee recommended a grant of £1106 (in addition to the £231 credit). Finally, the Committee commented that they had “visited the Establishment, and were pleased with its cleanliness and order.”

The Return for 1850 indicates that there were 17 persons committed to the prison in 1850 and 3 discharged (all males and all sentenced by the Supreme Court). Nine of the new prisoners were short-term, five convicted of larceny. Only three of the 17 prisoners were from Halifax County. John McGrath and Jacob Snow were disorderly and riotous and spent time in the dark cells. Joseph Horson, a 28-year old painter from Hants County, served eight days in February, 1851, for being “very disorderly.”

### Prisoners Admitted to the Nova Scotia Penitentiary, 1850, Select Details

<table>
<thead>
<tr>
<th>#</th>
<th>NAME</th>
<th>Age</th>
<th>Race</th>
<th>County</th>
<th>Trade</th>
<th>Yr</th>
<th>Crime</th>
<th>Years</th>
<th>Remarks</th>
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<tr>
<td>111</td>
<td>Patrick Brennan</td>
<td>30</td>
<td>c</td>
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<td>none</td>
<td>50</td>
<td>felonious assault</td>
<td>10</td>
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<td>112</td>
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<td>c</td>
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<td>none</td>
<td>50</td>
<td>larceny</td>
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<td>t</td>
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<tr>
<td>113</td>
<td>Thomas Johnston</td>
<td>39</td>
<td>b</td>
<td>annapolis</td>
<td>none</td>
<td>50</td>
<td>manslaughter</td>
<td>1</td>
<td>p</td>
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<tr>
<td>114</td>
<td>James Johnston</td>
<td>21</td>
<td>c</td>
<td>colchester</td>
<td>none</td>
<td>50</td>
<td>highway robbery</td>
<td>3</td>
<td>p</td>
</tr>
<tr>
<td>115</td>
<td>Alexander MacDonald</td>
<td>22</td>
<td>c</td>
<td>colchester</td>
<td>brass founder</td>
<td>50</td>
<td>highway robbery</td>
<td>3</td>
<td>t</td>
</tr>
<tr>
<td>116</td>
<td>Nathan Leech</td>
<td>28</td>
<td>b</td>
<td>halifax</td>
<td>shoemaker</td>
<td>50</td>
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<td>7</td>
<td>p</td>
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<tr>
<td>117</td>
<td>Jacob Snow</td>
<td>22</td>
<td>c</td>
<td>guysboro</td>
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<td>t</td>
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<td>118</td>
<td>John Fisher</td>
<td>43</td>
<td>c</td>
<td>yarmouth</td>
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<td>t</td>
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<tr>
<td>119</td>
<td>John, Sr. Farrell</td>
<td>62</td>
<td>c</td>
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<td>p</td>
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<tr>
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<td>none</td>
<td>50</td>
<td>malicious injury</td>
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244 James B. Uniacke, Estimates, Appendix 15, p. 40 Journals of Assembly, N.S., 1851.
245 Report of Select Committee, Appendix 70, pp. 244-245, Journals of Assembly, N.S., 1851.
246 "Return of Convicts Received and Discharged in 1850 from Provincial Penitentiary", James Tremain, Secretary to the Commissioners of the Penitentiary, 31 December 1850, PANS, RG 27, Vol. 7, "Provincial Penitentiary, 1848-1861", File 2 "Penitentiary -- 1850". The return lists the crimes of commitments, and the Counties from whence sentenced
247 Commissioners Journal, Record of Punishments, January - December 1851.
The worst offender was Patrick Brennan, sentenced to ten years on April 15th for felonious assault. Before he was pardoned in 1853, he became the most troublesome prisoner in the institution. His record of punishments begins in April 1851, given 5 days for disorderly, riotous conduct and insubordination. Five more days were meted out in June, two in July, and two more in August, for profanity, and for “Refusing work and to be ironed”. Brennan spent eight days in confinement in the solitary, dark cell in October and two more in December for the same offences. In May, 1852, the Visiting Commissioner reported that the Commissioners “and also the medical officers and Keepers are of opinion that at times he [Brennan] is under a partial derangement of mind, is easily excited and ungovernable when under such excitement. They consider that separation from the prisoners is necessary at such times and the only treatment that can be used towards him.” (See Appendix 2 for a return on prison discipline 1851).

The new arrivals were convicted of a variety of offences. James and Thomas Johnson, from Colchester County, were sentenced by the Supreme Court on 15 June to three years each for highway robbery. James was released by “executive order” in 1853; Thomas served his full term. Halifax Shoemaker Nathan Leech received seven years for the same crime and was also pardoned in 1854. Richard Pentz and Jeremiah Crowley, from Hants, were convicted on 31 December of stabbing. Both were pardoned before the expiration of their three-year sentences, Pentz in 1851, Crowley in 1853.

Sixty-two-year old John Farrell and his 19 year-old son, John Farrell Jr. were charged in 1850 with destroying property, tried in the County of Cumberland in October, and found guilty, being sentenced to the penitentiary three years and one year respectively in October for “malicious injury”. They supposedly “maliciously destroyed their neighbour’s property by driving cattle into a grain field.” On 8 March 1851, about 75 inhabitants of Parrsboro, including clergy and Magistrates, petitioned Sir John Harvey "in the case of the two Farrells who are now in the Penitentiary at Halifax having been tried and convicted in the term of October last at Amherst ... for an assault on one Daniel

248 Commissioners Journal, Record of Punishments, January -December 1851.
249 Commissioners Journal, 1 May 1852.
250 Return of Criminal Trials Throughout the Province during the years 1850 - 1851 and 1852", PANS, RG 27, Vol. 7, "Provincial Penitentiary, 1848-1861", File 1 "Penitentiary -- 1848".

<table>
<thead>
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<th>No.</th>
<th>Name</th>
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<th>County</th>
<th>Occupation</th>
<th>Days</th>
<th>Punishment</th>
<th>Type</th>
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<td>121</td>
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<td>50</td>
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<td>1</td>
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<td>122</td>
<td>Joseph Horson</td>
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<td>chants</td>
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<td>50</td>
<td>larceny</td>
<td>1</td>
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<tr>
<td>123</td>
<td>Alexander Grant</td>
<td>21</td>
<td>capebreton</td>
<td>none</td>
<td>50</td>
<td>asst w att to rape</td>
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</tr>
<tr>
<td>124</td>
<td>Michael Delaney</td>
<td>48</td>
<td>chants</td>
<td>none</td>
<td>50</td>
<td>stealing in a dwell</td>
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<tr>
<td>125</td>
<td>Richard Pentz</td>
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<td>none</td>
<td>50</td>
<td>stabbing</td>
<td>1</td>
</tr>
<tr>
<td>126</td>
<td>Jeremiah Crowley</td>
<td>35</td>
<td>chants</td>
<td>none</td>
<td>50</td>
<td>stabbing</td>
<td>3</td>
</tr>
<tr>
<td>127</td>
<td>Michael Shannahan</td>
<td>12</td>
<td>chants</td>
<td>none</td>
<td>50</td>
<td>larceny</td>
<td>0.6</td>
</tr>
</tbody>
</table>
Holmes, and sentenced, the older to three years, and the younger to one year's imprisonment and hard labour.” According to the petitioners, the cattle were trespassing on the prisoner's land. They declared:

The majesty of the law having been fully established by the convictions of the parties, and the rights of society thereby vindicated, and evil doers taught that they cannot escape with impunity, your petitioners conceive that no good can be obtained by prolonging the incarceration of those poor people; but that on the contrary a great benefit may be conferred upon the dependent family by the restoration of an aged father, and able-bodied son, and upon the public by being able to feel that there is a fountain of mercy to which they can confidently resort.

The petitioners prayed that the Governor take their case "into early consideration and to grant them such relief as ... may be advisable." This petition was accompanied by a second from members of the House of Assembly representing Cumberland (R. M. Dickey, Stephen Fulton and William Bent), begging leave to solicit the Governor's favourable consideration "on behalf of the Farrells." If "their moral conduct and behaviour since their confinement has been good", remit the remaining portion of their sentence, giving special consideration to the elder Farrell. The Governor endorsed the petition, writing on the reverse side: "Hereby authorize the discharge of the within prisoners in the usual way if the Commissioners of the Provincial Penitentiary concur." The Commissioners, in turn, concurred "in his Excellency's extension of mercy" to the Farrells.

The Record of Punishment shows that one of the Farrells—likely the younger—was punished for five days in June 1851, for disorderly conduct. On the 4th of July 1851, John Farrell, No. 119, was discharged. The senior Farrell was pardoned just a few months before his son's release, on the 23rd of August, his time having expired.

Colonial Secretary on Prison Discipline, 1850

Meanwhile, the general problem of prison discipline and punishment was still being debated in Britain. On September 28th, 1850, Grey sent a circular despatch to

253 J. Harvey, PANS, RG 27, Vol. 7, "Provincial Penitentiary, 1848-1861".
255 Commissioners Journal, Record of Punishments, January - December 1851.
Governor John Harvey, about the general problem in Britain and the colonies "of finding a good secondary Punishment for Offenders". He wrote the despatch under the conviction that the practices in England ("extensive experiments") would at least suggest some general principles applicable in the colonies.

One document transmitted was a report of Colonel Jebb, "head of the administration of the Prisons appointed for the reception of Offenders sentenced to Transportation", showing "the origin and the progress of the establishment at Portland, which has been lately formed, and in which great pains has been taken in rendering as perfect as possible the system of management adopted in employing Convicts on a great Public Work." Grey also sent papers relating to the system of Transportation, on the penal gangs at the Cape of Good Hope, and on convicts at Van Die Man’s land. Grey transmitted the documents to the colonies "with a view to the satisfactory enforcement of the Criminal Law, to the reformatory discipline of Offenders, or to the beneficial application of their labour in the Colony under your government."

Grey noted that, although the punishment continues to be known as Transportation, "the removal of an offender from this country has long ceased to constitute the most important part of the punishment." In the present system, there are three successive stages of punishment: "First, a period of separate confinement, — then employment at hard labour at Public Works, — and finally, removal, for the most part accompanied with the indulgence of what is termed a ticket of leave, to one of her Majesty’s Colonies."

The third stage was not applicable to the colonies, but the first two periods were also the subject of discussion. "The first stage is one of which the value must greatly depend upon the existence of proper buildings, and also of a sufficient Staff of Officers for carrying it satisfactorily into effect." Such means may exist in British North America and Australia, requiring as it does "expensive buildings and establishments".

This first stage of punishment is calculated to exercise a subduing and (if kept within proper limits) a salutary effect upon the minds of the prisoners; but whilst debarred from all communication with one another, it is essential that they should receive frequent visits from the Chaplain and Officers of the Prison, and should be taught some trade and be carefully instructed, without which conditions the punishment has been found to be one of too painful a character.

5. The next stage of punishment appears well suited to restore the habits which fit men for acting together, and to revive the energy which long separate confinement is calculated to impair; but, for the good working of this system of associated labour, it is of the utmost importance that effectual provision should be made for entirely separating the men at night, and for maintaining over them such a constant superintendence as may prevent bad
language and disorderly conduct whilst they are engaged upon the works. When these requisites are duly provided for, experience proves that large bodies of Convicts may be worked together in such a manner as to preserve amongst them decency and respectful conduct, and to afford fair securities against any spread of contaminating influence.

In colonies where large public works are urgently needed, "the labour of convicts properly applied might become of very great value." Grey commented that there has been "great increase ... in the amount of labor which it has been found possible to obtain from convicts, under the plans of late years adopted for stimulating their industry, as compared to that which could be enforced by a system of mere coercion." He continued:

"6. But it is still necessary to look to an ulterior stage in the in the progress of offenders before their punishment is completed. No one thing is more essential to good discipline amongst convicts than that their hopes should be appealed to as well as their fears, and that they should feel conscious that they have in their own hands the means, by good conduct, of bringing about a progressive amelioration of their condition. For this reason they should not be detained too long in gangs upon Public Works, but should have in prospect a state of comparative freedom, where they may either work for private masters under certain restrictions, or, if they shall work for the Government, may do so with higher advantages and under less restraint when employed on the regular Public Works. This is what it is designed to effect by sending convicts from this country, with tickets of leave, to the Colonies."

In point 7, Grey realized that colonies could not easily adopt a similar system. He suggested, however, that "the colonies might co-operate in the maintenance of a penal settlement, in a mutually agreeable location." Alternatively, "prisoners could be mutually expatriated or interchanged so that the banishment portion of Transportation might still be inflicted."

Even if such removal is impractical, Grey argued that most colonies could adopt the "important part of the present system" consisting of the part subsequent to the severe stage, "in a situation in which they are still subject to a strict superintendence and some privations, and from which their restoration to more perfect freedom is made to depend upon their own industry and good conduct." Labour in the colonies is highly valued, Grey continued, and prisoners could be required to pay a certain sum before being restored to freedom, and given tickets of leave to the less settled parts of the colonies. "The payment so made, and the forced labour of convicts in the second stage of their punishment, would afford material assistance in providing adequate buildings for the infliction of separate
imprisonment, the value of which in the first stage of punishment is becoming daily better established by experience.\textsuperscript{256}

In his reply, Harvey essentially stated that the question of secondary punishment was satisfactorily handled in Nova Scotia:

"Down to 1842 some difficulty was experienced in Nova Scotia in disposing of Criminals sentenced to long periods of imprisonment for flagrant crimes not involving the forfeiture of life, from the want of a secure and well conducted Establishment, within which a sufficient expiation of their offences could be enforced. In that year the foundation of a Provincial Penitentiary, upon the model of one in Connecticut, was laid, and in 1844 the work was sufficiently advanced to warrant the organization of a Staff and the admission of Convicts. The plan of the building admits of indefinite extension, and the labour of the Prisoners has since been turned to account in the cutting of granite — the construction of new tiers of cells — and the clearing, embellishing, and cultivation of the grounds round the Prison. An annual Report of progress and expenditure is made to the Legislature, which will be found on the Appendices to the Journals, should further information be required by your Lordship.

The prison is situated on an Arm of the Sea, directly in the rear of Halifax, and about two miles from the City. Stone of excellent quality is easily procured; and even when no more is necessary for the extension of the work, a constant demand will be created by the erection of structures of permanent character within the City itself. Other trades besides the cutting of Stone are taught to the Convicts, whose terms of imprisonment are sometimes shortened by the Executive where their conduct has been exemplary.

"The Penitentiary is managed and controlled by an unpaid commission of gentlemen, of whom the Attorney General of the Province is always one. It is directly under the care of a Governor, Chaplain, and Physician, with the requisite force of underkeepers. The average number of Convicts, including those condemned by the Circuit Courts, which sit twice a year in each County, rarely exceed twenty; it is now twenty-four.

The prisoners are confined at night in strong solitary cells, and are kept employed from 6 to 6 during the day. They are coarsely but comfortably and uniformly clad, adequately fed, and furnished with a plain suit, and money sufficient to carry them to the Counties from whence they were sent, at the expiration of their terms of imprisonment.

\textsuperscript{256} Circular Despatch, Earl Grey to John Harvey, Appendix 27, pp. 89-92, \textit{Journals of Assembly, N.S.}, 1851.
The Province having no means wherewith to try the experiment, banishment is a sentence never pronounced in its Courts; nor have 'tickets of leave,' or labor, beyond the precincts of the prison, been resorted to here.

I have deemed it my duty to furnish your Lordship with this brief report, by which it will be perceived that the subject of Prison discipline has not been overlooked in Nova-Scotia. Improvements may still be made, and I shall take care to call the attention of the Commissioners of the Penitentiary to your Lordship's despatch of the 28th September, and to the documents by which it was accompanied.257

The Last Year of the Board of Commissioners

Several reports had alluded to the implementation in the prison of a system of rewards that prisoners could accumulate (or forfeit) depending on their conduct. Many prisoners were pardoned before the expiration of their sentence, a process that was somewhat arbitrary. The collection of merit points was one step in formalizing the process of accounting for good behaviour. At the beginning of the month of January, 1851, the Commissioners distributed the “Medals or Badges of Merit”. They commented “it was satisfactory to witness the manner in which they were received.” In October, Uniacke commented that: "The mark system is working well” and that the prisoners “hope that by good conduct the period of punishment may be shortened and release be obtained.”258 Eight to ten of the prisoners were employed in stone cutting: “The Stone Cutters ... are improving fast in this branch of industry and have turned out a large quantity during the month. The Contractor has delivered several small cargos of granite, sufficient to keep the men employed for some time.” In the summer, most prisoners were employed in the various agricultural operations including the clearing of land. In addition: "Part of the stone cutters have been employed in preparing headers or crop stones for the wall. On the 4th Mr. Rose, the Mason, commenced laying the foundation for the North wall which continues to progress steadily, his only assistants being five prisoners besides two others employed in mixing mortar and attending the Mason.”259

The prison also availed itself of the trades work of its confined shoemaker, taylor, and carpenter, the Commissioners commenting that, “It affords satisfaction to know that so many of the mechanic arts can be put in operation thereby proving a saving to the establishment.” For the first time in the winter, other prisoners began to make rope mats, an enterprise “which appears to promise well.”260

257 J. Harvey to Earl Grey, 17 October 1850, Appendix 27, pp. 92-93, Journals of Assembly, N.S., 1851.
258 Commissioners Journal, 30 October 1851.
259 Commissioners Journal, July 1851.
260 Commissioners Journal, 31 January 1851.
Prisoners Confined in the Nova Scotia Penitentiary, 1851, Selected Details

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<thead>
<tr>
<th>#</th>
<th>NAME (alias Brown)</th>
<th>Age</th>
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<th>County</th>
<th>Trade</th>
<th>Yr</th>
<th>Crime</th>
<th>Years</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>128</td>
<td>William Smith</td>
<td>26</td>
<td>dark</td>
<td>hants</td>
<td>none</td>
<td>51</td>
<td>larceny</td>
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<td>t</td>
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<tr>
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<td>James Burns</td>
<td>53</td>
<td>c</td>
<td>halifax</td>
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<td>1.5</td>
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<td>blacksmith</td>
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<td>dark</td>
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<td>none</td>
<td>51</td>
<td>murder</td>
<td>Life</td>
<td>trans</td>
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</table>

Only six convicts were confined in 1851, four short-term. One, Robert Armorour, a blacksmith by trade, was sentenced to six months by Military Court for stealing. Among the prisoners was Gabriel Moriano, described as "Malay" and sentenced to life for murder. Received into the prison on the 2nd of July, 1851, Gabriel Moriano was called a Lascar Seaman in the Commissioner’s Journal. He soon proved to be a "refractory and dangerous character". He was given four days punishment in August for being “very disorderly in [his] cell, tearing blankets, shirts”. The August report said Moriano “takes pleasure in destroying his bedding and clothes.” Similarly, in November the Commissioner noted that “the Lascar” was still refractory "and has to be confined to his cell a considerable part of the time." Moriano continued to be “exceedingly troublesome” during the following year. In May, 1852, the Visiting Commissioner commented:

When first committed to the Penitentiary, kind treatment and every inducement was used to induce him to work and to be useful but without effect. Then confinement in a dark cell upon a short allowance as a punishment for disobedience of orders but every effort has failed. He remains stubborn and submit to death (he says) before he will work. At times he has torn up his clothing and bedding and unless carefully guarded is extremely uncleanly in his habits. The Commissioners having tried the only punishments allowed by the Law and finding they do not produce any beneficial effect have ordered solitary confinement in his ordinary cell with such exercise daily as will keep him in health.

261 Commissioners Journal, 31 July 1851.
262 Commissioners Journal, Record of Punishments, January - December 1851; Commissioners Journal, 31 August 1851.
263 Commissioners Journal, 30 November 1851.
264 Commissioners Journal, 1 May 1852.
Moriano appears to have remained in the prison until 1880, when he was transferred, upon its opening, to the new Dorchester Penitentiary. By that time he would have been in the prison 29 years and was then 53-years old. Moriano was not sent to England for transportation, the usual punishment for a commuted death sentence.

According to the Commissioners, writing in their annual report for 1851, a large number of convicts were discharged in 1851 "in consequence of the good behaviour of the prisoners generally, which having been reported to his excellency the governor, he was pleased to shorten the period of confinement to some of the most deserving. The commissioners are of opinion that the `good conduct medal system' had a beneficial effect on the conduct of the convicts. The revised statutes have omitted this part of the discipline of the penitentiary."

In February, 1851, Commissioner Tremaine reported that he found the prison in good order but he noted that "prisoners have occasionally misbehaved" and, consequently, he had ordered periods of "temporary confinement of from 24 to 48 hours." In July the Visiting Commissioner reported that "Some few symptoms of insubordination were manifest" in No. 111 Patrick Brennan (# 111), William Smith (# 101), Charles Benoit (# 107), and (William Ward (#137), a 45-year old cooper from Yarmouth serving two years for manslaughter), "all whom were put in confinement in the dark cells for different periods from a few hours to one or two days, which has had the effect of making them more orderly and attentive to their work." In April, however, the distribution of good-conduct badges was suspended "until my fellow commissioners have reported when they should be bestowed on those who merit them."

Among the persistent offenders was Edward Smith (#128), from Hants County and described as being of a "dark" complexion, also had a string of punishments to his credit. In July, 1851, Commissioner White committed Smith to twelve days for being disorderly. The next month he refused "to work and to be ironed; [was] profane ... [and] insolent to Keepers" and given 48 hours in the dark cell. In August he joined Moriano in being “very disorderly in [his] cell, tearing blankets, [and] shirts”. In November he served three more days for “breaking up dinner”. Smith served his full one and a half-year sentence and was released in October, 1852.

In addition, the Visiting Commissioner reported in April, "Some ... difficulties occur at times among the Keepers”, but these incidents were “not worthy of recording

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266 Commissioners Journal, 28 February 1851.

267 Commissioners Journal, July 1851.

268 Commissioners Journal, 30 April 1851.

269 Commissioners Journal, Record of Punishments, January - December 1851.
as they have not called for the investigation of commissioners.”\textsuperscript{270} By October, however, although the Visiting Commissioner reported that “The officers of the prison have conducted themselves with one exception well”, that one exception had “resulted in the removal of the dissatisfied individual.”\textsuperscript{271} W. Bennett (Church of England) became chaplain following the illness and death of William Cogswell. Bennett’s first report is reproduced below (Appendix 3). In their last monthly report, the Commissioners reiterated the discipline policy in the penitentiary:

The instructions invariably given to the Keepers: “That they shall execute the orders they may receive from the Superintendent of the Penitentiary to the best of their abilities -- he being answerable to the Commissioners for the orders he may give them.

They are to hold no conversation with the convicts except such as may be necessary to direct them in their duties upon pain of dismissal for neglect of duty.

These instructions are so simple that none can forget them or require them repeated and yet comprehensive enough for any right minded and well intentioned Keeper to be governed by.

"The Commissioners do not consider it necessary to give any [?] to the prisoners, their orders are to submit to the directions they receive from their Keepers. Their duty while in prison is to submit to orders and if improperly imposed upon they have the privilege of lodging their complaint with the Superintendent and also the Commissioner of the Month, which privilege they have hesitated to avail themselves of.\textsuperscript{272}

Sixty-nine prisoners were on the sick list in 1851, "rather more than the usual amount", Rufus Black reported. As usual, "catarrh, pleurisy, rheumatism and neuralgic pains" prevailed in the winter and spring, "diarrhoea, and other derangements of the abdominal organs during the summer and autumn." "[T]he system of diet and discipline ... is conducive to the mental and bodily health of the prisoners,"\textsuperscript{273}

The system of managing the prison was under discussion in the Province. In their final report as Commissioners of the Penitentiary (February 1852: James B. Uniacke, chairman; J. W. Johnston, W. A. Black, Andrew MacKinlay, J. N. Shannon, Thomas Kenny, and James Tremain), the Commissioners said that they had “held their offices throughout the past year under the daily expectation that a board of works would be formed, who

\textsuperscript{270} Commissioners Journal, February 1851.
\textsuperscript{271} Commissioners Journal, 30 October 1851.
\textsuperscript{272} Commissioners Journal, 1 May 1852 — the last entry.
would take the management of the penitentiary; and as they may not have another opportunity of mentioning the officers, they avail themselves of this report to do so.” They recommended superintendent Hutchinson “for the extreme cleanliness of every part of the prison — for his endeavours to carry out the rules of the prison with impartiality and justice, and also for the economical use made of the provisions entrusted to his care.” They were pleased to bear “testimony to the manner in which” the doctor and clergyman “have discharged their several duties, never allowing even the most severe weather of our inclement seasons to interfere with the services required for the convicts.”

The Commissioners decided not to prepare detailed estimates for 1852, perhaps in light of the anticipated change in the management of the institution. They justified this decision on the grounds that “the annual expenses of the penitentiary vary with the increase or diminution of criminals”. They noted, however, that £375 remained undrawn, as well as “about £20 for the nett proceeds of barley and other productions, which will appear in the next year’s accounts”. On this basis of this surplus, they recommended “that if the same amount should be placed to the credit of the establishment as last year”, a sum that “would meet all the probable expenses for 1852.” This amount was approved by the Select Committee of the House, which visited the prison and recommended a grant of £731, which, together with the sum already to the credit of the institution, amounted to £1106, "the amount granted last year". On their visit, however, the Committee agreed to listen to prisoners’ complaints about superintendent Hutchinson:

> Your committee visited the penitentiary — were pleased with its clean appearance, and were requested by some of the convicts to afford them an opportunity of preferring charges of ill treatment and cruelty against the superintendent, which your committee acceded to by hearing their complaints and charges in the presence of the commissioners. They have heard the explanations of the superintendent in his own behalf, and also a statement of [...] the underkeepers as to the superintendent’s general conduct towards themselves and prisoners, and are of opinion that a change of the superintendent is desirable; and your committee beg to recommend that the first section of chapter twenty-four of the revised statutes, as far as it relates to the Penitentiary, be carried into effect without delay. That the good

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conduct system be revived, as it was found to have a beneficial effect upon the conduct of the prisoners.”  

In January 1852 Thomas Kenny was appointed a Commissioner of the Provincial Penitentiary. In February 1852, however, a more widespread spontaneous revolt occurred, discussed in some detail in the Commissioner’s report for March:

"The prisoners have been quiet and orderly during the first part of this month and with some few exceptions attended regularly to their work until Sunday the 22nd inst. when the Keeper having allowed them to enter the Guard Room to attend divine service without their irons, contrary to a standing order of the Prison regulations. The Superintendent ordered them back for the purpose of having the order complied with and on returning to their cells the prisoners refused to have their irons put on and if the Keeper persisted in putting them on, they would not attend service in the Guard Room. Consequently the Superintendent gave orders to have them locked in their cells. On the following day, Monday, I again visited the Penitentiary and finding several of them in a very insubordinate state, I gave orders that two of the men, Smith and MacDonald, who were among the deserters of last summer, together with Brennan, who was very troublesome, should have their irons riveted on them. This order they refused to submit to, fastening their cell doors inside. They, together with several of the others, became very noisy and riotous for several days and could not be quieted until they were placed on short allowances, and Brennan and Hill, two of the most noisy, were placed in the dark cell. At the close of the month they became subdued in spirit, by short allowances and their confinement. When an investigation into their conduct, as well as the conduct of the Superintendent and Keepers took place before the Board of Commissioners (the Committee appointed by the House of Assembly being also present) which resulted in the immediate discharge, for good reasons, (the Board being unanimous) of both the Keeper and Under Keeper — two other Keepers having been appointed in their place.”

The two dismissed men were named "White and Weir" in the document.

At about this time an anonymous letter found its way into the hands of J. B. Uniacke, the Chairman of the Board of Commissioners, at the time. The letter was

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278 Commissioners Journal, 31 January 1852.
279 Commissioners Journal, 1 March 1852.
delivered by a prisoner named MacKintosh to Superintendent Hutchinson (likely 17-year old John Mcintosh, # 100). MacKintosh stated that he had received it from Roach, and Roach claimed that it had been found by Keeper Bissett. The text of this letter was as follows:

Pat,

Pat, I am sleeping at White's and Weir's since I left the prison. McKinlay the old Scotch rascal is buying[?] my passage to Boston. You and Smith and Brennan Smith and Hill will make your escape as soon as possible. Before you will do it, White and Weir will drop a letter through the fence. They will give you all the assistance they can. Someday that old scoundrel Cornell[?] will be drunk and the old Scotch rascal all so. Nock their brains out with the hammers tie Bissett hand and foot and throw him in the fire. When you have got all the guns, and as soon as Hutchinson comes out, blow his brains out or if not he will kill some of you. Don't never consider any risk — [blank in original copy] in making your escape from outside in front at work. If you can get more of the prisoners to join you so much the better. They are giving the Commissioners and Hutchinson a terrible name. They told me that Scotch Keeper is a discharged convict from Bermuda and McKinlay put him in as Keeper. If I had any mind that before I left I would have told him of it.280

The note implicates the two ex-keepers, White and Weir, in harbouring an escaped prisoner and also McKinlay, possibly a reference to Commissioner Andrew McKinley. Tremain believed that: "The change of Keepers has produced a very favourable change in the state of the prisoners conduct" judging from the state of the prison in the month of March, "the prisoners finding that their riotous conduct during the past month had not the desired effect of removing the Superintendent." The new Keepers, he said, had complied with the regulation not to talk to the prisoners unless in the course of their duties. The prisoners have behaved themselves to the satisfaction of the Superintendent and the Commissioners. "Not a day or night of confinement has been recorded during the month, and the prison labour has been performed cheerfully. The prisoners have all attended the services on the Sabbath, ironed as formerly, and without murmuring[?].” The actions of the Commissioners, Tremain believed, had maintained “the authority of the Superintendent” and showed “the prisoners the impropriety of riotous conduct”. As a

280 R. B. Uniacke, Chairman, Board of Commissioners. "Copy of an anonymous letter delivered by a prisoner named MacKintosh to the Superintendent. MacKintosh states that received[?] it from Roach to Hurns, and Roach states that it was found by Bossill the Keeper and given to him." PANS RG 27 “B” Vol 7 "Penitentiary, 1852-54."
result, the Commissioners had “established order and regularity without any additional punishment, after the change of Keepers.”

By April, 1852, however, the Province had made decision to change in the governance of the provincial penitentiary. The House repealed the Revised Statutes under which the Office of Commissioners of the Provincial Penitentiary had been. Accordingly, the Commissioners stated that the Board “has ceased to have any existence and those who accepted the charge under its authority are accordingly no longer invested with any rights of interference or management.” In the final meeting of the Commissioners on 16 April 1852, the following resolution was passed:

"The late Commissioners cannot terminate their connection with an Institution upon which they have bestowed care and attention without expressing their perfect confidence in Mr. Hutchinson, the Superintendent, and their belief that he has fulfilled, with the highest integrity and industry, duties ever difficult and responsible and at times under circumstances peculiarly perplexing and trying, and that he has been animated with an earnest desire to promote the objects of the Institution according to his best ability.

"This testimonial is the more due to Mr. Hutchinson as at the request of the Commissioners he consented to withdraw a resignation made many months ago."

The resolution was signed by Uniacke, Johnston, Black, Shannon, Tremain, McKinley and Tho’s. Kenney. There followed the following from Superintendent Hutchinson:

"Gentlemen,

Having consented to withdraw my resignation handed to you some months ago in the belief that in so doing I might sustain the interests of the Institution which you have confided to my charge and having lately understood that the Penitentiary is about to pass into the management of other officers than those under whom I have had the satisfaction to act for nearly two years, I beg to tender my former resignation and to withdraw from the office of Superintendent which I now hold, so soon as my successor can be appointed.

I respectfully offer any acknowledgement to you for the kind consideration I have ever received from you in the arduous, sometimes perplexing duties I have had to perform."

281 Commissioners Journal, 31 March 1852.
282 Commissioners Journal, 16 April 1852.
Change in Governance: From Commission to Board of Works

The Penitentiary was delivered up to the charge of the new Superintendent on 1 May 1852, "after he had signed a receipt for articles left there by the Superintendent Hutchinson...." The new Superintendent was William Fish, who had originally petitioned for the job of Keeper. He was a blacksmith and machinist from St. Croix, Hants County. His letter was accompanied by a petition with 10 signatures indicating that Fish had resided "a number of years" in Hants County, industriously following his trade. The petitioners found him "fully qualified" to fill the position of Keeper.

In 1852, the Penitentiary management was given over to the Board of Works, chaired by Hugh Bell. The Board continued to manage the prison until 1868, when it became a Dominion Penitentiary. In his 1868 Report, J. M. Ferres, the Dominion Prison Inspector, noted that the Chairman of the Board of Works was a member of the Executive Council, and the Board had the power to appoint the Superintendent and all other staff officers of the prison. Ferres was concerned that this form of patronage employment had undermined discipline in the Institution:

“It is to be feared that the Board of Works, being a Government Department, political influence has done more for procuring a situation on the Penitentiary staff, than the personal intelligence of the candidate, or his general fitness for the duties of the office. There is, at all events, but little reason to doubt, that the subordinate officers have considered themselves independent of the chief, trusting to be retained by the Board of Works, whatever their conduct might be at the Penitentiary. When, accordingly, guards have absented themselves for days, without leave, even without any notice of their intention to the Superintendent, the Superintendent has been ordered to take them back after dismissing them, and when others have come to their duty, in a state of drunkenness, they have been put away in the bunks of the Guard Room, until they became sober, and still they have been retained in their places by the Board of Works. The probable effect of such a process of action it requires no great penetration to foresee. The actual positive result I had occasion to see, with my own eyes, so soon as I set foot within the walls.”

283 Commissioners Journal, 1 May 1852 -- the last entry.
284 Petition from William Fish to The Commissioners of the Provincial Penitentiary or to the Honourable, the Board of Works. PANS, RG 27, Vol. 7, "Provincial Penitentiary, 1848-1861", File 4 "Undated -- Probably 1850s".
286 Ferres to Secretary of State, 22 October 1867, Sessional Papers I (1868) No. 40, p. 15.
In his first report to the Lt. Governor, Gaspard Le Marchant, Hugh Bell summarized the state of the Penitentiary in 1852.²⁸⁷

The buildings connected with this institution are still in an unfinished state, and must progress towards completion very slowly on account of the material (granite stone) of which they and the enclosing walls are constructed requiring much labour to prepare, and that labour, with only one mason to direct, being performed wholly by the prisoners, not more than half of whom can be employed at such work, the rest being either incapable or engaged in other necessary avocations connected with the establishment. The men are now chiefly occupied in dressing stone and building the wall of the court yard, and until this is done, and the workshops which are to be placed against one side of it are finished, no work to any extent of a manufacturing kind can be engaged in, -- indeed it is doubtful whether any other labour would be so profitable. The enclosing wall now in course of erection being constructed chiefly by the prisoners, would cost at the usual rate ... for such work, £ 2000, and even when finished there is perhaps no more useful and profitable employment for the prisoners than dressing granite stone for sale, the demand for which material will no doubt increase as the population and wealth of the city advance, and as more safe and durable buildings are consequently required, an unfailing and profitable source of employment will thus be afforded.

To what extent the labour of the prisoners will contribute to their support, will depend on their number; but the establishment can scarcely be maintained at less than its present cost. There are but three keepers beside the superintendent, and one of these is employed as a blacksmith and messenger, leaving but two to guard the prisoners when at work. The salaries are not exorbitant, considering the constant attendance night and day, Sundays included, and the risk and responsibility. The dietary is as coarse and cheap as can, or certainly as ought to be offered to any human being, and not in greater abundance than is necessary for those who are required to labour every day. Calculations have been made as to the cost, varying from eight pence to less than five pence per day for each. This, of course, will depend on the price of provisions -- some months higher, some lower. The average cost for sustenance alone for the last six months does not exceed four pence per head. The official charges will be nearly the same, whether there be few or many prisoners.

The discipline of the prison since it came under the supervision of the board of works, has been conducted under the consideration that it was not merely a place of punishment, but, as its name imports, a penitentiary, whose penitence for past offences and reformation of character might be promoted; -- that fallen and degraded as the greatest criminals may be, they are still members of the human family, possessing minds and susceptibilities akin to our own, and having therefore a kindred claim to our sympathy. The rule in this view has been, `as much kindness as is consistent with the strictest discipline.' In accordance with this, in July last the chains were removed from their legs. What may be the effect of this mode of discipline it would perhaps be premature to decide. Among such a class of persons there will always be some incorrigible and irreclaimable. Thus far there has been but little cause for measures of severity or restraint, except in the case of one foreigner, who, no doubt, is a maniac; and of one hardened offender sentenced to the prison for the second time.

The present superintendent, by his evenness of temper, and kindness yet firmness of manner, is admirably qualified for his position. He has obtained the respect and the gratitude of the prisoners, so that the government of the prison is made easier and the work of the prisoners more effective. The mason who superintends the building of the wall states that since the chains have been taken off the men do a much greater amount of work, and more willingly. The work done this season, if paid for at the usual rate, as estimated by him, would amount to £207.

The medical attendant advised that, to prevent sickness, the pipes of the stove should be extended along the front of the cells, which were damp and cold. This, with other necessary outlay, and some accounts remaining undischarged, has increased the expenditure; but all has been done with as much economy as the board could exercise, and the strictest supervision they can apply is maintained. Some of the prisoners, unable to do heavy work, are employed in picking oakum, making shoes, and such other work as they can do. The making and repairing tools for the stone dressers, and for other purposes -- making grates, annually made, and other iron work, is done by the blacksmith on the premises. Sickness to a considerable extent has prevailed since October last in the prison, of which the doctor's report annually made, will give a more particular account. His attention at all times, both night and day, has been faithful and unremitting.

There are now in the prison 23 males and 2 females. The average number for the last six months has been 22. There have been 15 received and 10 discharged.
There has been expended since the month of May last (the time when the present board took charge) to 31st December:

For salaries -- superintendent and keepers ------- £181 5 0
For mason, who receives during winter only the allowance of a keeper, ------------ 65 16 2
For allowance for sustenance for keepers ------- 32 0 0
For provisions for prisoners, -------------- 89 10 10
For clothing, ------------------------ 46 12 2
For granite stone, ----------------------- 35 0 0
For miscellaneous and incidental accounts, ---- 138 6 9
For physician and chaplain's salaries, ------- 60 0 0

There is stock on hand, an account of which is taken every month, of the value of £ 42.

There will be required for the current year, for the above named and for other necessary services, £ 1100.

The Select Committee of the House concurred with the financial estimate and added that “Doctor Black, the medical attendant, reports that sickness to a considerable extent prevailed among the convicts during last year.” As a “consequence of his increased duties”, they recommended “an addition to his present salary of fifteen pounds.” The Committee also recommended “that the mark system be again introduced for the benefit of the prisoners.” They commended Fish, who “seems well qualified for the situation” and noted that the “prisoners for some time back have not worn chains, yet he reports their conduct as orderly.288

Prisoners Admitted to the Nova Scotia Penitentiary, 1852, Selected Details

<table>
<thead>
<tr>
<th>#</th>
<th>NAME</th>
<th>Age</th>
<th>Race</th>
<th>County</th>
<th>Trade</th>
<th>Yr</th>
<th>Crime</th>
<th>Years</th>
<th>Remark</th>
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<tbody>
<tr>
<td>134*</td>
<td>Maria</td>
<td>21</td>
<td>mulat</td>
<td>halifax</td>
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<td>John</td>
<td>22</td>
<td>c</td>
<td>hants</td>
<td>none</td>
<td>52</td>
<td>felonious stealing</td>
<td>2</td>
<td>t</td>
</tr>
<tr>
<td>136</td>
<td>John</td>
<td>35</td>
<td>c</td>
<td>hants</td>
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<td>52</td>
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<td>0.9</td>
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<td>mulat</td>
<td>yarmouth</td>
<td>cooper</td>
<td>52</td>
<td>manslaughter</td>
<td>2</td>
<td>p</td>
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<tr>
<td>138</td>
<td>James</td>
<td>56</td>
<td>c</td>
<td>yarmouth</td>
<td>none</td>
<td>52</td>
<td>felony</td>
<td>1</td>
<td>t</td>
</tr>
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<td>139</td>
<td>James</td>
<td>20</td>
<td>c</td>
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<td>27 days</td>
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<td>25</td>
<td>c</td>
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<tr>
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<td>23</td>
<td>c</td>
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<td>none</td>
<td>52</td>
<td>larceny</td>
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Nineteen convicts were sent to the penitentiary in 1852, a substantial increase over the last few years, and also reflecting a greater diversity. Four women were imprisoned in 1852. Maria Etlan, a 19-year old from Halifax described a “mulatto” was convicted on the 13th of January for concealing a dead child and sentenced to eight months. She was the first female prisoner in the penitentiary since Catherine Williams (# 68) was discharged on 15 July 1848.

On 3 March 1849, the Acadian Recorder reported that, on the 20th of February, a Coroner's inquest was held following the discovery of the body of a "new-born female child found in a wood house in Mr. Elaghor's Alley". A verdict of infanticide was subsequently brought in against Bridget Spillman. However, there is no record of Spillman being received in the penitentiary.

Leah Burton, a black woman from Halifax, was sentenced to one year for stabbing. Listed as being 22 years old in 1852, she is probably the same Lea Buron (# 86 – also described as black) who had been sent to prison in April, 1848, for assault with attempt to maim (although she was recorded as being 24 that year). Seventeen-year old Catherine Brown from Sydney was convicted of robbery. The other female prisoner was eighteen-year old Elisha Devost. She and Samuel Devost, aged 43, both from Guysborough and listed as “black”, were convicted on July the third of larceny (6 months) and receiving stolen goods (one year), respectively.

Two sailors also served time as military prisoners in the prison: James Abbey and Alexander Fischer, both for attempting to desert from HMS Cumberland. They were sentenced to 27 days confinement in July by a naval court. Twelve prisoners, including the two sailors, were given short-term sentences. John Harris and John McGrath, from Hants, were sentenced for felonious stealing. Other offences included manslaughter, assault with attempt to rape, and unspecified “felony”.

Six convicts were listed as other than white. In addition to the ones mentioned (Etlan, Burton, and the two Devosts), William Ward (# 137), a mulatto cooper from

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289 Acadian Recorder, 3 March 1849.
Yarmouth, was sentenced to two years in May for manslaughter. Ward; Henry Middleton (# 148), from Annapolis, served one and a half years for larceny. Two of the convicts were older: 56-year old James Shaw (# 138) from Yarmouth and 64-year old Gabriel Martell (# 152) from Richmond County. Finally, two of the prisoner (Gines Roland and Jacob Snow) escaped from the prison, both being recaptured and released in 1854.

Summary

Between the opening of the penitentary in June 1844 and the end of 1852, the year the management of the prison was transferred from the Board of Commissioners to the Board of Works, 152 prisoners were confined in the institution, a number that includes a couple of aboriginal men confined for public safety, defined as insane, and soon transferred to the asylum for the poor.

As the table below indicates, most of the convicts were men (92%) and were white (79%). Non-white includes those described as black, brown, mulatto, and dark, as well as “Indian”. Most prisoners were listed as labourers or without a trade (71%) (for five the category is blank). Of those with a specified trade, five were farmers and six fishermen. Others represented some of the range of trades in the province: baker, blacksmith, brass founder, butcher, carpenter, carter, cooper, joiner, painter, sailor, seaman, shoemaker, and taylor.

### NS Penitentiary 1844-1852, Selected Characteristics

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<thead>
<tr>
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<tr>
<td>Cumberland</td>
<td>3</td>
<td>Kings</td>
<td>3</td>
<td>Yarmouth</td>
</tr>
<tr>
<td>Digby</td>
<td>3</td>
<td>Lunenburg</td>
<td>7</td>
<td></td>
</tr>
</tbody>
</table>

Most convicts were sentenced by the Supreme Court (88%), and were more likely to be released at the expiration of their sentence (58%) than by pardon (32%). Each of the provincial counties sentenced at least one prisoner, with just under half (45%) coming from Halifax. Fourteen were from Hants (including the aboriginal, James Paul,
twice confined for protective custody). Eleven each were sent from Guysborough and Annapolis counties; eleven came from Cape Breton Island. Two sailors were confined for attempting to desert from the HMS Cumberland.

Exactly half of the prisoners (75) in the Nova Scotia Penitentiary served short sentences (under 2-years). With the exception of two aboriginals in protective custody, the remaining 75 convicts were long-term prisoners, serving sentences of 2 years or more; only 22 served less than one year. The two confined for life were found guilty of murder and ‘felonious killing’. Otherwise, manslaughter and arson convictions were the longest, at 14 years. Only one of the six manslaughter charges brought this severe sentence; two others served one year, and three manslaughter convictions ended in two-year sentences. The 10-year sentence was for felonious assault.

The youngest prisoner was 12-years old; six were under 18 years of age. Four were in the sixties, the eldest being 64. The average age of committal was 29.

<table>
<thead>
<tr>
<th>Sentence</th>
<th>#</th>
<th>Sentence</th>
<th>#</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 - &lt;1</td>
<td>22</td>
<td>4 to 7</td>
<td>19</td>
</tr>
<tr>
<td>1</td>
<td>43</td>
<td>10</td>
<td>1</td>
</tr>
<tr>
<td>&gt;1 - &lt;2</td>
<td>10</td>
<td>14</td>
<td>2</td>
</tr>
<tr>
<td>2</td>
<td>34</td>
<td>Life</td>
<td>2</td>
</tr>
<tr>
<td>3</td>
<td>17</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Finally, inmates of the penitentiary were convicted of 22 crimes. The single most common crime was larceny, with 67 convictions (44%). Nine prisoners were sentenced for “felonies”, seven for assaults, seven for attempted rape, six for manslaughter, and five for burglary. Two murderers were sentenced to life in the prison (one for “felonious killing”). In five cases, crimes were not listed; and the list does not include two cases of protective custody. Dividing the crimes into personal injury and property offences and defining the unspecified “felony” as a property offence, 35 men (25% of male convicts) and 4 women (33% of the women) committed acts of violence; this rises to 7 of the 12 women if concealing birth and concealing a dead baby are counted as crimes of violence.

<table>
<thead>
<tr>
<th>Crime</th>
<th>Gender</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>f</td>
<td>m</td>
</tr>
<tr>
<td>arson</td>
<td>0</td>
<td>3</td>
</tr>
<tr>
<td>aslt w att to maim</td>
<td>1</td>
<td>3</td>
</tr>
<tr>
<td>aslt w att to rape</td>
<td>0</td>
<td>4</td>
</tr>
<tr>
<td>assault</td>
<td>1</td>
<td>6</td>
</tr>
<tr>
<td>Crime</td>
<td>A</td>
<td>B</td>
</tr>
<tr>
<td>-------------------------------</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>attempt to desert</td>
<td>0</td>
<td>2</td>
</tr>
<tr>
<td>attempted rape</td>
<td>0</td>
<td>3</td>
</tr>
<tr>
<td>burglary</td>
<td>0</td>
<td>5</td>
</tr>
<tr>
<td>conceal dead child</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>concealing birth</td>
<td>2</td>
<td>0</td>
</tr>
<tr>
<td>counterfeit money</td>
<td>0</td>
<td>2</td>
</tr>
<tr>
<td>escaping custody</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>felonious killing</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>felonious assault</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>felonious stealing</td>
<td>0</td>
<td>2</td>
</tr>
<tr>
<td>felony</td>
<td>0</td>
<td>9</td>
</tr>
<tr>
<td>forgery</td>
<td>0</td>
<td>2</td>
</tr>
<tr>
<td>habitual drunk</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>highway robbery</td>
<td>0</td>
<td>4</td>
</tr>
<tr>
<td>horse stealing</td>
<td>0</td>
<td>2</td>
</tr>
<tr>
<td>larceny</td>
<td>4</td>
<td>63</td>
</tr>
<tr>
<td>mal injury to prop</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>malicious injury</td>
<td>0</td>
<td>2</td>
</tr>
<tr>
<td>manslaughter</td>
<td>0</td>
<td>6</td>
</tr>
<tr>
<td>murder</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>rec'd stolen goods</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>robbery</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>shooting</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>shopbr&amp;larceny</td>
<td>0</td>
<td>4</td>
</tr>
<tr>
<td>stabbing</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>stealing</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>stealing in a dwell</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>stolen goods</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>12</td>
<td>135</td>
</tr>
</tbody>
</table>

**Appendix 1**

**Minutes of Evidence Relating to the Escape of May, 1849**

Minutes of Evidence taken before the Board of Commissioners at a meeting held to enquire into the escape of prisoners from the Penitentiary on the night 1/2 May 1849.

Provincial Penitentiary
5th May 1849
Present - Messrs. Uniacke, Johnston, Tremaine, McKinley and Black.

Archibald Hutchinson - [?]

On Wednesday night I ordered Bennett and Hayman to their cells, and locked them up. I went around with Hickey, Underkeeper, and ascertained all was right. Mr. Carpenter, the Governor, returned from town about 9 o'clock. I saw him in his office, asked him if he was going to bed. He said not. I gave the keys and went to bed. The spare keys were locked up in the storeroom. There are there 17 in number - 28 locks and 2 brass locks, and 1 brass lock on the porch door. The morning after or on Thursday morning, I was told 7 men had escaped. I went down and found 7 men gone.

Lawrence Hickey

Locked up the prisoners at 6 o'clock. They were in their cells with the locks on the staples. At 8 o'clock they were locked up. Hutchinson was with me. I spoke to all of them as I locked up at 8 o'clock. The Messenger was in town - [Larrington?] slept in the guardroom.

George Carpenter

I was in town from 6 to 8 o'clock. At 9 o'clock I received the keys. I did not [??] 36 iron locks and 3 brass locks -
7 keys of one sort, 5 of another = 12 [?]
8 " " " 7 " " = 15 - Hutchinson
Mrs. Carpenter 1 = 1 - Matron
Master Keys 2 2 Total 30
Originally I had 36 locks. 2 were condemned. There are 6 keys absent. I cannot account for them.

James Linnihan

I went to town on Wednesday night with Keeper’s permission. Returned between 9 and 10. Found Mr. Carpenter who was in the office. I reported myself and went into the Guardroom and remained until 11 o'clock. I prepared to go to bed. Hickey went around the prison and returned saying all was right. I went to bed. Mr. Carpenter and his family were up playing some instrument of music. Bennett had access to Carpenter's room. On 6 April Bennett was in the office until 12 o'clock. I have known Campbell to be out of his cell - found him in the morning in the office. Bennett and John [?] in the workshop let out of their cells after they had been [?]. John Roach, who is here, has also been left out. Bennett and Gordon had access to a cell used for a storeroom. On the night of the 7th
when I locked up the prisoners I could not find Bennett. He was in the Governor’s room. Mr. Carpenter was not sober from the 4th to 8th April. When I reported myself to Carpenter, if I was under oath, I should not be able to say he was sober.

Archibald Hutchinson

I have seen Carpenter out of the way and the worse for liquor. It was some time ago, a month or six weeks. I have seen Bennett, Samson[?], Gordon and Hayman as late as 11 o’clock, after I had locked them up. I do not know it of my own knowledge. I saw him (Bennett) out at one o’clock.

Charles Gordon, N. 71

I have been under punishment. On Wednesday I saw Mr. Carpenter and spoke to him. I did not allude to the escape contemplated. I think it was all made up before they came. Mr. [?] told me so.

John McIntosh, No. 102

I was convicted last May. When I came, I saw a yellow[?] man. I heard him ask Jones which his comrade was. He asked me if I could steer a vessel to Boston without a compass. I thought he was making fun of me. They had it made up before they came.

Adjourned to Tuesday at 12 o’clock

Council Chambers
8th May 1849

Present - Messers. Uniacke, Johnston, Tremaine, McKinley, Shannon and Black.

Read Mr. Carpenter’s resignation, accepted by the Commissioners and approved of by his Excellency Sir John Harvey

Archibald Hutchinson

Linnihan the Messenger was absent on Sunday. It was his Sunday out. He was absent all night. George Carpenter has never[?] been in the prison where the convicts are locked up. He associated with Bennett in the back kitchen. We are up until after 11 o’clock generally every night and up in the morning at 6 o’clock and sometimes long before. The keys were accessible to Gordon and afterwards to Bennett. Mr Ksnger[?] has not been
d[?] about the prison since I have been there. I saw Carpenter strike him with a shoe in the mouth. There is no ammunition nor pistols in the prison.

Resolved:

That the control and management of the prison be placed in Archibald Hutchinson until further orders, and that lists be made for the monthly Commissioners of all property belonging to the institution.

Adjourned to Monday next at the Council Chambers.

Council Chambers
15th May

Present - Messrs. J. B. Uniacke, Johnston, Tobin, Tremain, Shannon, McKinley and Black.

Resolved:

That Archibald Hutchinson be Governor of the Penitentiary, and be kept on trial until the Matron arrives and is examined and he proves himself satisfactory to the Commissioners.

Resolved:

That Hickey be made Keeper instead of Hutchinson.

Resolved:

That the Rules, Regulations and discipline of the Prison be rigidly enforced by the Governor.

Resolved:

That Mr. Kearney[?] be informed that he must remove the house from the Penitentiary grounds within three months from this date.

Resolved:

That the Commissioner for the month do import 3 dozen cell padlocks, 18 with 3 and 18 with 3 Master Keys.

Halifax, N. S. 31 May 1849

Appendix 2
Record of Punishments.
### List from January 1851 to December 1851

<table>
<thead>
<tr>
<th>Date</th>
<th>No.</th>
<th>Name</th>
<th>Punishment</th>
<th>Crime</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jan.</td>
<td>52</td>
<td>Jos Bennett</td>
<td>24 Hrs.</td>
<td>Disorderly conduct</td>
</tr>
<tr>
<td></td>
<td>101</td>
<td>H. Smith</td>
<td>48 Hrs.</td>
<td>Ditto</td>
</tr>
<tr>
<td></td>
<td>102</td>
<td>J. McIntosh</td>
<td>48 Hrs.</td>
<td>Ditto</td>
</tr>
<tr>
<td></td>
<td>112</td>
<td>J. McGrath</td>
<td>7 days</td>
<td>Ditto and Riotous</td>
</tr>
<tr>
<td>Feb.</td>
<td>122</td>
<td>J. Horson</td>
<td>8 days</td>
<td>Very disorderly</td>
</tr>
<tr>
<td>Mar.</td>
<td>117</td>
<td>J. Snow</td>
<td>48 Hrs.</td>
<td>Ditto</td>
</tr>
<tr>
<td>Apr.</td>
<td>102</td>
<td>J. McIntosh</td>
<td>3 days</td>
<td>Disorderly, riotous</td>
</tr>
<tr>
<td></td>
<td>108</td>
<td>John Swift</td>
<td>5 days</td>
<td>Ditto</td>
</tr>
<tr>
<td></td>
<td>111</td>
<td>Pat Brennan</td>
<td>5 days</td>
<td>Ditto</td>
</tr>
<tr>
<td></td>
<td>117</td>
<td>J. Snow</td>
<td>48 hours</td>
<td>Ditto</td>
</tr>
<tr>
<td>May</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>June</td>
<td>108</td>
<td>J. Swift</td>
<td>5 days</td>
<td>Refusing work, very disorderly</td>
</tr>
<tr>
<td></td>
<td>111</td>
<td>P. Brennan</td>
<td>5 days</td>
<td>Commited by White and [?]</td>
</tr>
<tr>
<td></td>
<td>119</td>
<td>J. Farrell</td>
<td>5 days</td>
<td>disorderly conduct</td>
</tr>
<tr>
<td></td>
<td>128</td>
<td>H. Smith [?]</td>
<td>5 days</td>
<td>ditto</td>
</tr>
<tr>
<td>July</td>
<td>111</td>
<td>P. Brennan</td>
<td>48 hours</td>
<td>Disorderly</td>
</tr>
<tr>
<td></td>
<td>131</td>
<td>Edw. Smith</td>
<td>12 days</td>
<td>Ditto; Comm’td by White</td>
</tr>
<tr>
<td>Aug.</td>
<td>111</td>
<td>Patrick Brennan</td>
<td>48 hrs</td>
<td>Refusing work and to be ironed; profane language</td>
</tr>
<tr>
<td></td>
<td>131</td>
<td>Edw. Smith</td>
<td>48 Hrs.</td>
<td>Ditto; insolent to Keepers</td>
</tr>
<tr>
<td></td>
<td>133</td>
<td>Gab. Mariano</td>
<td>4 days</td>
<td>very disorderly in cell, tearing blankets, shirts</td>
</tr>
<tr>
<td>Sep.</td>
<td>131</td>
<td>Edw. Smith</td>
<td>4 days</td>
<td>Ditto</td>
</tr>
<tr>
<td>Oct.</td>
<td>111</td>
<td>P. Brennan</td>
<td>8 days</td>
<td>Refusing work, profane language</td>
</tr>
<tr>
<td></td>
<td>107</td>
<td>A. Benoit</td>
<td>3 days</td>
<td>Tearing bedding - White</td>
</tr>
<tr>
<td>Nov.</td>
<td>133</td>
<td>Gab. Mariano</td>
<td>7 days</td>
<td>Breaking up dinner [?], disorderly</td>
</tr>
<tr>
<td></td>
<td>131</td>
<td>Edw. Smith</td>
<td>3 days</td>
<td>Ditto</td>
</tr>
<tr>
<td>Dec.</td>
<td>111</td>
<td>P. Brennan</td>
<td>2 days</td>
<td>Refusing to work</td>
</tr>
</tbody>
</table>

Note: There has been 28 confinements 12 mo. or 2 1/4 p. mo.
Longest period - 8 days
Shortest period - 24 hours

### Appendix 3

First Report of Chaplain William Bennett, 1851
To the hon. J. B. Uniacke, chairman, and other gentlemen of the board of commissioners of the provincial penitentiary of Nova Scotia; presented by W. Bennett, chaplain; reports:

"That when the late rev. Mr. Cogswell was taken sick and became incapable of performing the services of his office, and the inmates of the penitentiary thereby being deprived of religious services, I ventured to throw in my best efforts for the good of that unhappy and sinful part of my fellow creatures.

"My services herein appeared to meet the approval of the commissioners, and a grant of twenty-five pounds salary was afterwards made by the house of assembly, which I received. Whether the grant had a retrospective or a prospective bearing I have not been told; the same amount having been yearly granted and paid.

"The criminals whom I have found in my visits from time to time on their commitment and incarceration, have presented most striking features of the depravity and wretchedness to which the human race may be reduced; their evil habits and crimes having now, by a retributive justice and the strong arm of the law, driven them from social society of their fellow-men and shut them up to punishment and shame.

"Viewing any of our fellow-beings in such a plight, yearnings of compassion and Christian sympathy have been awakened -- means and methods of recovery and reformation having also been devised, and are now carried on in the apparatus of penitentiary matters. It is to be hoped and expected that corresponding fruit will appear in the dispositions and behaviour of these most degraded and deluded men and women.

"This being my first report, perhaps it may be proper for me to state what attempts I have made to carry forward the benevolent designs, had in the formation of this institution. My method at first was (the prisoners being called together) to sing a psalm or hymn out of a collection furnished by the institution; but the prisoners who then could sing having been discharged, and those who remained and those who have since been sent, not being capable or not being willing to sing, this service has been dropped; and now my mode of conducting the service is to commence by introducing some observations to prepare the mind to engage in the solemn worship of Almighty God, such as the sanctity of the Sabbath day — its original institution and continuance; that it is binding upon all men, &c. &c. At another time some prominent feature which may be found in the portion of scripture about to be read, varying he matter from time to time. Then I read a chapter in the bible, previously selected, as carefully and distinctly as I can, that all may hear and perceive its contents, with now and then intermingling some short observations; also those who can read and are willing to do so, being furnished with a bible, look thereon as is common in the churches. After this, all kneeling, excepting the governor and keepers, who watch, an extemporary prayer is presented to the Most High for his blessing upon all present, upon our country, our government, and upon all classes of mankind, concluding with repeating our Lord’s prayer.
"Again in continuance of the service, a text of scripture is announced, such as is
deemed suitable to the cases of the persons present; hereby a ground for instruction is
furnished for bringing forward the great principles of our holy religion, making men wise
unto salvation. I should feel myself very culpable in the discharge of my duty, when
addressing a class of persons such as are found in our penitentiary, did I not press upon
them the doctrine of repentance towards God and of faith in Jesus Christ, urging the
necessity of fervent prayer for the pardon of sins -- a change of heart in order to a newness
of life. I have been most solicitous to know that the word of the Lord has taken hold of the
consciences of these men, that they might be lastingly benefited by these means of grace,
and that their ordeal under penitentiary discipline and training might remodel them for
future life. Our concluding service is always done in prayer.

"Religious tracts have occasionally been circulated among the prisoners, first
having been shewn to the governor for his approval. It has also been signified that if there
were any amongst them that desired to enquire more particularly concerning his soul's
salvation, I was ready to attend.

"It may also be noticed that though there has not been the evidence of as much
good as might have been expected, yet there are cases of several who have been
discharged which have found it their duty and pleasure to express with thankfulness, the
instruction and benefit received in the penitentiary, and have gone away to mingle in
society, purposing to lead a new life.

"Having engaged in this service, I have, in all sincerity, during the various seasons
of the year, found my way to the appointed station, excepting one Sabbath when I stuck
fast in the snow on the commons, and a case of leave of absence, though I have been at
times wet, weary, and cold.

"Should the board of commissioners see fit to give any further instructions or
regulations on any matter, I feel ready to hear and shall remain,

Yours most respectfully,

W. Bennett

Halifax, February 13, 1852.