

SECTION FIVE

THE HALIFAX BRIDEWELL OF 1818

Anthony Thomson (1996)

Following the conclusion of the war of 1812 Halifax became plagued by petty criminality. In the words of S. D. Clark, lawlessness was increasing because of an expanding population and because of the "habits of idleness engendered by war and exile" among some of the loyalists and the refugees of the war of 1812. The concern about law-breaking was compounded by the growth of the military presence in Halifax as a result of the war. Halifax suffered nightly disturbances especially in the area of Lower Water Street where taverns and brothels jostled each other for space along the sidewalks.¹ Sandra Oxner attributed this degeneration to a combination of "human flotsam and jetsam" and a depressed, poorly regulated and volatile economy, although contemporaries, she points out, were more likely to attribute the problem to an absence of enforcement: police work was inefficient and the Justices of the Peace lacked interest in their judicial function.²

The description of Halifax, penned by Council Member Grant to Reverend Stiles of Boston in 1760, was appropriate: "We have upwards of 100 licensed houses, and perhaps as many more which retail spirituous liquors without license; so that the business of one half of the town is to sell rum, and the other half drinks it. You may, from this single circumstance, judge of our morals and naturally infer that we are not enthusiastic in religion."³

Akins described the city as follows:⁴

The upper streets were filled with brothels; grog shops and dancing houses were to be seen in almost every part of the town. A portion of Grafton Street was known under the appellation of Hogs Street from a house of ill-fame kept by a person of that name. The upper street along the base of Citadel Hill between the north and south barracks was known as "Knock him Down" Street in consequence of the number of affrays and even murders committed there. No person of any character ventured to reside there, nearly all the buildings

¹ S. D. Clark, *Social Development of Canada*, p. 150; cited in Saunders, p. 187.

² Sandra Oxner, "Evolution of the lower court", p. 70; she cites *Journal of the House of Assembly*, 1815, 42.

³ Robert R. McLeod, *Markland or Nova Scotia: Its History, Natural Resources and Native Beauties*, Markland Publishing Co., 1903, p. 92.

⁴ Akins, *History of Halifax City*, p. 158.

being occupied as brothels for the soldiers and sailors. The streets of this part of the town presented continually the disgusting sight of abandoned females of the lowest class in a state of drunkenness, bare headed, without shoes, and in the most filthy and abominable condition.

POLICE

One part of the official response to this perceived lawlessness was to rectify the certainty of punishment. As late as 1788 there was no regular police in the town, although constables were appointed annually. Aitkin reports that

“the magistrates, by turns, attended to police duties with the aid of the town constables, who were annually appointed. All special matters were discussed and settled at the special sessions, which was generally a private meeting of Magistrates in the back office in conjunction with the Clerk of the Peace. Criminal charges of a delicate nature, or when private character was likely to be affected, were usually investigated with closed doors, and no information made public until found to be necessary for the ends of justice. This system continued until Mr. John George Pyke received the appointment of Police Magistrate, about 60 years since. His duties were merely to relieve the magistrates from the more onerous duties of attending daily at the Police office. Colonel Pyke became incapacitated by age about the year 1825 or 6, when Mr. John Liddell was appointed, who had to his aid three or four police constables, two of whom had attended his predecessor, and the valuable assistance of David Shaw Clarke, the clerk of the peace. Such was the arrangement until the Act of Incorporation in 1848.”⁵

Under an Act of 1815 new Justices of the Peace were to be sworn and "a regular town police court began to function with three magistrates, chief of whom was John George Pyke." Pyke had three police constables at his command. They "were under separate authority and quite distinct from the 'night watch' which had been in existence from very early days."⁶ The police office was to be staffed by a salaried Police Magistrate who was authorized to hire and supervise three paid constables.

In 1829 rules were instituted to establish a Watch and Patrol modelled after the law

⁵ Aitkin, *History of Halifax City*, p. 94.

⁶ Raddall, *Halifax: Warden of the North*, p. 55

system established under Peel's direction in London, England.⁷ This was abolished in 1841 when Halifax was granted a City Charter and a Police Court was instituted. This measure, Oxner asserts, was obviously accepted by the community, which was reassured "through the provision of accessible and visible machinery of justice that the State was protecting the lives and property of its citizens." Furthermore, this greater efficiency and likelihood of being caught would "lessen the incidence of crime by acting as a deterrent to some".⁸

In 1835, the Grand Jury of the County of Halifax was concerned about the rise in costs related to criminal matters, and stated that "the large sum necessarily required for the maintenance of an efficient Police would in justice be defrayed in part from the Provincial Funds -- The peculiar situation of this Town being a Military and Naval Station and the resort of persons from every part of the Province, and of Strangers from abroad, calls for an Establishment to ensure its Peace and Security, far more extensive than would be necessary for its resident population". In particular, the Jury was concerned that the salary of the Clerk of the Police was "more than adequate to the duties performed, but being fixed by the Sessions, and held for a length of time by an old and meritorious officer, they have provided for its payment the next year." The salaries of the officers of the police establishment for 1836 were given in the estimates as: John Liddell, £ 306 13 4; D. S. Clarke, £ 300 and £ 156 for three Constables.⁹

In 1837 the Grand Jury complained again about the cost of the Police establishment, two officers receiving £ 604 3. 4. exclusive of fees "which they are convinced much reach a large sum". The two offices, they claimed, should be united and a salary far less would be commensurate with the duties. The Grand Jury expressed regret that the Legislature had not acted on creating an "annual table" fixing salaries of the police.¹⁰

Halifax was incorporated as a town in 1841. "Elaborate and judicious regulations respecting the good order of the City have been agreed to by the Common Council, and published. They include, the attendance and assistance of the City Marshall; -- the day and night attendance at the Police Office, of the Constables; -- the daily rounds and reports of the Ward Constables, and their readiness to assist in arresting rioters, drunkards, &c; -- the distinguishing of the dwellings of the Constables, their clothes, &c."¹¹

Among criminal cases in 1842, Private Hitchcock of the 76th was tried in Supreme Court, Halifax, with shooting with intent to kill Sergeant George Gingall. Bandy, alias

⁷ MacKinnon, "From Reciprocity to Confederation", p. 190.

⁸ Oxner, "Evolution of the lower court", p. 71. (Oxner is a practicing judge in the Provincial Court of Nova Scotia). By 1820, a new Court House and County gaol had been built on Spring Garden Road. On the opposite (north) side, stood the poor house and the new Bridewell, on one corner, and the poor house burial ground on the other. (Akins, *History of Halifax City*, p. 201.)

⁹ Proceedings of the Grand Jury of the County of Halifax, P. A. N. S. RG 34, 312, P. 14 (1835-1843); December Term 1835.

¹⁰ Proceedings of the Grand Jury, 17 December 1837.

¹¹ *Novascotian*, 4 November 1841.

Lewis ("a coloured man or lad") was convicted of attempting to commit highway robbery near Three Mile House. He assaulted and attempted to force a five pound note from a sailor with whom he was travelling.¹²

In less serious cases, in the Mayor's Court on Monday, a man was fined five pounds for drunkenness and disorderly conduct. Another man was fined 30 shillings for breaking windows in Barrack Street. "Several outrages of the latter description, perpetrated at night, have recently occurred; Halifax, generally, is free of such disgraces. Some of the facts connected with the crimes alluded to seem of a class which combines more of the spirit of jolly, mischief, and cowardice, than could be supposed inherent in anything called man."¹³

Meritorious or not, the roughs of Halifax, at least, gave little respect to those in authority. MacKinnon found that the City Marshall was attacked in 1855 and 1858 when he attempted to break up skirmishes, the second time, by soldiers who had never succumbed to civilian authority. In 1863, three members of the City Watch were attacked and beaten by a mob. No culprits were ever apprehended.¹⁴

In the view of the British Colonist,¹⁵ the City Watch were, with one or two exceptions, a stupid, incompetent gang, and not the description of persons at all that should be entrusted with the important duty of guarding the lives and property of citizens. Indeed one of them has been once or twice already dismissed for something worse than neglect of duty, but has managed in some way to get reinstated.

With the police being remiss in doing their civic duty, some even suggested forming a citizens' Vigilante Committee".¹⁶ The City Watch was paid \$1.00 per night at this time. It is clear that this was not their only income. MacKinnon reports that in 1860 the Mayor of Halifax recommended that all fees "aside from their regular salary" be disallowed "as their casual engagements were frequently interfering with their ordinary duties."¹⁷

There were two separate bodies of police at this time. Constables were under the supervision of the Marshal's office and patrolled the city by day, while the City (Night) Watch had authority similar to the Constables, but were not centralized under the Marshal's office. In 1862, a new Captain of the Watch was appointed along with six additional men.¹⁸ Even these numbers were inadequate. 120 special men had to be sworn

¹² *Novascotian*, 14 April 1842.

¹³ *Novascotian*, 14 April 1842.

¹⁴ Neil J. MacKinnon, "Nova Scotia From Reciprocity to Confederation: A Social Study of the Period" (Dalhousie University, M.A. Thesis, 1963), pp. 188-189. MacKinnon cites *The Novascotian*, No. 6, 1855, p. 3; *Ibid.*, No. 27, 1856, p. 3; *Ibid.*, 27 July 1863, p. 3.

¹⁵ *The Novascotian*, 26 August 1867, p. 6.

¹⁶ *The British Colonist*, 21 August 1856, p. 2; cited in MacKinnon, "From Reciprocity to Confederation", p. 190.

¹⁷ *The British Colonist*, 16 October 1860, p. 2; cited in MacKinnon, "From Reciprocity to Confederation", p. 191.

¹⁸ *The Novascotian*, 12 May 1863, p. 2; cited in MacKinnon, "From Reciprocity to Confederation", p. 191.

in to control the "Greasy Pole" riot of 1863.¹⁹

MacKinnon found that, even in the 1860s, the police had more than they could handle. Drunken brawls and street fights were especially common in the years of the American civil war when Halifax was a temporary port for blockade-runners and latter-day pirates. In the words of the Sun and Advertiser:²⁰

We have had duels, murders, and rowdyism in unusual frequency and the knife is now the fashionable appeal in every dispute, there being scarcely a week that our ears are not horrified by some tale of stabbing or act of violence.

The Novascotian complained that Halifax in 1864 had a crime rate far exceeding other years and this was attributed, according to MacKinnon, to the war to the south and the small number of police officers: sixteen men were on night watch and this force was seen by the newspaper as inadequate.²¹

The police were reorganized in 1864 by a provincial Act , which centralized control in the office of the City Marshal and ended the autonomy of the night watch. The Marshal was authorized to conscript a force of between 33 and 50 police.²² The city was divided into five divisions with six men under the control of a sergeant. The policemen earned 80 pounds per annum and the sergeants an additional five pounds per annum.²³ By 1867 the force had 40 men. From October 1864 to October 1865, MacKinnon writes, 2120 persons were charged under the "penal law...a remarkable number for a city of that size."²⁴ The Novascotian noted that law enforcement was considerably improved.²⁵

CRIMINAL LAW

In addition, the House resolved in 1816 to "take into consideration the subject of the Criminal Laws of the Province."²⁶ Under a provincial Act of 1832 (2 W. IV. Ch. 42), Commissioners were appointed to report upon reforming the Courts of Law and Equity, and for revising and consolidating the provincial laws. A Bill introduced in 1833 to repeal this original Act was defeated. The Commissioners finally reported to the House in 1834.²⁷ The fourth section of the Act establishing the Commission requested that they Report on statutes "for the punishment of Treasons, Felonies, and other Criminal offences." They

¹⁹ MacKinnon, p. 192.

²⁰ *The Sun and Advertiser*, 17 October 1864, p. 2; cited in MacKinnon.

²¹ *The Novascotian*, 14 November 1864, p. 5; cited in MacKinnon, p. 194.

²² *Statutes of Nova Scotia*, 1864, Cap. 81; cited in MacKinnon, p. 194.

²³ *The Sun and Advertiser*, 31 October 1864, p. 3; cited in MacKinnon, p. 194.

²⁴ MacKinnon, p. 195.

²⁵ *The Novascotian*, 14 November 1864, p. 5; cited in MacKinnon, p. 195.

²⁶ *Journal and Proceedings of the House of Assembly, Nova Scotia*, 10 February 1816, pp. 9-10.

²⁷ *Journals of the House of Assembly*, 1834, Appendix 59, p. 56.

reported that approximately 60 statutes "contain enactments respecting Criminal Offences", fifty of which "contain clauses designating crimes and offences, and listing their punishments." About 57 offences were made penal by these acts, and of these, twenty-five were capital. The Commissioners reported:

It appears desirable that these Statutes should be consolidated; one Act might with propriety define and limit the Crimes to which capital punishment is to be annexed. It would be proper to confine the number to Offences of an atrocious nature, as at present many of those enactments are a dead letter. The lenient administration of justice in this Province, has, for a very long time, restricted capital punishment in effect almost exclusively to cases of Murder, where the proof of guilt has been complete, and where no palliating circumstances tend to mitigate the Crime; Felonies not capital would be readily comprised in a second Act; a third would embrace minor Offences; the practices, &c. seems to require a separate Act, so that four Bills of moderate length would serve to consolidate all the provisions of the Province Laws now existing, relative to Crimes and Punishment.

Such an amendment could most easily be made by simply rearranging the existing clauses. However, the Commissioners suggested that the House might consider some amendments:

If it would be thought proper to make any material alteration in these Statutes, we would respectively suggest that the following points be considered.

1. The restricting capital punishment to certain specified offences.

2. The propriety of authorising transportation of offenders in capital cases, who receive conditional pardon, (that is enacted in New Brunswick, by Statute.)

3. The propriety of abolishing Mutilation, Branding and Pillory, and substituting other Punishment of Imprisonment, Hard Labour, &c.

4. The expediency of extending to Prisoners in all Cases the liberty of having Counsel to Address the Jury in their behalf.

5. The expediency of authorizing the Trial of ordinary Assaults and Batteries by two magistrates, instead of requiring the Grand Jury, Sessions and a Petty Jury, to interfere on an

Indictment in such Cases.²⁸

In March 1838 the Grand Jury continued their investigation of the "defects in the administration of our local affairs" and became "convinced that a few slight modifications of the present Laws will not be sufficient to satisfy the reasonable demands of the People." However, the Jury rejected "the introduction of the elective principle into our municipal institutions" and instead proposed that "a well defined system should be adopted" in which would be assigned separate offices "distinctly recognized as Officers for the County and the Town." Specifically, "[T]here should be one Chief Magistrate placed at the head of all local authorities, as President of Sessions and Custos, who shall exercise a general superintendence over them, and devote his whole time to the duties of his office". Additional magistrates should be appointed, designated either Town or County Magistrates. The Police Office should be put in charge of three Police Magistrates, one of whom would be salaried. "[T]he Chief Magistrate and two Assistants would be empowered to try all cases of Assault and Battery Petit Larceny or other minor offences, in a summary way, and to impose fines to the amount of Five Pounds", unless the prosecutor intends to pursue an indictment. Three General Sessions of the Peace would then be required, in March, July and November.²⁹

In March the Grand Jury also reported that a Bill had been prepared "for enlarging the authority of the Magistrates, in providing for vagrant children found in the streets of Halifax, to which they recommend that clauses be added, giving the Magistrates additional authority in enforcing the Laws for the better observance of the Sabbath".³⁰

ESTABLISHMENT OF BRIDEWELL

Mechanisms to catch, try, and convict offenders form parts of a total picture, which is completed by punishment. The ill-fated Workhouse had lasted less than a decade, following which prisoners were incarcerated in common gaols. By 1785, however, the reliance of the J.P.s on "lengthy periods of incarceration" in the gaols as a form of punishment had been causing difficulties. One response to this had been to hand over to the justices' greater powers of summary sentence for common property crimes.³¹

The second response was to construct a new House of Corrections for offenders. According to Kroll, Loyalist refugees and European immigration "swelled the ranks of

²⁸ *Journal of the House of Assembly*, 1834, Appendix 59, pp. 57-59. The Commissioners were: S. G. W. Archibald, James B. Uniacke, Beamish Murdoch and William Hill.

²⁹ 19 March 1838, Presentment of the Halifax Grand Jury, reprinted in *Journals of the House of Assembly*, 1838, Appendix 70, p. 158.

³⁰ 19 March 1838, Presentment of the Halifax Grand Jury, reprinted in *Journals of the House of Assembly*, 1838, Appendix 70, p. 158.

³¹ Oxner, "Evolution of the lower court", p. 64. She cites Statutes of Nova Scotia, 1774, c.6.

Halifax's criminal class." More criminals, along with a changed attitude towards the greater use of imprisonment for offenders necessitated a larger workhouse.³² "As early as 1810, the general Sessions ordered James Tremain and Rufus Fairbanks to scour the town for a 'fit and proper place to build a workhouse'. The two men reported six months later that nowhere in this over crowded town could they find such a place."³³

In 1814 a Joint Committee of Council and Assembly members was formed to enquire into the justice system. They concluded that "if a Bridewell were provided in the County of Halifax, to which offenders could be committed for correction, and the Laws already enacted were duly enforced, the Police of Halifax...may be rendered efficient in all respects".³⁴ "An Act for establishing a Bridewell or House of Correction for the County of Halifax" was passed in April 1815 and re-printed in the Royal Gazette.³⁵ The Act, which caused considerable debate in the House of Assembly,³⁶ authorized the purchase or construction of a suitable building and the appointment of a Keeper who was to be subject to the regulations of an act "for regulating and maintaining an House of Corrections or Work-House within the Town of Halifax.... [F]ines forfeitures and penalties" paid by order of the Justices were collected by the Treasury and would be used to "defray the expense and charge of executing this Act". The Justices of the Peace could commit to the Bridewell,

there to be kept, governed and punished according to the rules and orders thereof, and the provisions of the last mentioned Act...all disorderly and idle persons, and all persons who shall be found begging, or practicing any unlawful game, or pretending to fortune-telling, common drunkards, persons of lewd behaviour, vagabonds, runaways, stubborn servants, apprentices and children, and all persons who notoriously misspend their time to the neglect and prejudice of their own or their family's support...[A]ll breakers of the peace, idle or disorderly persons...Sabbath breakers...runaways, or men and women found frequenting any disorderly house or houses of ill fame....

According to Baehre: "Overcrowding at the Halifax gaol in 1818 forced the Nova Scotia government to build another Bridewell."³⁷ Kroll noted that a Grand Jury committee

³² Kroll, "Confines, Wards, and Dungeons", p. 99.

³³ Kroll, "Confines, Wards, and Dungeons", p. 99. Kroll cites: Halifax County general Sessions, July 4, 1810, Dec. 10, 1810, RG 34-312, Vol. P4, PANS.

³⁴ *Journal of the House of Assembly*, 6 March 1815, p. 42.h

³⁵ 5 April 1815.

³⁶ *Journal of the House of Assembly*, 6 March 1814.

³⁷ Rainer Baehre, "The prison in Atlantic Canada before 1880", (Ottawa: Ministry of the Solicitor General, 1985), p. 12; Baehre cites: PANS, RG 1 Vol. 381 County Papers Related to Sheriffs, Boundaries and gaols, 1808-1836.

had complained in 1816 that the existing prison "was too small for the number of criminals there, it was not only insecure, but unhealthy."³⁸ After a new Bridewell was built on land belonging to the Poor House,³⁹ Kroll noted, "imprisonment had become Halifax's chief method for punishment."⁴⁰

Kroll explains the changes as follows: During the latter part of the 18th century, a labour shortage in England helped foster the idea of workhouses as sources of cheap labour consistent with the ending of transportation. By 1820, however, with the end to the war with the French, a labour shortage turned into a labour surplus, eager for work "at any price". Hence the conflict between free and prison labour. With productive labour denied, 18th century moralists desirous of enforcing a regime of hard work, albeit unproductive work, devised the "everlasting staircase", the tread mill, "an unproductive dispiriting device, so criminals would labour for their own good, hopelessly grinding the wind, without threatening the jobs of free labour."⁴¹ "These developments", Kroll adds, "didn't reach ... Halifax ... until early in the 19th century."

The Bridewell was placed under the control of the judges of the Sessions. Although the act had authorized the building of a new Bridewell, the magistrates actually chose to re-fit the existing "old gambrel-roofed building formerly used as a poor house" and furnished it with cells.⁴² This building Akins situates at the "western end of the space known as the old poor house grounds". The building was taken down after the construction of Rockhead Prison. It was already old and in disrepair in 1815. Akins described it as a rough stone building, white-washed on the outside, and situated opposite the Court House and County gaol on the North side of Spring Garden Road (where the Public Library now stands).⁴³

In 1845 the House of Assembly reviewed the title to the land on which was situated the Work House, gaol, Poor House and Burying Ground. The situation of the workhouse was described as follows, based on a description of John Spry Morris, Surveyor General, from a copy of 12 March 1783:

"Situate, laying and being, abutted and bounded as follows:-- Southerly by the street leading from Pleasant into the Common, and there measuring two hundred feet westerly by Joel Waterman's lot, and there measuring two-hundred and

³⁸ Kroll, "Confines, Wards, and Dungeons", p. 99. Kroll cites: Grand Jury Book, April 15, 1816, RG 34-312, Vol. P8, PANS.

³⁹ Kroll, "Confines, Wards, and Dungeons", p. 99. Kroll cites: Grand Jury Book, Jan. 26, 1818, RG 34-312, Vol. P8, PANS.

⁴⁰ Kroll, "Confines, Wards, and Dungeons", p. 99.

⁴¹ Kroll, "Confines, Wards, and Dungeons", p. 101. Kroll cites: George Rusche, Otto Kercheimer, *Punishment and Social Structures* (New York, 1939), pp. 129-30.

⁴² Akins, *History of Halifax City*, p. 166.

⁴³ Akins, *History of Halifax City*, pp. 166, 201.

fifty-five feet; northerly by Freek Dilks, Hoar field, and there measuring two hundred feet; and easterly by the Burying, containing one acre and twenty rods, according to the Plan of the Town of Halifax."⁴⁴

In 1817, the Magistrates of Annapolis County also petitioned the House for money to establish a House of Correction in the County. The Lt. Governor added his support, sending a message to the House that the subject was "worthy of your favourable consideration" and recommending it highly.⁴⁵ The House subsequently voted 400 pounds for the House but added a rider that the money would not be forthcoming unless "the Justices in their Sessions shall certify that the sum of 600 [pounds] has been raised, and paid to the County Treasurer for that purpose."⁴⁶

Bridewell, 1818-1835

Kroll argues that cases of unreformed criminals in the 1820s (he draws attention to Sall Ross) led to a debate during the decade about alternative modes of punishment. People debated, he writes, how to "humanely rid our streets of crime", how to prevent criminals from returning to society from prison as "hardened villains", how to employ prison labour "Without impinging on the rights of free labour", and how to punish in a way consistent with humanity.⁴⁷ It would take twenty more years before another "conscious attempt at criminal reform was made."⁴⁸ The predominant view explained crime as the moral fault of the criminals. Unfortunately, the New World was often attracting the most degenerate specimens from Europe. Finding an even more difficult life, these undesirable immigrants quickly swelled the ranks of the pauper and criminal class. Other explanations were being mooted, however, including the complementary view that degeneracy had a physical, not only a moral, cause. The Novascotian was taking an interest in criminal matters, including the question of the cause of criminality. In 1828, a report appeared stating that:

The study of Craniology has become quite a mania in France. The Gazette de France states that the Minister of Marine, Hyde de Neuville, has become a convert to the system, and has made it the foundation of galley slaves. Mr. Apgert has been sent by the Minister to visit all the seaports, to examine and feel the heads of galley slaves, and to class them according to

⁴⁴ Appendix 66, *Journals of Assembly, N.S.*, 1845, p. 197.

⁴⁵ *Journals of the House of Assembly*, 27 February 1817, p. 34.

⁴⁶ *Journals of the House of Assembly*, 29 March 1817, p. 113.

⁴⁷ Kroll, "Confines, Wards, and Dungeons", p. 100.

⁴⁸ Kroll, "Confines, Wards, and Dungeons", p. 101.

the analogy found to exist between the bumps and protuberances found on their skulls.

Financing the Bridewell

For the first four years of its existence the Bridewell operated at a deficit. Since it housed prisoners from all over the province, the government of Nova Scotia was persuaded in 1818 to allot 300 pounds for the expenses of the Bridewell.⁴⁹ This debt, however, was presumably not caused by inefficient practices for the Nova Scotia Royal Gazette noted in 1819 the "economical and judicious manner in which [the Commissioners] have conducted the expenditures for the Gaol and Bridewell" of Halifax Town and County.⁵⁰

In the 1830-31 session of the Legislature, the House voted that £ 200 would be allocated to the Commissioners of Bridewell "to aid in paying the debts, and for the support of that Establishment."⁵¹ The House granted £ 200 for the support of the Bridewell on 6 March 1833.⁵²

The practice of providing grants was ended in 1835 when the other Counties were "instructed to look after their own criminals"⁵³ rather than send them to Halifax. Before this, however, the province was forced to bear annual costs for maintaining the prisoners.

In 1824, the House of Assembly debated a suggestion for the construction of a treadmill, a device "which has been found so salutary both in England and Jamaica." The Grand Jury of the County of Halifax made this suggestion to the House of Assembly in 1824. Their concern, given the overly great financial burden on the town and province, was that "this useful Establishment may be Continued" if a treadmill was erected. Not only would this be a "means of defraying a great part of the expense, but [would] materially lessen the progress of crime within the Province by exciting a dread on the Mind of the Convicts".⁵⁴ The petition was accompanied by a construction plan drawn up by John Epsom.⁵⁵ The Grand Jury echoed the cry, "upon the well known fact that the [present] punishment is too slight to make such an impression on the minds of the

⁴⁹ *Journals of the House of Assembly*, 16 March 1818, p. 68.

⁵⁰ *Journals of the House of Assembly*, 22 December 1819.

⁵¹ *Journals of the House of Assembly*, 1830-31, pp. 29-30.

⁵² *Journals of the House of Assembly*, 1833, p. 372.

⁵³ Archibald MacMechan, "Nova Scotia under English rule, 1713-1775", pp. 69-89 in *Canada and its Provinces*, Vol. XIII *Nova Scotia*, ed. by Adam Shortt and Arthur G. Doughty, Toronto: Glasgow, Brook and Co., 1914, p. 86.

⁵⁴ *Journals of the House of Assembly*, 22 December 1819.

⁵⁵ Saunders, "Conditions", p. 187. The proposal was put forward in a petition: Petition to House of Assembly from S. Phinney, 27 January 1824; PANS RG 5 Series P Vol. 2, No. 47. For constructing the treadmill at the Bridewell, Epsom sought one hundred fifty eight pounds, in addition to one hundred forty five pounds to construct a building to contain the mechanism.

Criminals as to prevent the Commission of similar crimes by others or to deter them from pursuing the same vicious courses, when they are again permitted to have intercourse with the world'.⁵⁶ Charles Esson offered a design for the 'stepping mill' complete with two double floors, eight windows, and two doors (see Appendix 1).⁵⁷ Kroll concludes this discussion by stating that,

By one vote, and one sane vote alone, the House of Assembly defeated a bill to finance a tread mill, and immediately after the bill's defeat, as though the House vote had cleared their conscience, the proponents of the treadmill abandoned the project.⁵⁸

The bulk of the cost burden rested on the County and the Town of Halifax. The Grand Jury recommended that the County contribute £150 pounds towards the Bridewell establishment for 1829.⁵⁹ The Grand Jury complained that the Bridewell did not always receive the sum granted in the previous year's annual Estimates, even when they were voted through the House. On the 4th of April 1832 the House of Assembly granted £ 200 for the support of the Bridewell, noting: "which sum was omitted to be granted for the year 1830".⁶⁰

In principle, the hard work of the Bridewell inmates was meant to contribute to their upkeep and maintain the prison. Payments from one government department to another, however, were often troublesome. In 1829, the Grand Jury drew the attention of the Sessions to arrears in the payments for road stones over the previous two years, and requesting that such delays not occur in the future.⁶¹

Between the founding of the Bridewell and the incorporation of Halifax in 1841, numerous editorials and newspaper articles were written which were critical of the Halifax magistrates, in particular with reference to the management of such public institutions as the gaol, the workhouse and the public cemetery. Magistrates were "given to lining their won pockets with money from bribes, fines and government business." A pamphlet published in 1820 by "Will Wilkie" caustically commented that: "The workhouse is supposed to be a place for notorious thieves and vagabonds, and if all such characters were sent there, so many of our magistrates would not be seen about the Province

⁵⁶ Kroll, "Confines, Wards, and Dungeons", p. 101. Kroll cites: Grand Jury Book, January 28, 1824, RG 34-312, Vol. P8, PANS.

⁵⁷ Kroll, "Confines, Wards, and Dungeons", p. 101. Kroll cites: Grand Jury Book, January 28, 1824, RG 34-312, Vol. P8, PANS.

⁵⁸ Kroll, "Confines, Wards, and Dungeons", p. 101. Kroll cites: Grand Jury Book, March 15, 1824, RG 34-312, Vol. P8, PANS.

⁵⁹ Proceedings of the Grand Jury of the County of Halifax, P. A. N. S. RG 34, 312, P. 13 (1828-1834); December Term 1828; Presentment to Court of Quarter Sessions.

⁶⁰ *Journals of the House of Assembly*, 1832, p. 278. Council agreed to this payment on 10 April 1832. (p. 309).

⁶¹ Proceedings of the Grand Jury, 15 December 1829.

Building and other public places." This earned the author two years for libel, after which he left the province.⁶²

Typically through the 1820s, the Grand Jury was satisfied with the way the accounts of the Bridewell were maintained. In its 1828 December submission, for example, the Grand Jury concluded that the accounts of the Bridewell had been "perfectly correct".⁶³ This satisfaction was not to last into the 1830s.

The Grand Jury was also dissatisfied with the accounts of the various public buildings. They commented that "the Treasurer pretends to keep separate accounts for each establishment". However, they concluded, it would be misleading to believe that these accounts "are in reality the cost of each establishment, as the Treasurer is often obliged by order of the Acting Commissioner, to cash a cheque drawn on account of one County Establishment from the funds of another thereby rendering the keeping of Five separate accounts entirely a matter of form, giving no true information, respecting the expenses of either, and tending only to mislead and perplex." Accordingly they directed the Treasurer to exhibit his report in a different form.⁶⁴

The primary concern of the Jury in March, 1832 was with the condition of the Poor Asylum. The main political issue, however, revolved around the position of County Treasurer. The Grand Jury had recommended a Treasurer but the Sessions had ignored their recommendation and re-appointed instead "the very person whom this body in the painful discharge of their duty could not conscientiously recommend, and whom they felt obliged therefore to point out as not being a fit and proper person to fill this office." In the view of the Grand Jury, this was in violation of 5 George III Ch. 6. The public accounts were still being kept in a "confused and defective system". The accounts were submitted to the Jury in an "irregular, piecemeal and dilatory manner" which precluded the Jury from fulfilling its duty to examine the accounts.⁶⁵

In their December presentment the Grand Jury indicated that they were reluctant to bring notice to the Sessions because of the manner former presentments had been treated; they had been met by "open opposition or mortifying indifference in quarters where from the assurance given at the commencement of their labours they were led to anticipate cordial cooperation and support." The main issue had been their "attempt to introduce a system of order and punctuality into the Public accounts" by nominating "a competent person". The issue of the accounts had been brought to the attention of the Sessions annually, yet nothing had been done, and the solution recommended in 1832 -- to nominate a competent person -- had been ignored. The accounts were still in an unsatisfactory state and the Grand Jury commented that its members

⁶² Joan Payzant, *Halifax: Cornerstone of Canada*, Windsor Publications, 1985, pp. 30-31.

⁶³ Proceedings of the Grand Jury, December Term 1828; Presentment to Court of Quarter Sessions.

⁶⁴ Proceedings of the Grand Jury, 20 December 1830.

⁶⁵ Proceedings of the Grand Jury, resolutions of the Grand Jury, December Term, 1832.

cannot pretend to say they are correct. They have had before them several persons among whom were some Members of your Worshipful Court, under whose superintendence the funds of the County are expended, and they regret that the same perplexity under which the Jury labor appears to pervade the mind of those, who from long experience ought to possess the most clear and satisfactory acquaintance with the system. Sums appear to have been expended for which no other vouchers have been submitted, than the Cheques drawn by the Acting Commissioners of Town Property upon the County Treasurer. The jury would not insinuate that these monies have not been correctly and properly laid out, but your Worshipful Court will easily perceive, that even if frauds were committed it would be impossible under such a system to detect them.⁶⁶

The Grand Jury's assessment of accounts for 1832, for example, was declared "incorrect and totally inadmissible".⁶⁷ They registered their regret that the recommendation of previous Grand Juries

that supplies for the Bridewell and other County Establishments should be contracted for has not been complied with, many articles appear to have been bought at the highest but they have failed to observe any purchased at very low rates. On the face of Account for Bridewell it would seem that there is a balance of £ 242 5. 9. due to sundry individuals when upon examination of the Commissioner it is evident he might have paid and passed to the credit of the County the sum of £ 200 lying in the Treasury since April last and which was actually withdrawn a few days after the account was closed.⁶⁸

Kroll argues that "inmates lived as well as could be expected" when prison labour was profitable, "but let the prison depend solely on government finances, and the conditions deteriorated." The Bridewell was financed by Halifax County. Kroll says that, during lean years, the burden was borne "grudgingly". "The Provincial Government contributed only one-third toward the operating costs, though more than half the prisoners came from other counties." Hence, Halifax County "let the Bridewell fall into `a

⁶⁶ Proceedings of the Grand Jury, December Term 1832.

⁶⁷ Report of the Grand Jury, 16 December 1832. P.A.N.S., RG 27, Vol. 6, File: "Penitentiary-1830's".

⁶⁸ Proceedings of the Grand Jury, December Presentment 1832.

miserable condition and totally unfit to give shelter to Human Beings'.⁶⁹

The accounting practices were still in need of reform overall, and in 1836 the Grand Jury recommended that rather than having the accounts given to the Jury in December and then there being only a few days to check their accuracy, it would be better to hand in the accounts to the new Grand Jury in January, they then having the time to attend to the accounts properly. The police establishment was again mentioned, although it was not "the only department" in which savings might be made.⁷⁰

Prisoners

During the first five years of its existence, a total of 658 commitments to the Bridewell were made. The Keeper, James Winton, compiled the records, which exist for these years. They include the names of the offenders, their ethnicity and who was responsible for committing them. Perhaps the most obvious piece of information is that the largest portion of these early committals to the Bridewell was of Irish descent. Of the 658 commitments, 228 were Irish and 195 were native to Nova Scotia (47 of these being N. S. blacks). In the following year, of the 124 commitments, 59 were Irish.⁷¹ Ino O'Brien, Keeper in 1828, expanded the records to include the date of committal, the crime committed, date of discharge and the sentence, along with notes for special cases.

In 1829, the Grand Jury indicated they "regret to notice the increase in Crime in their Province, there being at the present time confined in Bridewell, 34 Males and 10 Females -- a larger number than has been known at any former period."⁷²

One of the prisoners confined in 1831 was James Johnson, sentenced to two years hard labour and confinement for petit larceny. Johnson petitioned in 1831 for release. He proposed joining a vessel bound for the West Indies as steward and promised "for the future by sobriety and industry, to obtain a decent livelihood." The Officers and Commissioners of Bridewell recommended him for discharge, giving "a very favourable account of him" to the Governor.⁷³

In their 1833 report on the state of the Bridewell, the Commissioners noted that "owing to the defective state of the Bridewell in the town it is quite impossible to prevent the prisoners confined there from escaping without additional assistance." The Commissioners would have employed watchmen "but they are not authorized by law to incur the expense that must unavoidably accrue thereon." Instead they recommended that

⁶⁹ Kroll, "Confines, Wards, and Dungeons", p. 102. Kroll cites: Grand Jury Book, April 23, 1834, RG 34-12, Vol. P13, PANS.

⁷⁰ Proceedings of the Grand Jury, 20 December 1836.

⁷¹ "A general statement of the prisoners who have been committed into the custody of the Keeper of the County Bridewell since its establishment in 1815". P.A.N.S., RG 27, Vol. 6, File: "Penitentiaries-1820s".

⁷² Proceedings of the Grand Jury, 15 December 1829.

⁷³ Petition regarding discharge from sentence, 2 November 1831. PANS RG 7 Vol. 6 # 123.

another sentry be posted within the establishment.⁷⁴

The army provided security for the Bridewell. Four sentries were posted, inside as well as outside the gaol. However, in 1833, the imminent embarkation of the army meant that this security was to be reduced. Lt. Colonel Harris, Commanding at Halifax, wrote to the Assembly indicating that garrison duties would be heavy for the few troops remaining in Halifax and that, therefore, two sentries would be withdrawn from the workhouse on the 10th of June 1833. In Harris' view, the sentries had "hitherto been permitted as an accommodation to do the duty that, properly speaking, ought to be performed by the Civil Police of that establishment." Harris proposed that No. 3 sentry, posted inside the workhouse gate, would be re-posted outside where he could maintain communication with a sentry at the South Gate of the Artillery park. No 1 sentry would remain on guard, fronting the south.⁷⁵

This withdrawal of the military sentries was subsequently used as an explanation for further escapes. In June of 1833, four prisoners escaped. The escape of one of the "felons", Jennings, was declared "owing to a want of vigilance of the sentry stationed within the fence on the Western side" of the Bridewell. The escape of the others, Black, Crane, and Fortune was "in a great measure owing to the withdrawal of the sentries from within the walls." It was further noted that "the enclosure is insufficient for the safe custody of the prisoners". Because there was no means at their disposal to pay sentries, the further recommendation was to have the sentries restored.⁷⁶

Between 2 December 1833 and 30 November 1834, 235 commitments were made to the Bridewell. Most of these commitments were not, however, for such common crimes as larceny or assault. For 202 of these commitments, the crime was a violation of the vagrancy act. Basically, then, the institution was a common gaol for the underclass. Although generally the sentence served by these vagrants was short, from three days to two weeks, longer sentences up to four months occurred in some cases. The longest sentences, of five years, were handed out to Richard Kelly and later to John Richardson for burglary. Richardson, a Nova Scotian black, had initially been sentenced to three years. The longer sentence was imposed after he was re-captured following his escape from Fort Mercy on 9th September while digging a grave. Other prisoners were committed for such crimes as larceny, drunkenness, grand larceny, and attempted rape. In addition, on the 2nd of January 1834, eight Irishmen and one Nova Scotian were sentenced to terms ranging from two to four years for "riot and assault" connected with New Year's celebrations.⁷⁷

⁷⁴ [PANS RG 1 Vol. 413 Doc. 17; the report appears to be signed by John Morris, Sheriff Roach and Shannon].

⁷⁵Letter from Provincial Secretary to Commissioners of Bridewell, containing extracts from a letter from Lt. Col. Harris, 30 May 1833. PANS RG 7 Vol. 7 # 29.

⁷⁶PANS RG 7 Vol. 7 # 40.

⁷⁷ "List of prisoners committed to County Bridewell, 2 December 1833-30 November 1834". P.A.N.S. RG 27,

The March 14, 1836 the Keeper's Weekly Return (see Appendix 2), which was reprinted in the Journals of the House of Assembly, indicated that 21 prisoners were presently under sentence (8 from the Supreme Court, and 13 from Quarter Sessions, three of whom had recently been committed (John McDonald, Mary Ann Stewart and William Sheldon). In addition, the Bridewell contained 10 men and 2 women held under the Vagrants Act, all of whom were also named, with Mary Parker and Michael Nowlan being newly committed. One of the vagrants, Patrick Fagen, had run away on March the 12th. None of the inmates was reported as being sick.⁷⁸

Discipline and Punishment

As Bahere indicated, imprisonment was becoming "a more dominant mode of punishment. In the new Bridewell, he said, solitary confinement was used to control unruly prisoners. Under the new regime the gaol officers forced inmates to work on roads, cut stone, and learn skills, habits of industry, and religion."⁷⁹ In a petition in 1823, Kroll notes, the Halifax magistrates claim "that their local government had built the new Bridewell 'to mitigate the old form of punishment'."⁸⁰ Criminals were set to labour "cutting granite in the gaol yard or laying new road bed along the public highways.... "Town magistrates allowed tradesmen sentenced to the Bridewell to ply their trade in the gaol yard, as well, they permitted others to apprentice themselves to learn a trade before release.⁸¹...Religious instruction was also granted the criminal which 'frequently has been attended with more salutary effects than the most severe punishment'. "⁸²

Aikins reported that by 1820, although the "practice of publicly whipping thieves had almost altogether gone out of fashion", it was still "occasionally resorted to at the work house" where it was administered by "Constable" Hawkins who was described by Akins as one of the "town oddities". Akins also provided a description of "Major" Ben, an "idiot" and another "curiosity" who bought supplies daily at the market for the Poor House and the Bridewell.⁸³

Vol. 6, File: "Penitentiary-1830's".

⁷⁸ *Journals of the House of Assembly*, 1836, Appendix 75, p. 149.

⁷⁹ Baehre, "The Prison in Atlantic Canada", p. 12.

⁸⁰ Kroll, "Confines, Wards, and Dungeons", p. 99. Kroll cites: Manuscript Documents, Feb. 28, 1823, magistrates Petitions, No. 108, RG 1, Vol. 411, PANS.

⁸¹ Kroll, "Confines, Wards, and Dungeons", p. 99. Kroll cites: Manuscript Documents, Feb. 28, 1823, Magistrates Pétitions, No. 108, RG 1 Vol. 411, PANS.

⁸² Kroll, "Confines, Wards, and Dungeons", p. 99. Kroll cites: Grand Jury Book, March 15, 1824, RG 34-312, Vol. P8, PANS.

⁸³ Akins, *History of Halifax City*, p. 207. Hawkins arrived in Halifax in 1814 on a British man-of-war. Many black slaves had escaped and sought refuge when the British captured Washington that year. As described by Akins, Hawkins "had been for years employed at the workhouse to do the whipping. He was usually dressed in an old military green uniform, epaulets, plumed cap, with red sash, and on state occasion, a

Part of the hard labour forced upon the able-bodied inmates of the Bridewell was breaking stones for road work. The broken stones were sent to the Commissioners of Roads, for which the Bridewell accounts charged a sum of money.⁸⁴ By the 1820s, Baehre reported, the Bridewell was being criticized for failing to reform inmates and "critics ... recommended a return to traditional forms of public punishment" which would be more of a deterrent.⁸⁵ Kroll raises the question whether surplus Irish and European immigration "compelled social critics to find fault with the new penal system...but fault they did find. They argued against criminals labouring for the commonweal, impugning imprisonment as a punishment too light and ineffective, 'it has rather been considered a Refuge for the idle and destitute...'⁸⁶ Critics demanded a return to the 'old form of punishment', having forgotten that it was as ineffective as the new. In 1823, the Grand Jury stated:

that mode now adopted of punishing criminals by commitment to Bridewell, has not had the desired effect of preventing the occurrence of similar crime by the same individuals -- And are of opinion, that corporal punishment if publicly inflicted would do more to prevent the object in view.⁸⁷

According to Joseph Howe,⁸⁸ the Keeper of the Bridewell was "a brute" who "reigned over the place with" abandoned profligacy and harsh cruelty. When Howe's father had visited the Bridewell, on one occasion

he discovered a poor creature with a spiked dog-collar around his bare neck, placed there for some petty offence; and on another morning he found that a woman had been kept in the stocks all night in the open yard, because she would not

sword. With constable's staff in hand, this worthy might be seen in the morning at the opening of the police office, escorting prisoners down George Street to the office for examination, accompanied by a mob of boys. Among the other curiosities in the town was old Ben Myers, usually known as Major Ben. This old fellow, an idiot, was dressed in a long tailored red coat of a fashion then long obsolete, a cocked hat and long white feathers hanging over his shoulder, and on particular occasion, a star on his breast and a sword and sash. He was the messenger of the poor house and Bridewell and came down to the market every morning with his wheelbarrow in which he brought back supplies for the establishments." (p. 207).

⁸⁴ Proceedings of the Grand Jury of the County of Halifax, P. A. N. S. RG 34, 312, P. 13 (1828-1834); 15 December 1829.

⁸⁵ Baehre, p. 13.

⁸⁶ Kroll, "Confines, Wards, and Dungeons", p. 99. Kroll cites: Grand Jury Book, March 15, 1824, RG 34-312, Vol. P8, PANS.

⁸⁷ Kroll, "Confines, Wards, and Dungeons", pp. 99-100. Kroll cites: Grand Jury Book, Dec. 15, 1823, RG 34-312, Vol. P8, PANS.

⁸⁸ J. A. Chisholm, *The Speeches and Public Letters of Joseph Howe*, new ed., Halifax: Chronicle Publishing Co., Vol. 1, p. 47; cited in Saunders, p. 183.

submit to the brutal embraces of the keeper.⁸⁹

Conditions in the Bridewell

Baehre describes the Bridewell as "a general house of confinement for criminals, delinquents, debtors, and other social problem types." There was no attempt to classify inmates according to their needs, all types were still indiscriminately locked up together. "gaol conditions were miserable", Baehre states. "The building was often cold, damp, and unhealthy. Prisoners slept on straw; the quality of clothing, blankets, and food depended on the prisoner's ability to pay. The poorest inmates were sustained on a diet of molasses and tea. The gaol keeper supplemented his meagre income by selling liquor to the prisoners. Visitors were given easy access to prisoners. The treatment of the latter was often arbitrary, sometimes brutal."⁹⁰

The Bridewell and other public institutions were inspected regularly, in association with the various sittings of the Sessions courts. In addition to inspecting the accounts, the magistrates looked into the conditions of the Bridewell building, which they noted was 'old and inconvenient', and the state of the prisoners. In March 1828, the Grand Jury for the County of Halifax visited the Bridewell (as well as the Poor House and the County gaol). They reported that, "These establishments were severally found to be clean and comfortable and in complete order and reflect much credit on those to whom their management is entrusted." The Wood House that had been constructed in the yard of the Bridewell was in need of repairs.⁹¹ They concluded, from their December visit, that:

The Bridewell is also kept in a great state of cleanliness, indeed more so than could be expected in so old and inconvenient a building; and if funds could be raised for the erection of a new one, it would be in the opinion of the Jury a most judicious expenditure. The check to crime afforded by this Establishment forces itself in the mind of the Jury as of great importance to the comfort of the community.⁹²

The Bridewell was, again, in "a state of perfect cleanliness and order" when the

⁸⁹ Oxner, "Evolution of the lower courts", p. 67. She cites, for example, the fictional work T. C. Haliburton, *Sam Slick, the Clock Maker*, Halifax, 1836, p. 14. Justice was not always in the open. Akins reports that all "special matters were discussed and settled" during a "private meeting of Magistrates in the back office in conjunction with the Clerk of the Peace". Criminal charges of a "delicate nature", for example, when "private character was likely to be affected", were investigated behind closed doors without information being made public "until found necessary for the ends of justice". *History of Halifax City*, p. 97.

⁹⁰ Baehre, "The Prison in Atlantic Canada", p. 13.

⁹¹ Proceedings of the Grand Jury, 11 March 1828.

⁹² Proceedings of the Grand Jury, December Term 1828; Presentment to Court of Quarter Sessions.

Grand Jury visited it in January 1829.⁹³ The Jury indicated "their approbation of the manner in which the Establishment is also conducted, highly Creditable to the Commissioners and especially to the Matron Mrs. O'Brien to whom much praise is justly due for the services performed by her."⁹⁴ These sentiments were reiterated in 1830. In its final presentment to the Sessions, the Grand Jury again remarked on their "entire satisfaction with the cleanliness and general good order" in the Bridewell, reflecting "great credit on all employed in [its] management."⁹⁵

The Grand Jury sought to maintain the old building with minimal repairs. In July, a committee of the Grand Jury examined the roof of the County Bridewell, and found that "the roof of the whole building will require to be new shingled and also new boards put on several places of the roof and also in the roof of the windows." Richardson and Hickman, carpenters, were engaged to estimate the cost of the repairs, which they reported to be £40, done "in a workmanlike manner".⁹⁶ The Jury subsequently visited the Bridewell on the 24th of July, and a few days later, the Jury resolved to communicate with the Court respecting these repairs.⁹⁷ In October, however, following their visit, the Grand Jury still commented on "the leaky situation" in the Bridewell. Accordingly, they resolved "to say to ... Sessions & to the Commissioner of Bridewell, that the Grand Jury will provide the funds necessary for making the temporary repairs upon the Roof of Bridewell so as to render the building comfortable for the Winter, and that the same be done with as little expense as possible."⁹⁸ In their estimates, the Grand Jury listed £30 for repair of the Bridewell along with the annual £150 for Bridewell expenses.⁹⁹

More repairs were needed the following year. Following their June 1830 visit, the Grand Jury indicated that they "found several repairs highly necessary", including replacing the platform around the pump which was in a state of decay, as well as a "flue in one of the chimneys [which] was represented as very dangerous". There was also "great complaint made respecting a drain that runs through the Establishment which appears to the Grand Jury to be liable to create distempers";¹⁰⁰ it was "dangerous to the health of the prisoners."¹⁰¹ As had been the case with the repairs noted for the gaol, the Grand Jury appointed a committee in October to see whether the repairs had been carried out and, if not, to request the Sessions to attend to them on the strength of a plan to add them to the

⁹³ Proceedings of the Grand Jury, 24 January 1829.

⁹⁴ Proceedings of the Grand Jury, 15 December 1829.

⁹⁵ Proceedings of the Grand Jury, 21 December 1830.

⁹⁶ Proceedings of the Grand Jury, 17 July 1829.

⁹⁷ Proceedings of the Grand Jury, 27 July 1829.

⁹⁸ Proceedings of the Grand Jury, 23 October; 27 October 1829.

⁹⁹ Proceedings of the Grand Jury, 15 December 1829.

¹⁰⁰ Proceedings of the Grand Jury, 14 June 1830.

¹⁰¹ Proceedings of the Grand Jury, 21 December 1830.

county assessment in 1831.¹⁰² In addition to the usual recommendation of £150 for the maintenance of the Bridewell for 1831, the Grand Jury included in their estimates £ 50 "for cleaning Drain and other repairs".¹⁰³

Matron O'Brien complained, in 1834, that that the building was still "very leaky" and added that the prisoners required "Beds and Bedclothes."¹⁰⁴ According to the visiting Committee, they "found the building leaky, and the bedding insufficient."¹⁰⁵ In their estimates for 1835, the Grand Jury included a sum of £ 20 for blankets, etc., for the Bridewell.¹⁰⁶

Along with the usual £ 150 for the maintenance of the Bridewell for 1832, the Grand Jury, in their final presentment to the Sessions in December 1831 added a further £ 25 "towards making a drain" for the Bridewell. In the provincial Estimates of the previous year, 50 pounds had been allotted to the repair of the drain. This sum, however, had "been otherwise appropriated in consequence of the Funds of that Establishment having been inadequate to the demands upon it." The Grand Jury "the absolute necessity of a drain, the place being in its present state a public nuisance," and added a request for a further sum of twenty-five pounds which, when added to the requested Fifty pounds, would "be sufficient for the purpose."¹⁰⁷

Although the law required three commissioners, the Grand Jury was surprised to learn that the institution was being managed by a single commissioner. While they politely observed "they do not in the least degree mean to insinuate that the present Commissioner is not competent to perform this duty, yet they think it could be much more satisfactory both to himself and the Public were the Law in this respect more fully complied with. The Grand Jury would also suggest the Propriety of a new Commissioner being appointed in the place of the one to retire annually."¹⁰⁸

In 1832, Henry Lockyer was elected Foreman of the Grand Jury, which included as one of its member Joseph Howe. The Jury visited the Bridewell in March and were unanimously of the opinion that "immediate steps should be taken for putting in a more efficient state the Privies and Drains". The privies were found to be very seriously affected and it was desirable to remove them to a greater distance; "the Drains also require an early attention".

In March, 1832, the Grand Jury visited the Bridewell and other institutions without giving any prior notice of their visit, because they were "desirous of seeing the ordinary arrangements and state of these establishments". It was, therefore, with "increased

¹⁰² Proceedings of the Grand Jury, 22 October 1830.

¹⁰³ Proceedings of the Grand Jury, 21 December 1830.

¹⁰⁴ Proceedings of the Grand Jury, 11 December 1834.

¹⁰⁵ Howe, 1858, pp. 41-44.

¹⁰⁶ Proceedings of the Grand Jury, 16 December 1834.

¹⁰⁷ *Journal of the House of Assembly*, 1832, p. 278. Council agreed to this payment on 10 April 1832. (p. 309).

¹⁰⁸ *Journal of the House of Assembly*, 1832, p. 278. Council agreed to this payment on 10 April 1832. (p. 309).

satisfaction" that they recorded "the order and cleanliness prevailing generally throughout all, and the pains manifested to promote as far as circumstances permitted the health and comfort of the unfortunate inmates of the Asylum and the proper treatment of those confined in the Workhouse and gaol."¹⁰⁹ They noted that the orderliness of these establishments (the Bridewell, gaol, and Poor House) was due to those who were charged with their "care and management".

The Roach Affair

In December 1833, "O'Brien, the Keeper of the Bridewell, was called in who being questioned upon his account, handed in to the Jury, stated that the principal articles therein charged, were bought by Mr. Roach the Commissioner for Bridewell, and that the account rendered by him, was dictated by Mr. Roach. The Flour supplied by Mr. Roach was not of good quality, and appeared to be mixed up of different grades." It was decided that the Memorial which was written to the Governor on 4 November, and the Presentment to the Sessions on the same date would be published in the *NovaScotian*.¹¹⁰

The Jury elaborated on this issue in its presentment for the December Term, 1834, stating that, "in the course of examination of public accounts, they had occasion to call upon Mr. Roderick O'Brien, the Keeper of the Bridewell for an explanation of this account amounting to £ 53 19 appearing to be paid by W. H. Roach Esq. the acting Commissioner." O'Brien claimed "that he knew nothing of the amount beyond the sum of £ 7 0 0 expended by himself," and said that the account "was drawn up by him under the direction of W. H. Roach". The Grand Jury decided to hand to the Court both O'Brien's account and Roach's memorandum, "and to request that Mr. Roach furnish the Grand Jury with vouchers for the supplies of the Flour and other articles as expenses thereon."¹¹¹

On the 11th of December, Mrs. O'Brien the matron of the Establishment reported to the House Committee appointed to Visit Bridewell "that she had frequently found the flour branded J. F. to be mixed up of different qualities, and sometimes with Indian Meal, and the only case in which she weighed a Barrel, it was discovered to be 16 oz. short." The flour was regularly measured by John Cavel, a Prisoner, who had been ordered by Mr. Roach to weigh the flour.

Mrs. O'Brien raised other charges against Roach. The Acting Commissioner had employed John Gilmore, a prisoner and shoemaker, to "Boots and Shoes for Mr. Roach's Family and also for Capt. Coffin." Another prisoner, D. Heffernan, had also been "employed for the last 3 or 4 months for Mr. Roach exclusively." His labour resulted in "a

¹⁰⁹ Proceedings of the Grand Jury, 12 March 1832.

¹¹⁰ Proceedings of the Grand Jury, 8 December 1834.

¹¹¹ Proceedings of the Grand Jury, 9 December 1834; Presentment to Court of Quarter Sessions, December Term 1834.

bathing machine and Buckets for Mr. Roach" but the expenses were charged in Roach's Bridewell accounts "made up by said Heffernan". Roach also employed Bridewell staff for his own business. According to the matron, O'Brien, "P. Walsh employed as an Underkeeper at Twenty Five Pounds per Annum pays no respect to the Keeper, goes in and out when he pleases, was absent yesterday until evening."¹¹² When he returned, Walsh informed the Keeper that he had been employed the whole day inspecting 190 barrels of flour on Black's Wharf for Mr. Roach.¹¹³

These charges were central to Howe's indictment of the establishment and, by implication, of the corruption existing in the administration of government. The building usually occupied as a woodhouse, in the yard of the Bridewell was "used by Mr. W. H. Roach, the acting commissioner, as a stable for his horse, and the wood piled out in the yard." Superfine barrels of flour were underweight and composed of different grades, including corn meal. Roach employed John Cain, a prisoner, for odd jobs; D. Heffernan made some birdcages, a bathing machine and buckets for Roach.¹¹⁴ Howe added: "I might entertain you for hours with instances of such petty peculation. This great man [Roach] had his vegetables in one of the cells; another held his celery packed in earth."

It is a curious fact that since this inspector of flour became commissioner for Bridewell, the prisoners have been supplied with no potatoes; they have been fed entirely on bread. I am at a loss to discover any reason for this, except by supposing that there may be some unfortunate Irishman in the place, and that it was intended as a part of the punishment of poor Pat, to give him no potatoes. This is the only reason I can give, but some of the jury may imagine others for this exclusive consumption of flour.¹¹⁵

On the 12th, the Jury proceeded to discuss "the queries posed by H. M. Council regarding the state of public affairs". While Mr. Liddell, Mr Clark, the late Clerk of the Peace and Mr. John Jennings appeared before the Jury in December 1834, it appeared "from their answers that they were prohibited by the Custos, from giving the Jury, the information required. Accordingly, the Jury ceased their proceedings and made a presentment including a copy of the Bridewell Committee's report to the Committee of the Council, with a request that the Committee of Council meet with the Jury. With respect to the report of the Bridewell committee, the following item had been omitted from the report: "The Building usually occupied as a Wood House was used by Mr. Roach, as a stable for his horse, and the wood exposed in the Yard -- and that the quantity of Flour

¹¹² Proceedings of the Grand Jury, 11 December 1834.

¹¹³ Proceedings of the Grand Jury, 13 December 1834.

¹¹⁴ Howe, 1858, pp. 41-44.

¹¹⁵ Howe, 1858, p. 45.

inspected by Walsh on Wednesday [10 December], was 190 Barrels.¹¹⁶

The Grand Jury proceeded to make several enquires, as suggested by H. M. Council. An "application was made to D. S. Clarke Esq. the late Clerk of the Peace for the Book of records, kept by him when he acted as Clerk, and to Mr. John Jennings the Collector of Town and County rates, for a schedule of receipts and payments in taxes for the present year, in both which cases the Jury have been informed, they must be withheld by order of the Custos." The Jury made it clear that there was abundant evidence to prove the need for a change in the system of government, as proposed to the Lieutenant Governor, "which will give the people greater control over their own funds and those entrusted with the management of them. The difficulty, and abuses existing are apparent to all classes of the community, the Grand Jury cannot point out who among the Magistrates are in fault", but recommended to the Council that they be called upon for account. The Jury did not conceive it to be their purpose "to become accusers of particular persons, and substantiate charges against them".¹¹⁷

On the following day, the Grand Jury resolved that they would report to the Sessions on the accounts of the Bridewell and also "a support of the charges preferred against W. H. Roach Esq. the acting Commissioner." The accounts submitted by Roach were "unaccompanied by any vouchers for the several supplies contained therein"; consequently, the Jury declined "taking any notice of the same, and they therefore leave it to the Worshipful Court to adopt such measures as they may think proper." The Grand Jury therefore handed back to the Sessions "the whole of the Bridewell accounts" along with "the accompanying report of their Committee appointed to visit the Bridewell", which reiterated the charges against Roach outlined above.¹¹⁸

The Bridewell was under the control of the Halifax Magistrates, a body which came in for sustained criticism in the press, especially in the Novascotian under the editorship of Joseph Howe. The Magistrates held their commission from the crown and were independent of popular control. The result was that: "Neglect, mismanagement and corruption, were perceptible everywhere."¹¹⁹ Charged with criminal libel, Howe defended himself and the principle of freedom of the press in a 6-hour speech during his trial in Province House. He cited the report of the Grand Jury Committee as evidence of mismanagement by the Magistrates.

Their final Presentment again called attention to the impossibility of favourably

¹¹⁶ Proceedings of the Grand Jury, 12 December 1834.

¹¹⁷ Proceedings of the Grand Jury, 12 December 1834. Another source of evil noted by the Jury was the "approximity" of the Commissioner's Court and the Police Court, and concluded that the two should be "held separate and entirely distinct". The Commissioners should be removed from and not connected with the Police Establishment.

¹¹⁸ Proceedings of the Grand Jury, 13 December 1834.

¹¹⁹ *The Speeches and Public Letters of the Hon. Joseph Howe*, Edited by William Annand, Boston: John P. Jewett, 1858, p. 11.

reporting on the Bridewell account and the interference of the Custos Rotulorum in preventing the Grand Jury from receiving the records of expenditure it sought. In these circumstances, the Grand Jury agreed to provide for the accounts "said to be due" or and "also allowed liberal estimates for the year ensuing" so that sufficient funds may be provided to meet the necessary expenditures "and to liquidate the claims against the County altho' they are by no means satisfied with the correctness of the statements in which many of those claims are embodied." Convinced, along with their predecessors, in the need for a better system, and following "many years experience having proved the utter inutility of pursuing the beaten track, or remonstrances and complaints to the Worshipful Court, The Grand Jury have deemed it their duty to address His Excellency the Lieutenant Governor on the subject, hoping that by his authority and influence a better system, and a better administration of our municipal affairs will be adopted." The Grand Jury complained of the haphazard collection of rates and taxes, the execrable state that the credit of the County was in, and that "the public establishments are made matters of private convenience and emolument".¹²⁰

For their part, the Magistrates in Halifax were petitioning that the institution be supported at the expense of the Province.¹²¹ On 29 March 1834, the House voted a sum of £ 200 for the support of the Bridewell.¹²² The House also considered the memorial from the Magistrates of Halifax "praying the Bridewell ... may be supported at the expense of the Province." This matter, however, was deferred until the next session following a motion by Young.¹²³

The Grand Jury concluded in March that the Bridewell was in need of some repairs and the condition of the building was referred to the gaol Committee.¹²⁴ In that month the Jury concluded "that it is necessary that provision be made for a Clerk to the Commissioners of Bridewell", and that £ 15 be appropriated for that service. The Jury recommended Robert Phelan in the capacity of clerk.¹²⁵

The main issue exercising the Grand Jury in May was the issue of fines which were to be levied by the Supreme Court but "which the Grand Jury cannot find have been appropriated as by law directed". Accordingly the Jury requested a return of all "fines, penalties and forfeitures respectively levied ... since the 1st January 1830, and the specific purposes to which the same have been appropriated."¹²⁶ On the other hand, upon reviewing the books and accounts of the Police Office, the Grand Jury commended "the

¹²⁰ Proceedings of the Grand Jury, 16 December 1834.

¹²¹ *Journal of the House of Assembly*, 24 March 1834, p. 629; See Petition No. 65, January-April 1834 Session.

¹²² *Journal of the House of Assembly*, 1834, p. 637.

¹²³ *Journal of the House of Assembly*, 1834. Considered on 24 March 1834 (p. 629); deferred on 9 April 1834 (p. 673).

¹²⁴ Proceedings of the Grand Jury, 17 March 1835.

¹²⁵ Proceedings of the Grand Jury, 17 March 1835.

¹²⁶ To the Supreme Court Easter Term 1835, Proceedings of the Grand Jury, 5 May 1835.

judicious arrangements already made, and those contemplated by the ... Court" which would, "if persevered in have the effect of improving the Municipal affairs of the Town and contribute to the peace and security of the inhabitants."¹²⁷

In December 1835 the Jury found the accounts of the Bridewell for 1835 "correctly stated and duly vouched". Finally, the Grand Jury commended the Custos for "his upright and able conduct in his judicial capacity", for his assistance in furnishing the necessary accounts, and noted improvements made in the system of stating and vouching expenses.¹²⁸

As Kroll described them, conditions in the Bridewell also supported the closure of the building: "Holes in the roof admitted rain and snow. prisoners "suffered `from want of clothing, some having no stockings, others only one, others without a jacket to protect them...' and at night they had `a few ragged blankets barely averaging one to each individual and those swarming with vermin to a degree beyond belief'.¹²⁹ Human waste in the lower cells made a stench which "staggered a Grand Jury committee, and had it not been for lavender scented handkerchiefs would have halted their investigation then and there."¹³⁰

Campaign to Close the Bridewell

These improvements to the accounts were too little and too late. On 11 September, 1835 the Grand the Jury requested support for the Bridewell to the end of the year. The main part of the Jury presentment to the magistrates at Sessions, however, expressed their "feeling ... against continuing this Establishment after" December. The Jury recommended "that the Magistrates apply to the Legislature to repeal the Law allowing criminal offenders to be sent from all parts of the Province, and for a Law consolidating the Bridewell and gaol." The Jury resolved that a committee be struck (Mr. Hunter and Mr. See) to meet with a committee of Magistrates "upon the subject of the Bridewell Establishment" with these recommendations.¹³¹

The Committee met with the magistrates concerning the Bridewell, reported on the September 14th, and a further committee was struck to draw up a presentment to the House of Assembly (Hunter, Belcher and Richardson).¹³² The presentment indicated that:

" the Establishment should be abolished, as it does not appear to have answered the purpose for which it was instituted,

¹²⁷ Proceedings of the Grand Jury, 16 June 1835.

¹²⁸ Proceedings of the Grand Jury, December Term 1835.

¹²⁹ Kroll, "Confines, Wards and Dungeons", p. 102. Kroll cites: Grand Jury Book, Sept. 11, 1835; January 14, 1837, RG 34-312 Vol. P13, PANS.

¹³⁰ Kroll, "Confines, Wards, and Dungeons", p. 102.

¹³¹ Proceedings of the Grand Jury, 11 September 1835.

¹³² Proceedings of the Grand Jury, 14 September 1835.

being a heavy expense on the Town, and if continued will have to undergo repairs that will amount to a very considerable sum. The Grand Jury will at their meeting in December vote such a sum as will pay off the demand at present existing, and for its support to the 31st December only, and would recommend the strictest economy in the expenses of the Establishment. The Grand Jury regret to find that the Criminals are not employed sufficiently to make their imprisonment a punishment, they recommend that the prisoners be employed on the Highways, or some other Public work where the Town may derive some benefit for the expense of maintaining them, and the purpose for which they were imprisoned answered."¹³³

The Grand Jury requested that the Court "apply to the Legislature at their next Session for a law abolishing the present Bridewell Establishment and consolidating it with the gaol, thereby making a considerable saving to the Town, much required in its present impoverished state."¹³⁴ In their Presentment of September, 1835, the Jury expressed to the House "their opinion that that Establishment should be abolished, being a heavy burthen on the County - with a building scarcely habitable from decay, and possessing no Regulation, whereby the Labour of Criminals is made available to their support".¹³⁵

In December, the Grand Jury voted £ 221 11. 6. to pay sundry accounts against the Bridewell Establishment, as well as a further £ 100 to the Bridewell Commissioners, "for the support of that Establishment until the present Act is repealed." The Grand Jury estimated that the assessment for 1836 would have to raise "the very large amount of" £ 3362 15. 11 and added that the Jury "lament that at this period when so large a proportion of the Provincial Revenue is collected in this Town, it should become necessary to burthen the District with increased taxation. In 1835, about £ 640 which was assessed could not be collected because of "the unproductive state of portions of the Town property". In addition, reviewing the assessments for 1832, 1833 and 1834, the Jury came to the conclusion that much of the "very considerable amount of Taxes still uncollected ... would have been recovered, had the Constables, to whom the writs of Execution were entrusted, used more diligence"¹³⁶

The Bridewell was not closed. The House of Assembly continued its practice of making an annual grant to the Bridewell Establishment, voting £ 200 in 1834¹³⁷ and again

¹³³ Proceedings of the Grand Jury, 15 September 1835.

¹³⁴ Proceedings of the Grand Jury, 15 September 1835.

¹³⁵ *Journal of the House of Assembly*, 1836, Appendix 75, p. 149.

¹³⁶ Proceedings of the Grand Jury, December Term 1835.

¹³⁷ *Journal of the House of Assembly*, 1834-35, p. 819.

in 1835.¹³⁸ In 1836, the sum was raised to 300 pounds.¹³⁹

The Idea of a Provincial Penitentiary

In January of 1836, the Jury visited the Bridewell to ascertain the condition of the premises and the prisoners confined, claiming that the building was "in the best condition of cleanliness, and good order, with few Criminals". Thomas Tobin, James Tidmarsh and John Morris were constituted a committee "to confer with the Magistrates upon the subject of the Support of the Bridewell, and to urge the subject being brought under the notice of the Legislature agreeably to the recommendations of the late Grand Jury."¹⁴⁰ On the 11th of January the Committee met with the Magistrates who agreed to confer with the Grand Jury on the matter of the Bridewell. A few days later, Martin Black (Foreman) and Robert Noble were added to the Committee. They reported that a petition should be drawn up on the subject of the Bridewell and submitted first to the Grand Jury as a whole and, if approved, then the magistrates would cooperate "in endeavouring to obtain the passage of such Bill".¹⁴¹

In March, the Solicitor General appeared before the Jury and informed them "that he would be prepared with a Bill relative to the Bridewell Establishment on Monday next". Subsequent to this visit, the Jury reiterated "the inexpediency of continuing the Establishment of Bridewell, as it at present exists" at the expense of the County, but reconsidered its plan to commit prisoners to the common gaol rather than the Bridewell. Instead, they began to argue for a new establishment paid for from provincial revenues. The Jury resolved "that provision should be made for" an institution "of a more suitable and efficient character, as the gaol does not appear to be the Proper Place for prisoners of every description before and after sentence or of a size and plan to give fit & safe accommodation to all unless the number happens as at present to be small."

That the Building now used as a Bridewell is old and out of repair, and wholly unfit for the purpose of a Penitentiary or Prison for the correction and improvement of Criminals, and the system in which it is at present conducted, (if system it can be called,) is neither calculated to prevent or punish Crime, and still less to reform offenders, as the prisoners not being kept at labour pass a great part of their time in idleness or it may be the most abandoned employing

¹³⁸ *Journal of the House of Assembly*, 29 March 1834, p. 624; 29 January 1835, p. 820.

¹³⁹ *Journal of the House of Assembly*, 25 March 1836, p. 1059.

¹⁴⁰ Proceedings of the Grand Jury, 6 January 1836. In 1836 the Foreman was Martin Black; other members included Andrew McKinlay, James Tremain and Michael Tobin.

¹⁴¹ Proceedings of the Grand Jury, 11 January 1836; 15 January 1836.

themselves in further corrupting the life hardened in inequity.

That in the opinion of the Jury, it is highly desirable and necessary to establish a Provincial Penitentiary or Prison for the reception of Convicts or some plan whereby amendment to the Prisoners may be combined with their punishment and evil doers deterred from offences or punished and if possible reformed.

That to accomplish this the Jury would recommend a system of discipline and severe management and enforcing a steady and judicious employment of the Prisoners in silence and in separate cells or separated from such others, unless when at work or at meals, at all times strictly prohibited from speaking together.

The Jury provided the Solicitor General with a copy of their resolution "for his information in drafting the proposed Bridewell Bill".¹⁴²

Three days later, the Jury noted that the Solicitor General had submitted a draft of a Bill on the subject of the Bridewell, which "met the full concurrence and approval of the Jury." It may be proper to add that the Grand Jury, coincide in the opinion of their predecessors in office, as to the inexpediency of further continuing the present insufficient Establishment at the expense of the County.¹⁴³ The Bill was then submitted to the Crown lawyers.¹⁴⁴

The Grand Jury put muscle behind their recommendation to close the existing Bridewell by resisting the commitment of further funds. A letter from J. Albro, the Chairman of the Committee for the Management of Bridewell, dated 15 March 1836, made it clear that the establishment was without funds: "all the Monies appropriated for the support of Bridewell, is expended, and that there is not sufficient provision remaining on hand to last the Prisoners one week, nor can any be obtained on credit, unless some responsible person becomes security for the payment".¹⁴⁵

W. Q Sawers reported to the House that "the Grand Jury were requested to reconsider the matter, and among other things, it was suggested by the Sessions, that a small sum might be voted or pledged for present aid, until it should be known what the House had done." After discussing among themselves, they presented "The last Communication of Grand Jury on the Subject of Bridewell". "[R]elative to the Want of

¹⁴² Proceedings of the Grand Jury, 12 March 1836. Kroll notes that the Grand Jury "called for a provincial prison that punished and reformed, one that separated prisoners into individual cells, and spared first offenders from the corrupting influence of hardened convicts." Kroll, "Confines, Wards, and Dungeons", p. 103.

¹⁴³ Proceedings of the Grand Jury, 15 March 1836.

¹⁴⁴ *Journal of the House of Assembly*, 1836, Appendix 75, p. 149.

¹⁴⁵ *Journal of the House of Assembly*, 1836, Appendix 75, p. 149.

Funds to support Criminals in Bridewell, the Jury ... adhere to the views entertained by their Predecessors and themselves, as communicated through their several Presentments."¹⁴⁶

Accordingly, in December 1836 the Jury did not provide for a grant for the Bridewell in its Estimates for 1837. Even so, the grand total of £3956 6s 10p exceeded the amount assessed in 1836, and included £ 762 13. 4. for the Police Establishment (including £306 for Liddell). The expenses for 1837 were inflated because of the necessity of repairing the Public Slip, and for erecting a "spacious and convenient Building for the Fire Engines and Fire Department."¹⁴⁷

The Glenelg Report, 1836

These criticisms of the House of Corrections became a concern of the authorities in England. At this juncture the development of the penitentiary system in Britain became a significant comparison point for Nova Scotia. An "enquiry on prison discipline" was "carried out in Great Britain by a Committee of the House of Lords".¹⁴⁸ The most significant intervention was by the Principal Secretary of State for the Colonies, Glenelg. "Lord Glenelg, the Colonial Secretary, was clearly anxious to standardize prison practices throughout the Empire."¹⁴⁹ The Colonial Secretary sent to Colin Campbell, the Lt. Governor, a letter on prison discipline. On the 16th of March 1836, Governor Campbell sent a Message to the House of Assembly¹⁵⁰

upon the general subject of prison Discipline, Copies of a series of Reports of the Select Committee of the House of Lords, appointed to enquire into the state of the Gaols and Houses of Correction, in England and Wales; and a Copy of an Act. passed by the Imperial Parliament, entitled An Act for effecting greater uniformity of practice in the government of these several Prisons in England and Wales, and for appointing Inspectors of Prisons in Great-Britain; which Documents the Lieutenant-Governor has been directed to bring under the consideration of the Legislature, and to solicit their early attention to this important subject, as far as regards

¹⁴⁶ *Journal of the House of Assembly*, 1836, Appendix 75, p. 150.

¹⁴⁷ Proceedings of the Grand Jury, 20 December 1836.

¹⁴⁸ Baehre, "The prison in Atlantic Canada", p. 13) Baehre cites: Glenelg to Lieutenant-Governor, Downing Street, 28 November 1835, Appendix No. 65, *JLA-NS* (1836), p. 141.

¹⁴⁹ Baehre 1985, p. 13) Baehre cites: Report of the Commissioners for erecting the Bridewell, Appendix No. 81, *JLA-NS* (1842), p. 138.

¹⁵⁰ *Journal of the House of Assembly*, Message from Lt. Governor, 16 March 1836, pp. 1030-1031.

the Colony.¹⁵¹

Campbell forwarded the letter and the material to the House for their early attention. One week later, in a second message, the Lt. Governor submitted to the House:

a Copy of a Letter from the Custos Rotulorum of the District of Halifax, with other papers relative to the present state of the Bridewell in the Town of Halifax.

This Establishment is open for the reception of offenders from all parts of the Province, and the Lieutenant-Governor deems it to be of the utmost importance that it should be continued in efficient operation. He therefore recommends the subject to the immediate consideration of the Assembly.

It would afford the Lieutenant-Governor much satisfaction, could an advantageous plan be adopted for the establishment of a Penitentiary, upon such principles as would lead to the improvement of the morals of the Prisoners, and to the support of the Establishment by their labour.¹⁵²

The letter from W. Q. Sawers, Custos Rotulorum, dated 16 March 1836, and addressed to the Lieutenant-Governor was presented to the House by Deputy Provincial Secretary, Thomas W. James, along with other documents. The letter from Sawers requested that the "present exigencies may be relieved" and stated that,

"Should it be deemed expedient to continue the Establishment, immediate provision is required, as its funds are entirely expended; there are no Supplies to last the present week and such reluctance in Town to credit the Institution, that I have been under the necessity of procuring, on my own responsibility, sufficient for its support, until His Excellency's pleasure shall be known. As many inmates as could with safety be set at liberty, have been discharged -- some to the Country, and others to Foreign Parts, but upwards of thirty desperate characters still remain."

Sawers claimed that instituting a penitentiary connected with a House of Industry as a Provincial Establishment "might become a source of Revenue". The Grand Jury, he claimed, had "refused to assess the Town for so ineffectual a Prison, and for a sum so disproportionate to the number of Criminals sent from every part of the Province".

The British government offered suggestions concerning prison discipline, and

¹⁵¹ *Journal of the House of Assembly*, 1836, 16 March 1836, pp. 1030-1031.

¹⁵² *Journal of the House of Assembly*, 24 March 1836, p. 1053.

made a request for a full report on prisons in the province.¹⁵³ Colonial Secretary Glenelg initiated a study in 1836 to compare the Halifax Bridewell with similar institutions in England and Wales.¹⁵⁴ This was during a period in the old country when the construction of medieval fortress-style penitentiaries was in vogue. Glenelg concluded that a new Bridewell should be built in Halifax. In England the emphasis was on discipline, but the conditions of the Halifax Bridewell did not permit implementation of such a philosophy.¹⁵⁵

Glenelg's letter, sent by Governor Campbell to the attention of the House, commented, no subject "has occupied a more prominent place, or is more intrinsically important, than the establishment of proper Regulations for securing an effective Prison Discipline." A Committee of the House of Lords had enquired into the state of the Gaols and Houses of Correction in England and Wales, and Glenelg had enclosed their reports. Many of their resolutions, he wrote, "are of general application, and which, with such modifications, only as are demanded by local circumstances, might probably be advantageously introduced into the Colony under your Government." He instructed Governor Campbell to bring the documents to the consideration of the Legislature. In addition, Glenelg requested a "upon the state of the prisons in the Colony under your government" and listed eleven headings for the report to cover (see Appendix 3).¹⁵⁶ The headings included the number of Gaols or Houses of Correction, the number of prisoners, the regulations adopted for maintaining internal discipline, the nature and extent of the punishments permitted to be inflicted on prisoners, and whether any compulsory labour is enforced.¹⁵⁷

The Legislature was, indeed, in the process of contemplating some changes, although there were differences of opinion. On March 31st, 1836, a Bill was read "to provide for the better establishment and regulation of a Bridewell for the punishment of Criminals, and for the establishment and regulation of a House of Industry."¹⁵⁸ This motion was deferred until after the 1836 session.¹⁵⁹ On the 31st of March, Mr. Deblois introduced a Bill on the Bridewell (see Appendix 4).¹⁶⁰

The first issue Deblois addressed was the problem of finances, given that some criminals were removed from County Gaols and sent to the Bridewell. This has saved the

¹⁵³ PANS, Vol. 75, Glenelg to Campbell, 30 September 1837.

¹⁵⁴ According to Saunders, information included "the number of prisons", their capacity, "discipline, compulsory labour and the amount of money earned in this way, the amount of food and clothing consumed and the general conditions of the prisons" "Conditions", (:184).

¹⁵⁵ Saunders, "Conditions" pp. 184-185; see Campbell, "Social Life and Institutions" p. 179.

¹⁵⁶ Glenelg to Campbell, 28 November 1835, in *Journal of the House of Assembly*, 1836, Appendix No. 65, pp. 141-142.

¹⁵⁷ Glenelg to Campbell, 28 November 1835, in *Journal of the House of Assembly*, 1836, Appendix No. 65, pp. 141-142.

¹⁵⁸ *Journal of the House of Assembly*, 15 March 1836, p. 1028.

¹⁵⁹ *Journal of the House of Assembly*, 26 March 1836, p. 1067.

¹⁶⁰ *Journal of the House of Assembly*, Nova Scotia, 1836, p. 1082. Motion moved by Mr. Deblois.

counties "burdensome charges", he noted, but "no adequate provision is made for supporting the Bridewell Establishment, which is beyond the means of, and ought not be borne as a municipal charge". Deblois, therefore, called for a Provincial Penitentiary and a House of Discipline and Industry to be supported by the public. It should "be established on an extended plan and efficient system, for the punishment, reformation, and profitable employment, of Criminals." In rather expansive and unnecessary language, Deblois called for a five-man Commission "to prepare ... a system of government ... from the most approved systems in operation in Great Britain or Foreign Countries, altered and adapted to local circumstances ... under which punishment may tend to reformation of character, and the employment in useful labor of the Convicts and others brought under its influence". The labour would provide both "corrective discipline and a source of income towards defraying the expenses of the Establishment."¹⁶¹ This motion is noteworthy because of the explicit mention made of reformation of character through discipline and punishment.

Immediately upon being made on the 31st of March 1836, Mr. Stewart moved what he termed an "amendment" to this motion, "to leave out all the words thereof, except the word 'Resolved,' and, in place of the words so left out, to insert" an alternative text. Stewart's amendment referred to Glenelg's communication on the subject of prison discipline and the report on the present state of the Bridewell. The House had granted £300 in aid of the Bridewell Establishment and Stewart recommended postponing further discussion about the Bridewell to the next Session. A committee would "take the same into their early consideration, with an anxious design to adopt such measures as may be beneficial to the Province."

The so-called amendment carried, on a vote of 19 to 10. (Uniacke and Bell voted against the amendment). Mr Stewart, Mr. Young and Mr. Barss were appointed as a Committee with reference to the subject.¹⁶²

Later in that same session, a Bill was introduced "for the better establishment of a Bridewell, for the punishment of Criminals, and for the establishment and regulation of a House of Industry", but it was also deferred until after the 1836 session.¹⁶³ The Grand Jury, then, failed in its desire to have the Bridewell question resolved in its favour.

In its December estimates the Jury noted that they had "been induced to provide for the account presented by Dr. Stirling for attendance at the Bridewell Establishment", although the opinion of the Grand Jury towards the support of the Bridewell remained unchanged, they anticipating that the provincial government would provide for a Provincial Penitentiary "for the reception and treatment of Convicts agreeably to the system elsewhere pursued with such happy results of keeping the Prisoners constantly

¹⁶¹ *Journal of the House of Assembly*, 31 March 1836, p. 1082.

¹⁶² *Journal of the House of Assembly*, 31 March 1836, p. 1083.

¹⁶³ *Journal of the House of Assembly*, 26 March 1836, p. 1067.

employed and prohibited from conversing together." One opinion in the House claimed that a new regime of prison discipline could be introduced into the existing Bridewell. The Grand Jury countered by asserting that "Another building is no less necessary than another system of management, and unless both be obtained it may be better to have none".¹⁶⁴ The Keeper of the Bridewell was obliged to employ some servants and bailiffs at his own expense.

Conditions in the Bridewell, 1837

In January, 1837, the Grand Jury struck a Committee "to visit and examine thoroughly into the state of the Bridewell and the prisoners confined therein, to call upon the Commissioners of Bridewell for the purpose of ascertaining whether medical advice and the common necessaries of life cannot be provided for by the Commissioners." The Committee was to take into consideration the Act presented to the House of Assembly on the matter.¹⁶⁵ The Grand Jury had recommended closing the institution, and it had been systematically under-funded. From the records of successive Grand Jury visits, it was unclear whether any money voted for the repair and needs of the prisoners had been received or expended for these purposes. On the 12th of January the Committee visited the Bridewell and, two days later, reported to the Grand Jury in considerable detail, condemning the establishment. The details they revealed substantiated their claim that the institution was entirely unfit, although the situation had been allowed to fester for many years. They found that, "as far as it depended upon the Keeper Mr. O'Brien", the Bridewell was "in a state of tolerable cleanliness". However, "they were informed by the Keeper that the house was in a very leaky state.... [T]he shingles on the roof appeared to be almost totally destroyed by natural decay." Accordingly, they found of the prisoners

"in a state of exposure to the inclemency of the weather revolting to the feelings of humanity, from want of clothing, some having no stockings, others only one, others without a jacket to protect them, in fact so bad, that at present season of the year instead of all the inmates of the House being employed breaking stones, the under keeper informed the Committee that not more than five of them could be kept at work.

In the cells and lower parts of the building the effluvia was so bad that the Committee could scarcely proceed in the

¹⁶⁴ Proceedings of the Grand Jury, 20 December 1836.

¹⁶⁵ Proceedings of the Grand Jury, 1 January 1837. Grand Jury foreman was Matthew Richardson; Michael Tobin was a member. The committee consisted of Joseph Fairbanks, John Duffus, Robert Romans and Edward Greenwood.

investigation. That upon examination of the bedding the committee found that those miserable beings were even worse off than in their daily apparel, having but a few ragged blankets barely averaging one to each individual to cover themselves and those swarming with vermin to a degree beyond belief; that one prisoner Rogers by name was and has been for the last six weeks labouring under a loathsome disease of a most virulent description without the least medical assistance, that upon calling upon Mr. O'Brien for an explanation of these facts he replied that Dr. Stirling the medical attendant had not been there for the last five or six weeks, at his last visit he had promised to send relief to Rogers since then he had not heard from him, that in consequence of their being no charge, the clothes could not be washed, ... the bedding in the females rooms appeared to be quite as bad a state as the mens having only three or four apparitions of blankets among five or six women. That there appears to be at present seventeen criminals and vagrants in the establishment of which as appears above an average of four only are at work every day, for the women there is no employment except occasionally a little washing or cleaning. Of the prisoners now confined and those in during the past year three are from Horton & Guysboro, Lower Sydney County Three. That from January 1836 to January 1837 nineteen escapes have been effected of which nine have been of persons sentenced to confinement of from one to five years. That on the 4th November last Williams for stealing & James for coining were confined, the one for seven years the other for one, both of whom escaped on the 30th of same month. The Keeper stated that Mr. Albro [Commissioner] had not visited the establishment for the last three months and to the best of his recollection he had not examined the cells for the last six months.

Under these circumstances, the Committee recommended to the Grand Jury taking all steps necessary that "may lead to the immediate closing of this establishment, which is as disgraceful as it is useless and burdensome to the community merely affording a miserable refuge for the victim to the most abandoned and wretched outcast of society, only presenting a name without the reality of punishment to evil doers some of whom are now permitted to go out and return to confinement at their own pleasure." Once again, the Grand Jury should "bring the subject before the Legislature". The Committee

suggested

“that the Bridewell should be a Provincial establishment erected out of Town, and in the immediate neighbourhood of a good granite quarry, it being found by experience in the United States that the dressing of this material is a knowledge easily acquired, and from the demand existing in the U. States, and in our own Town always ensuring a market for the produce of the industry of the criminals who might be made to contribute largely towards defraying the expense of the establishment, and by the certain knowledge of hard labor and confinement being the reward of their crimes deter many from the commission of offences.

The committee further upon that having called on Mr. Albro to ascertain whether there were any funds belonging to the establishment he informed them that there was a sum of Sixty Pounds in his hands remaining from Seventy Five Pounds the balance of the Provincial Grant on the 11th inst. also that the probable proceeds of the labor of the inmates of Bridewell for the past year would be about £ 12 or £ 15 a further proof if any were necessary of the total.

The committee cannot close this report without reminding the Grand Jury that inmates of Bridewell altho deserving punishment are still human beings deserving at least to be supplied with the common necessaries of Life, they think that upon application to the Supreme Court the prisoners might be removed to the County gaol thereby making a considerable saving to the Town in the expense of keeping up this establishment, the idea of their being kept at hard work as at present situated being a mere burlesque.¹⁶⁶

The Grand Jury invited the Attorney General to attend their session and conferred with him. At the request of the Jury the Attorney General attended and conferred with the Jury on the subject of Bridewell Report.¹⁶⁷ They also prepared a submission to the Supreme Court, which agreed to consult on the subject. The Court would "send an answer at an early opportunity".¹⁶⁸ On the 18th of January the Jury "attended the Supreme Court & received in answer from the Court that they could not remedy the evils complained of but

¹⁶⁶ Proceedings of the Grand Jury, Report dated 13 January 1837.

¹⁶⁷ Proceedings of the Grand Jury, 13 January 1837.

¹⁶⁸ Proceedings of the Grand Jury, January 1837.

was assured by the L. Governor that bedding should be procured for Bridewell."¹⁶⁹

Mr. Liddell, a Commissioner of Bridewell, appeared before the Grand Jury and was questioned. Liddell admitted that he did not frequently visit the institution, but relied on weekly reports from the Keeper who, he said, had made no complaints about the state of the Bridewell to him. The most recent report of sickness had been two months previously. The doctor was summoned and attended immediately. Liddell claimed to have nothing to do with Bridewell fund. The Foreman of the Jury, Matthew Richardson, advised Liddell "that the Commissioners should expend the sum of Ten pounds in the present emergency of the case for the Clothing of the criminals now greatly exposed to the inclemency of the weather."¹⁷⁰

Richardson subsequently decided to publish the results of the Grand Jury report. On the 7th of March, the Grand Jury met and decided to summon Mr. Thompson, the Editor of the *Telegraph*. Following the examination the Jury expressed "their deep regret" that their Foreman "should have made a communication to the Editor of a Public Print" because it "caused inferences to be drawn and published which go materially to reflect on the character" of the Grand Jury committee. The Foreman, the resolution stated, "was wanting in candor not first to have made known his intentions to that committee." However, the Grand Jury did not wish to disassociate themselves from the substantive concerns that the committee uncovered, the Grand Jury, resolving that "the first report of their committee on the subject of Bridewell to have been correct."¹⁷¹

For the House of Assembly, however, it was still business as usual with the Bridewell. On 28 March 1837, the Assembly voted £200 for the support of the institution.¹⁷² The matter was put off until the next session of the House through a motion introduced by Mr. Bell, as follows:

Whereas, the decayed and dilapidated state of the present Bridewell, is such that it would be injudicious, and a waste of Public Monies, to expend any amount in its repairs, *and whereas*, the Establishment is wholly unfit for the purposes for which such an Institution is designed, and also, that the space it occupies is required for the enlargement of the Asylum for the Poor, *and whereas*, some such Establishment for the confinement and punishment of Criminals is indispensably necessary, and that it is of importance that a suitable situation should be selected, the requisite attention to which cannot, by reason of the pressure of other business, be

¹⁶⁹ Proceedings of the Grand Jury, 18 January 1837.

¹⁷⁰ Proceedings of the Grand Jury, 18 January 1837.

¹⁷¹ Proceedings of the Grand Jury, 7 March 1837.

¹⁷² *Journal of the House of Assembly*, Nova Scotia, 1837, p. 148.

given this Session. *Therefore resolved*, that a Committee be appointed to act in conjunction with a Committee of His Majesty's Council, and with such Public Officers as it may be necessary to consult, to enquire during the recess, and report to the House at the next Session, on the subject.¹⁷³

The Committee consisted of Bell, Uniacke, Stewart, Howe and Forrester.¹⁷⁴ A Conference on the subject was subsequently held with the Council.¹⁷⁵

A second matter exercised the Assembly in April 1837 when a Committee was appointed to "enquire and report what number of Convicts have been recently landed in this Province from Bermuda -- by whose authority, and under what circumstances such Convicts have been sent hither, and what remedy can be devised and carried into effect in that behalf."¹⁷⁶ The Committee reported that 12 convicts "employed in the Public Works at Bermuda" were put on board two mail boats and landed in Nova Scotia:

that this has been done by the Officers of Government, and is calculated to inflict a great evil upon the population of this Province, by introducing the worst and most desperate characters, who will be apt to contaminate the morals of the young and uneducated, and by whom crimes have already been perpetuated. This Committee, at so late a period of the Session, cannot attempt any Legislative enactment, but recommend that the House should bring the matter to the notice of His Excellency, and earnestly request his interposition in the Premises, or that Convicts shall not in future be landed in this loyal Colony without the sanction and consent of Government. Crime, happily, is of rare occurrence among us, but the Committee have just reason to apprehend that it will cease to be so, if this system be regularly acted on, as seems to be now intended, and cast upon our Shores the out-casts of Society in the United Kingdom.¹⁷⁷

In December the Jury again visited the Bridewell (as well as the other two public institutions) "and cannot but express their sense of the highly creditable state in which these institutions are kept." That month they also read a communication from W. R. Gruber[?] who is described as being the "manager of the Bridewell" on the subject of the

¹⁷³ *Journal of the House of Assembly*, Nova Scotia, 1837, p. 193.

¹⁷⁴ *Journal of the House of Assembly*, Nova Scotia, 1837, p. 193.

¹⁷⁵ *Journal of the House of Assembly*, Nova Scotia, 1837, pp. 211, 219. The motion passed on the 12th of April 1837.

¹⁷⁶ *Journal of the House of Assembly*, Nova Scotia, 1836, p. 219. Young, Howe and Wilkins formed the committee.

¹⁷⁷ *Journal of the House of Assembly*, Nova Scotia, 1837, Appendix 77, p.?

erection of a mill in the Bridewell to grind corn, and other grains. The Jury concluded that "the attainment of such an object is very desirable, but as they consider the Bridewell a Provincial Establishment recommend that his application should be made to the Legislature during their next Session."¹⁷⁸ Accordingly, the Grand Jury did not provide for the Bridewell in their estimates for 1838.¹⁷⁹

Prisoners continued to be brought to Bridewell from other counties. In 1836 or 1837, the Supreme Court in Annapolis sentenced Daniel Holland to one year's imprisonment. Holland was subsequently transported to Bridewell in Halifax, and the provincial government was petitioned for a refund of £ 10 (the bill of Welcome Wheelock), the expenses for conveying the prisoner to Halifax. The Committee of the Assembly concluded, however, that this bill "ought not to be borne on the Treasury of the Province, but should be raised by assessment on the County, according to the provisions of the Act 5 Geo. 4, Chap. 13, where the Grand Jury are empowered to present `for defraying the charges of conveying Criminal Offenders to the places of labor or confinement to which they are sentenced.'"¹⁸⁰

The Grand Jury report on the state of the Bridewell, which was presented to the House of Assembly in 1838, concluded that a separate institution for criminals was necessary. It should serve to provide safety for the community, should be run so as to lessen the burden on the public for the support of criminals, and should be designed "for the reformation of the Criminal". On all of these grounds the existing institution had been found wanting. The Report drew the usual conclusions about the intermingling of youthful and hardened criminals to the effect that crime was bred rather than prevented. Saunders adds that "solitary confinement would have done a lot to obstruct the spread of evil, but, since the building was entirely unsuitable for anything of that nature, such a policy could not be adopted". None of the prisoners was given "useful work" which would be conducive to occupying the prisoner's mind, giving him a "sense of values and favorable outlook on life" and making him "useful...to the welfare of the community". Hugh Bell, Chairman of the Committee, which presented the Report, believed that "prisoners should be given constructive discipline and assistance in obtaining the advantages of moral culture".¹⁸¹

On 9 February, Hugh Bell reported to the House on behalf of the Select Committee which had been established in the previous session to enquire into the Bridewell.¹⁸² The report was lengthy, and was reprinted in the Journals of the House of Assembly. The report declared that a place for criminals was necessary in any civilized society. Such

¹⁷⁸ Proceedings of the Grand Jury, 14 December 1837.

¹⁷⁹ Proceedings of the Grand Jury, 17 December 1837.

¹⁸⁰ *Journal of the House of Assembly*, Nova Scotia, 1837, Appendix 39.

¹⁸¹ Saunders, "Conditions", pp. 186-187.

¹⁸² *Journal of the House of Assembly*, Nova Scotia, 1838, p. 264.

places served several purposes, specifically, "The safety of the Community -- the prevention of crime -- the lessening or the removal, if possible, of the burden on the public for their support -- and, the reformation of the Criminal." At one glance it would be perceived that the present Bridewell was "utterly unsuitable and inefficient."

The decayed and ruinous state of the Building is such, that were it not for the Military Guard, and the fetters with which the wretched beings are loaded, the prisoners could not be kept, and even with these, it is well known that they frequently do escape. But were there no danger in this respect, the unwholesome noxious effluvia arising from Sewers, and other nuisances, connected with the present wretched establishment, which no cleanliness on the part of the Keeper can prevent, render it not only unfit for human beings, but absolutely disgraceful to a civilized community. For, while good government requires that crime should be punished, humanity, and reason, and Christianity, require that even Criminals should be treated as fellow Mortals and Immortals, and not as irrational beasts.

Respect for our common nature demands that of every well-ordered mind, and of every properly organized Government.

In supporting the objective of preventing crime, the reformers argued against the prevailing retributive philosophy, "punishment should not be so much that the Criminal should suffer for crime". Prevention meant "that crime should not be committed; and this is the sentiment of the most able writers and expounders on jurisprudence." The existing Bridewell was "a nursery for crime" in which youthful offenders are huddled together with "the long practised and hardened adepts in wickedness". Under a different system of classification, young offenders and those less proficient in crime might be reclaimed rather than further contaminated. Enlightened systems of prison discipline in the United States and Europe now prevent this association through separate or solitary confinement, but it cannot be affected in the present Bridewell.

Second, houses of correction should not be a financial burden on the community. It was necessary, therefore, to "make the labour of the Criminal as productive as possible to his support". In the United States, prisons operated manufacturing facilities which, "in many places are fully equal, and in some more than equal, to their support." The conditions of profitability, however, included high protective tariffs and the generally high wages paid to free artisans, which made prison manufacturing costly, but reasonably profitable. It would be impractical to expect this return in Nova "except in very few articles" and even then, generally, the most that could be expected from prison manufacturing would be "if not to a profit, at least to avoid a loss". It might be possible,

for example, to grind and prepare native paints, and to dress granite and other local stone. The prison might be self-supporting.

In Nova Scotia, agricultural employment, which was the basis for the support of commerce and manufacturing, would provide more suitable employment for prison labour than manufacturing. Providing even a bushel of potatoes is directly beneficial to the whole community. "In this view of the subject, it seems incontrovertible that clearing and cultivating the ground is the best manner in which the Criminals in our Bridewell can be employed. Every acre of Land brought under cultivation ... [and] the Bridewell should be placed where these advantages can be derived.

The final objective or "imperative duty" of the new prison discipline was the reformation of the criminal. The bloody "and vindictive laws which were dictated by the barbarism of the dark ages" now are being abrogated or are becoming obsolete because of and giving way to new laws emanating from "the increased intelligence of the public mind" and "the genial and meliorating influence of Science and Christianity". Justice has not been deprived of its authority through these developments; rather the guilty have been corrected, not destroyed. In principle, "it is not the amount or the severity, but the certainty of punishment, that is likely to deter from crime." Prisons are constructed, and prison discipline is directed, "to give to the Criminal the advantages of moral culture," which "is best applied, and operated most effectually in solitary confinement."

Such an institution must be a provincial establishment that would "receive Criminals from every part of the Province" and ought, therefore, largely be "a Provincial charge." Taxing the residents of the Capital would doubly punish them. Halifax already bore a disproportionate burden "by the impositions, frauds, and depredations of such characters, who chiefly rendezvous there".

The new Bridewell should be situated on uncultivated farmland on the Halifax peninsula, situated near town and near water, to make the erection and conveying of articles more convenient. If the newly cultivated land was left in public hands, food would be grown to the benefit of the population. Alternatively, once the land was made available for cultivation, it could be sold.¹⁸³

On the 20th of February, a petition from Robert Gruber, the supervisor of the Bridewell in Halifax, was presented to the House by Hugh Bell "praying aid to liquidate the debt due from that Establishment, and compensation for his services in regard thereto."¹⁸⁴ On the 11th of April, £ 94 8. 9. was granted to Robert Gruber "in accordance of the report of the Committee on his accounts respecting Bridewell".¹⁸⁵ In the 1838 March Term, the Grand Jury reiterated, once again, "the opinion repeatedly expressed by their

¹⁸³ *Journal of the House of Assembly*, 1838, Appendix 18, pp. 70-72.

¹⁸⁴ *Journal of the House of Assembly*, 1838, p. 288. On the 7th of March the petition was referred to Bell's Committee (p. 327), which reported on the 17th (see Appendix 63).

¹⁸⁵ *Journal of the House of Assembly*, 1838, p. 417.

predecessors, that the County of Halifax should not be taxed for the support of the Bridewell, and they have learned with much satisfaction that a proposition is now before the House of Assembly for the erection of a Provincial Establishment of this kind on an improved plan. They have therefore only to express their earnest hope that the Honourable House will make a suitable appropriation for this important object."¹⁸⁶ In December, however, the Grand Jury could only offer the following comment:

The Grand Jury hope that another Session of the Legislature will not be allowed to pass over without an appropriation being made for the erecting of a Provincial Bridewell and Penitentiary in Halifax. They also trust that in enlarging the authority of the Magistrates provision will be made for enabling them to take up Street beggars, or Vagrants of any kind, to be employed in such an Establishment, the expenses of maintaining which they are led to believe will not be great under judicious management.¹⁸⁷

With exposures of the conditions in the Bridewell appearing from four sources--from the Colonial Secretary, the Grand Jury of Halifax County, a Committee appointed by the House of Assembly, and from the public rhetoric of Joseph Howe--the Province voted in favour of a money bill to establish a new Bridewell. Until a new provincial penitentiary could be built, the Justices of the Supreme Court established a policy to prevent criminals from other counties coming to Halifax. The counties were to raise money locally for supervising their own criminals.¹⁸⁸

In 1838, Halifax held a gala celebration for the occasion of Queen Victoria's coronation. Blakeley wrote that: "Dinners were given to those in the poor house, the gaol, and the Bridewell or house of corrections. Twenty-six prisoners were pardoned, including all the debtors, and only one criminal remained in gaol, because he was, according to the Acadian Recorder, 'unfortunately ... a thief of too deep a dye to be let loose in the community.'"¹⁸⁹

In 1838, the Appropriation Bill omitted the annual £200 for the support of the Bridewell. Because "there are therefore no funds provided for the sustenance of the Criminals therein confined", on the 16th of April, Bell moved that the House request the Lieutenant-Governor to advance the sum to the Commissioners of Bridewell, with the agreement that the House would provide the sum in its ensuing Session. Huntington moved an amendment to make the sum £ 100, but this failed by a vote of 13-14. On the

¹⁸⁶ Proceedings of the Grand Jury, March 1838 Presentment to Sessions.

¹⁸⁷ Proceedings of the Grand Jury, 18 December 1838.

¹⁸⁸ Saunders, "Conditions", p. 188.

¹⁸⁹ Phyllis A. Blakeley, "Incidents in Victoria Halifax", Canadian Historical Association Papers, 1949, p. 41. She cited the *Acadian Recorder*, 2 July 1838.

main motion, however, the entire grant was negatived, by a 9 to 19 division.¹⁹⁰

On the same day, however, the House approved a motion from J. B. Uniacke that the Lieutenant-Governor be requested to advance £ 20 to pay the expenses "of preparing a plan and estimates relative to Bridewell and this House will make provision for the same next Session."¹⁹¹

Early in the next year, the Governor appointed a Committee of the Executive Council to report upon the Accounts of the Keeper of the Bridewell in Halifax. The Committee reported to the House on the 4th of February. requesting that the House provide for £371 6s. 11d. advanced for the expenses of the Bridewell, "to pay off the balance due the Superintendent, at the date of the Report, and to support the Institution from that period, to the end of last month." In the view of the Committee, the accounts of the Keeper, Mr. Gruber, had "been regularly audited and passed in the Court of Sessions". The Keeper had "become largely in advance in keeping up the Establishment, and for the period by to May, 1838, was due the sum of £194 5s.

The Bridewell was facing an emergency because of the difference of opinion between the House of Assembly and the municipal authorities in Halifax. The latter had concluded that the Bridewell ought to be a provincial establishment; the House was unwilling to recognize this responsibility. With the House of Assembly having withheld the annual Provincial grant and the decision of the Grand Jury not to vote funds for the Bridewell, there were insufficient funds to pay of the balance "or for the support of the persons on confinement in the Bridewell". Although "the accounts indeed shew that a considerable income is derived from the labour of the Prisoners," it is "not to an amount adequate, under present circumstances, to the maintenance of the establishment". Consequently, the Committee concluded, "unless some immediate means of support are provided, the Committee know of no other alternative to prevent the starvation of the Persons not in confinement, but their discharge." No further prisoners should be admitted to the Bridewell. There "appears to offer no option, ... until the Prisoners now there can be disposed of, it will be requisite that they should be supported, and the existing balance paid by His Excellency the Lieutenant-Governor out of the Provincial Funds; and the Committee cannot doubt that the amount will be replaced hereafter from some appropriate source, when the subject is taken up in the proper quarter." Of the thirty persons committed at that time in the Bridewell, Nineteen have been sent from the Country, under conviction for crimes committed there, and that many others of them are individuals who, having been originally sent to the Bridewell as Criminals from the Country, have been, since their discharge, from time to time taken up in Halifax and recommitted as vagrants."

The Committee argued that, in any case, a Bridewell or Penitentiary, "kept up on a

¹⁹⁰ *Journal of the House of Assembly*, 1838, pp. 445-446.

¹⁹¹ *Journal of the House of Assembly*, 1838, p. 246.

more enlarged system than is within the means of, or would be just to charge upon, the Metropolis alone", was essential for efficiently maintaining criminal justice in the province. They accepted the reform argument that "such an Establishment might be made, not only a means of punishment, but instrumental in many cases also to the reformation of the Culprits."

Finally, given the financial constraints of the Halifax Bridewell, and to prevent the town from the burden of provincial convicts, the Committee recommended that the Secretary of the Province write letters to the Judges of the Supreme Court and the First Justices of the Sessions, informing them that "no Persons can be received there in future". The judges were instructed to communicate the circumstances of the Bridewell to the Grand Juries of the other counties "in order that they may make provision at the expense of the several Counties for the future safe keeping and maintaining, within each County, of the Offenders and Vagrants therein, until some Provincial Establishment is formed."¹⁹²

On 21 March 1839, a motion in the House of Assembly requested that £ 371 6s. 11d. "be granted and placed at the disposal of His Excellency the Lieutenant-Governor to repay the sum advanced for the support of Bridewell during the last year". In addition, a further £ 13 16s 7p. was to be granted for "the balance of Mr. Gruber's Account." By then, the majority opinion had shifted and, although Mr. Benjamin moved that the House not receive this resolution, this negative motion was defeated 20 to 16.¹⁹³ Two days later, Uniacke resolved that "the Lieutenant-Governor be authorized to draw on the Treasury the sum of Two Hundred Pounds to defray the expense of maintaining the Bridewell for the last year, leaving it to the County of Halifax to be assessed for the balance". The House was to "provide for the payment of the same next Session." The Clerk was to carry the resolution to the Council for their concurrence. Uniacke then moved that a Committee be appointed to request the Governor "to continue the confinement of the Prisoners now in Bridewell, and receive such Criminals as may be sent there, and this House will provide for the same as heretofore, at the next Session." On this motion, the House divided evenly, 14 to 14; "So Mr. Speaker gave his Casting Vote against the Resolution, and it passed in the Negative."¹⁹⁴

Inevitably, further information was deemed necessary. On Saturday, the 30th of March, the House passed a resolution "that a Committee be appointed to examine and enquire into the present state of the Bridewell, in Halifax, and of the Prisoners confined therein", including the offences they had committed, the dates of their committals and terms of their sentences, "and from whence sent". The committee was authorized to enquire also into the expenditures and receipts of the establishment during the past year "and the sum that will probably be required for the support thereof, during the present

¹⁹² *Journal of the House of Assembly*, 1839, Appendix 18, pp. 30-31.

¹⁹³ *Journal of the House of Assembly*, 1839, pp. 595-596.

¹⁹⁴ *Journal of the House of Assembly*, 1839, p. 606.

year". The committee was requested to report "at an early day" and given "power to send for Persons, Records and Papers. Mr. Morton, Mr. Forrestall, Mr. Chipman, Mr. DesBarres and Mr. Dickson were appointed to this committee.¹⁹⁵

On the 2nd of April, Morton reported for the Select Committee appointed the previous Saturday. This report was received and adopted by the House.¹⁹⁶ Typically, they found the institution "in a very dilapidated and insecure state, and quite insufficient to contain any Prisoners disposed to make their escape." It contained twenty-two "culprits", including ' 7 men, 14 women, and 1 infant. Two of the men and one woman having been committed prior to 1838, and the term of their confinement not being yet expired." Of the inmates, only one was received from the town of Windsor. The rest wee all described as "vagrants and persons committed during the present year by the Authorities of Halifax." Considering the financing of the institution, the committee noted that "the expense of the Establishment exceeds the amount arising from the labour of its inmates". In their view, the institution

was originally intended, and may now be considered as almost exclusively, for the accommodation of the Town of Halifax, yet they, with surprise, learn that the Grand Jury and Court of General Sessions for the County of Halifax have contributed nothing from the County Funds towards its support since 1835. That no Criminals were sent to this Establishment from the several Counties of the province previous to 1816, and such as have since that period been sent thereto have, either from the insufficiency of the Establishment or other causes, rarely remained therein their full term of confinement.

The committee concluded unanimously "that this dilapidated and inefficient Establishment ought not hereafter to receive any further Legislative aid"; however, the agreed that the already expended sum of £371 16s. 10d. should be granted to reimburse the money drawn from the public treasury by the authority of the Governor. The House of Assembly should not "under any pretence whatever" grant any further money for the support of the Bridewell, particularly because all the other counties have been instructed provide for their own Criminals, until some efficient Provincial Establishment shall be erected." Any money beyond that payment that "contracted for the support of the Establishment" should be "assessed upon, and paid by, the Inhabitants of the County of Halifax". ; and your Committee are of opinion that no further sum of Money should be granted by this House for the support of this Establishment, more especially as the several Counties in the Province have been instructed to provide for their own Criminals, until

¹⁹⁵ *Journal of the House of Assembly*, 1839, p. 619.

¹⁹⁶ *Journal of the House of Assembly*, 1839, p. 627.

some efficient Provincial Establishment shall be erected.¹⁹⁷

On the 2nd of April, under a motion from committee member Dickson, the House finally authorized the repayment of the £371 16s. 10d. for the support of the Bridewell during the past year, to be provided at the next Session. Any further balance claimed, and all further expenses or debts “contracted for the support of the establishment”, were “to be assessed upon the County of Halifax.”¹⁹⁸ This resolution passed the continuing support of the Bridewell into the hands of the Grand Jury for the County of Halifax. In June 1839, the Grand Jury learned “that no funds were available to keep” the Bridewell up and that “no provision whatever has been made by the Legislature for any such institution, or temporary provision made for the present one -- and no funds being available for its support since 1st January last”. The Governor was not inclined to make “further advances upon his personal responsibility”, having already “expended a considerable sum in maintaining the Establishment”. To their regret, the Jury declared, they have learned that “the doors of that establishment must be thrown open, & the Criminals confined therein, among whom are some of the most abandoned & desperate characters be let loose upon the Community to commit more of their depredations”. Under this threat from the magistrates, and “solely to prevent this dreaded calamity”, the Jury agreed “to make temporary provision for its support, until the next meeting of the Legislature. They will therefore at the usual time provide the sum of Two Hundred Fifty Pounds should that amount be required.”¹⁹⁹ In December, the sum of £250 was duly added to the assessment for 1840 for the support of the Bridewell.²⁰⁰

The Bridewell was visited by the Grand Jury in March 1840, and George Lawson (Foreman), Robert Noble, Thomas Kinnear, David Star and Robert Brown were constituted a committee “to Confer with Town and County members relative to a suitable provision for the Bridewell.” A few days later, the committee reported that they had carried out the interviews and “the members declared their intention of bringing the subject before the notice of the Legislature.”²⁰¹ In its March presentment to the Court of Quarter Sessions the Grand Jury concluded that “the subject which occupies the most prominent situation in the fiscal regulations of the town and calls for immediate interference is the present condition of the Bridewell”. They reiterated the insufficiency of the institution and appointed another committee to urge upon members of the town and county, as well as J. B. Uniacke, “the necessity of bringing the subject before the Legislature and the propriety of making the Bridewell a provincial establishment and charge.” They were pleased that the House of Assembly had “passed a Bill granting the

¹⁹⁷ *Journal of the House of Assembly*, 1839, Appendix 81, p. 155. Committee: John Morton, Richard J. Forrestall, Samuel Chipman, W. F. DesBarres and Thos. Dickson. 2d April, 1839.

¹⁹⁸ *Journal of the House of Assembly*, 1839, pp. 627-629.

¹⁹⁹ Proceedings of the Grand Jury, 12 June 1839.

²⁰⁰ Proceedings of the Grand Jury, December Term 1839.

²⁰¹ Proceedings of the Grand Jury, 6 March 1840; 12 March 1840.

sum of Four Thousand Pounds for this purpose." Once again, the Grand Jury pledged to assess the ton and county the sum of £250 "for the temporary provision and continuance of the present Bridewell, looking anxiously forward to the time when the new establishment may be completed and the unpleasant subject finally disposed of."²⁰²

In 1841, the Act of Incorporation of Halifax was the main item of debate and division. In March the Jury concurred with the Sessions "that some temporary provision should be made for the present Bridewell establishment and beg leave to state that should it be required for that purpose they will provide a sum not exceeding two hundred fifty pounds at the December session." Such allocation, however, was dependent on no change in municipal affairs.²⁰³ The three establishments were visited by the Jury in December and "all found clean and in good order."²⁰⁴ In their accounts, the Jury provided for £ 16 13. 4. for Dr. Stanley for medical attendance at the Bridewell; £ 111 12 7 for the period March to 31 July 1841; and estimated £ 250 for the expenditures for 1842. Regarding the last of these estimates the Jury concluded that "they are at the same time of opinion that the County should not be burthened with the whole expense of this establishment but that the City should bear its due proportion. The Grand Jury were much pleased in visiting this establishment, to notice the improved conditions in which they found its several departments, exhibiting a marked contrast to the state it presented when they made their customary visit in March last."²⁰⁵

A notable private Supreme Court case that occurred in December was *W. J. Ward vs. G. R. Young* "for damages in consequence of an assault" on March last. Ward was the editor of the Halifax Herald and the matter involved a newspaper attack on Mr. Young. According to the Solicitor General, who opened the case, Young beat Ward with a stick on Bedford Row on 30 March 1841. The Attorney General followed, on behalf of Young, discussing the issue of licentiousness versus the liberty of the press. Judge Hill admitted there was provocation in the case. The Jury, consequently, found for the plaintiff, awarding "one penny damages".²⁰⁶

In December 1841, a debate ensued about planned celebrations in honour of a royal birth. The populist, Joseph Howe, challenged the plan for a grand "ball" for about fifty "ladies and gentlemen" by claiming the money would be better spent on charity. In honour of the occasion, the *Novascotian* reported that the civic authorities in Halifax "intended to release the poor debtors, by which, it was understood, they meant to pay their debts out of the funds subscribed by the community" (see Appendix 6). If, in addition, the Mayor intended to exercise mercy for criminals, Howe declared, it would

²⁰² Proceedings of the Grand Jury, Presentment to Court of Quarter Sessions, 17 March 1840.

²⁰³ Proceedings of the Grand Jury, 15 March 1841.

²⁰⁴ Proceedings of the Grand Jury, 16 December 1841.

²⁰⁵ Proceedings of the Grand Jury, December Term 1841.

²⁰⁶ *Novascotian*, 2 December 1841.

have been necessary to obtain the leave of the Lieutenant Governor, the only authority permitted to pardon criminals. On the contrary, however, the mayor "that the congregated mass of convicts, collected from every part of the Province, was to be thrown forth upon the community". Accompanied the recorder and the members of the City Council, the Mayor "repaired to the County gaol, called up the prisoners, debtors, and criminals, and, after making a speech to them of the most moving description, ordered the gates to be thrown open, and gave them their liberty." The performance was repeated at "the Bridewell, where six and twenty ruffians, gathered from every part of the Province, and condemned by different tribunals, were confined. The whole were paraded – another speech was made, and an order given, that they should be turned loose on the community on Monday morning." One of these criminals, Howe said, was reported to be a "dangerous mono-maniac who has already committed fearful crimes – that another had only been sentenced a few days before to two year's imprisonment – and a third, just tried and convicted by the Supreme Court, had been remanded for safe custody, until sentence could be pronounced". Fortunately, Howe concluded, the order was countermanded by the Sheriff, and the "Keeper of the Bridewell, who might not have acted with the same discretion, was cautioned, at his peril to pursue the same course."²⁰⁷

The Mayor counter-attacked, publishing a letter in reply. Howe wrote, again "that the Mayor, in his address to the convicts in both prisons, gave them an unconditional pardon, adding in one, if not in both, that in order that they should not go destitute into the street, 10s. *each should be given to them*" (italics in original).²⁰⁸

The Jury visited the Bridewell and gaol in March and December, 1842 and reported that they were "found ... in a clean and wholesome state", expressing their "entire satisfaction with the manner in which these Establishments are conducted by the officers under whose care they are placed. £250 was estimated for the 1843 assessments for the support of the Bridewell."²⁰⁹

The Grand Jury visited the Bridewell and the gaol in December 1843. That month they voted £ 100 for the support of the Bridewell until the prisoners could be removed to the Penitentiary, this "being in their opinion sufficient to defray the expenses, until a Law can be passed by the Legislature to remove the Prisoners into the Penitentiary and which they recommend to the attention of the Worshipful Court." With respect to the Bridewell the Jury commented: "the time being so near at hand when inmates will be removed to the New Penitentiary, the Jury think it best to refrain from any observation respecting the state of the buildings of this establishment at the same time have no doubt all in the Keeper's power has been done to make the Prisoners as comfortable as the nature of circumstances admit of." Dr. Stirling was again authorized to receive £ 16 3. 4. for

²⁰⁷ *Novascotian* 30 December 1841. It may be that the Mayor went first to the Bridewell.

²⁰⁸ *Novascotian*, 6 January 1842.

²⁰⁹ Proceedings of the Grand Jury, 14 March 1842; 20 December 1842.

attendance at the Bridewell.²¹⁰ He received an identical sum the following year (1844).²¹¹

The main business of the Grand Jury in July was the finding of a True Bill for Piracy and Murder against the Saladin pirates.²¹² In December, the Committee on the Bridewell and the Penitentiary handed in their report, consisting of five resolutions from the City Council and Sessions and "handed to the Committee of the Grand Jury to be submitted to their body". In their view, both a new gaol and a new Bridewell were required, and suggesting that the two might be united. The committee recommended that "application should first be made to the Legislature to receive into the Penitentiary the City and County Criminals as has been always expected after the penitentiary was finished."²¹³

When the Provincial Penitentiary on the North West Arm opened, prisoners were transferred from the Bridewell to the new prison. However, the problems of the Grand Jury with the Bridewell were not over because not all prisoners were removed. The Bridewell continued to contain, primarily, prisoners charged with misdemeanours, such as vagrancy and drunkenness. Debate continued over who was or was not an appropriate inmate for this new institution, and what should be done with those who were not deemed suitable for prison labour. It was not to be a place for vagrants, the infirm, or those committed to short terms of imprisonment. For the time being, then, some prisoners in the Bridewell remained there, and others were committed to the old establishment. The Grand Jury met with the officials of the municipality and with the magistrates of the Sessions about this problem and came unanimously to the conclusion that "they cannot consistently with the duty they owe to their fellow citizens, make any provision whatsoever for the past or future support of the Bridewell, deeming it as they do utterly useless and unnecessary and in its present state a disgrace to the City." The Grand Jury added "they feel they would be deeply culpable were they (now that the new Penitentiary is opened and the former usual aid from the Legislature not to be expected) to sanction further expenditure for it." The Grand Jury was "fully aware of the stated difficulty of removing the present inmates of the Bridewell to the Penitentiary and of committing Criminals for the future to that establishment from the Session Courts," but they were "forced to the conviction, that of the present limited number of inmates (prisoners they are told they are not) ... half are subjects for a lunatic asylum the other for the Poor House." As for convicted criminals whose "crimes are not of that character to allow of their being sent through the Supreme Court to the Penitentiary, some summary mode of punishment might be adopted by the Sessions" and that they should be confined in the county gaol in the meantime. "The Grand Jury trust they will be understood by the Worshipful Court and would beg leave to repeat, that they feel they cannot consistently or conscientiously a

²¹⁰ Proceedings of the Grand Jury, 12 December 1843.

²¹¹ Proceedings of the Grand Jury, (1844-1851); December Term 1844.

²¹² Proceedings of the Grand Jury, (1844-1851); 13 July 1844.

²¹³ Proceedings of the Grand Jury, (1844-1851); 12 December 1844.

tax upon the public for separate establishments to meet the many different grades of crime that may be brought before the various Courts." The Grand Jury concluded "they cannot provide for the expenditure of the Bridewell during the past year, but would recommend a sufficient sum for this purpose "as soon as the present establishment is closed."²¹⁴

In March 1845, the Grand Jury of the County of Halifax Court of Sessions, Mayor, Aldermen and Common Councillors of the City of Halifax petitioned to the House of Assembly to have the Bridewell closed.²¹⁵ The petition was necessitated by a desire to change "the mode by which a large portion of the offenders sentenced to imprisonment by the inferior courts within this Province have been and are at present confined." According to the existing law, persons convicted and sentenced to imprisonment by the City authorities and the Court of Quarter Sessions were still being sent to the Bridewell. The crucial question concerned providing for these prisoners. Since the Bridewell had become the refuge of prisoners from all of the counties, the Provincial government had been making annual grants for provisions to the institution; however, these ceased with the construction of the Provincial Penitentiary.

The Grand Jury visited the Bridewell in July 1845.²¹⁶ The Jury also agreed to provide for the expenses of the Bridewell for the past year (1844) and for the present year up until April 1845.²¹⁷ Dr. Stirling again received £ 16 13 4 for attendance at the gaol in 1845. The Jury also assesses the county for £ 248 2 1, the amount due the City of Halifax for money borrowed in support of the Bridewell.²¹⁸ In their presentment, the Jury explained they had "voted the sum of £ 248 2/ 1/ for the expenses of the Bridewell referred to by the last Grand Jury up to April 1845 at which period the City Authorities Assumed the Charge of that Establishment and which is now under their management and control." The assessment appeared large, the Jury explained, "owing to the fact that there was no money voted for the support of the Bridewell last year and that there was an error of one hundred pounds in the presentment which was not assessed for, otherwise the actual expenses of the County do not appear to be more than usual."²¹⁹

In its April, 1846 meeting, the Grand Jury resolved that they would request to know what steps have been taken to carry into effect the presentment of the Grand Jury for 1845 previous to their retirement from office. We consider that document of great Public importance involving great interest and measures and wish to learn if any steps have been taken to carry into

²¹⁴ Proceedings of the Grand Jury, (1844-1851); 17 December 1844.

²¹⁵ Petition to House of Assembly from the County of Halifax Court of Sessions, Mayor, Aldermen, Common Councillors of City of Halifax, 10 march 1845. PANS, RG 5 Series P Vol. 9 No. 51.

²¹⁶ Proceedings of the Grand Jury, (1844-1851); 14 July 1845.

²¹⁷ Proceedings of the Grand Jury, (1844-1851); 8 December 1845.

²¹⁸ Proceedings of the Grand Jury, (1844-1851); December Term 1845.

²¹⁹ Proceedings of the Grand Jury, (1844-1851); December Term Presentment 1845.

effect approved[?] by that body respecting the Prison, Bridewell & other Public Institutions under the Jurisdiction of your honourable Court.

It was their duty as public men to ensure that the 1845 presentment not become a "dead letter".²²⁰ In June, however, the Jury was making the identical request, to determine what steps had been taken, obviously not being favoured with a reply.²²¹

In September 1846 the Jury visited the Bridewell and Poor House (they made extensive comments on the gaol and detailed the cases of the various inmates in the gaol at that time). The Jury expressed "their approval of the manner in which these institutions [Poor House and Bridewell] are kept, the inmates are apparently comfortable and clean as those of the gaol are miserable and dirty, they recommend however ... the immediate removal of the Bridewell the buildings of which are very much decayed and out of order so much so that their repair would probably cost more than a new building."²²² In December the Jury authorized the expenditure of £ 100 for the Bridewell, due to Halifax City.²²³

The Bridewell continued to function. The Jury visited the gaol in April 1847 along with the other two public institutions, making one general comment on the efficiency, cleanliness and order prevailing, commending those in charge, and noting that no complaints were made by any inmate.²²⁴ In November, Mr. McDonald, Keeper of the Bridewell, was summoned by the Grand Jury and they "examined him in reference to the ill treatment of female prisoners by the Under Keeper." The Jury came to the unanimous conclusion "that the Under keeper had exceeded his authority" and accordingly "informed Mr. McDonald that if it again came under their notice they would feel it their duty to recommend his dismissal."²²⁵ In the December estimates the County provided a further £100 to the City of Halifax for the amount advanced for the support of the Bridewell.²²⁶ In their December presentment the Jury detailed the wretched condition and mismanagement of the gaol and quoted an "intelligent traveller" who had visited most of the gaols as far south as Georgia as claiming that Halifax had the worst managed of all these prisons. The Jury concluded their presentment with reference to these remarks reflecting the Bridewell but concluded that they need not repeat what had so often been said about that "wretched" establishment.²²⁷

The 1848 Grand Jury had very little to say about the Bridewell, merely noting in

²²⁰ Proceedings of the Grand Jury, (1844-1851); 21 April 1846.

²²¹ Proceedings of the Grand Jury, (1844-1851); 2 June 1846.

²²² Proceedings of the Grand Jury, (1844-1851); September Presentment, 10 Sept. 1846.

²²³ Proceedings of the Grand Jury, (1844-1851); December Presentment 1846.

²²⁴ Proceedings of the Grand Jury, (1844-1851); 6 April 1847.

²²⁵ Proceedings of the Grand Jury, (1844-1851); 25 November 1847.

²²⁶ Proceedings of the Grand Jury, (1844-1851); 21 December 1847.

²²⁷ Proceedings of the Grand Jury, (1844-1851); December Presentment 1847.

December that both the Bridewell and the gaol were in "as cleanly and efficient a state as the Condition of the buildings will permit." £100 were added to the estimate for 1849 as payment on account to the City of Halifax for the Bridewell.²²⁸ According to the presentment of the Grand Jury to the December Court of Quarter Sessions in 1848, both the gaol and the Bridewell were in "as cleanly and efficient a state as the condition of the building will permit."²²⁹

In 1849, the Grand Jury added £100 to the 1850 assessment to pay the City of Halifax on account for the Bridewell.²³⁰ In 1850, the Grand Jury added £100 to the 1850 assessment to pay the City of Halifax on account for the Bridewell.²³¹ The following year, however, there does not appear in the estimate for 1852 the sum of £ 100 for the city of Halifax on account of the Bridewell.²³²

Apparently, however, the institution was still functioning. In February 1852, Dennis Hartley petitioned Lt. Gov. Harvey on behalf of his son, James Hartley, "who is at present confined in the Bridewell for the crime of petty larceny." Hartley Sr. prays for a pardon for his son "as I have obtained a situation for him in the Country where he will be free from the bad companionship and vices, to which he has been so unfortunate as to fall into." A notation on the document indicated that James Hartley's discharge from the Bridewell was authorized, on 7 February 1852.²³³

In 1857, Alexander McKay was arraigned on a charge of theft and sentenced to 90 days in Bridewell. This prompted McKay's wife, Sarah McKay, to petition Mayor Henry Pryor of Halifax for his relief. She claimed to be the mother of a large family of seven children "who are now wholly dependent on your petitioner for their daily bread". Without the support of her husband, Mrs. McKay said that her large family would be "thrown on the community for her and their maintenance" and requested that her husband be discharged "so that he may obtain work which will enable him to maintain your Petitioner and family during the approaching winter." She added that her husband "is aware of the magnitude of the crimes of which he has been adjudged guilty, and is fully repentant, and altho conscious that he has no claim whatsoever on your worship's indulgence, he and your Petitioner humbly trust that your Worship will place some reliance on his promises of amendment and give him an opportunity of proving the sincerity with which they are uttered." Mayor Pryor noted on the petition: "Under the circumstances detailed in the foregoing petition I recommend the prayer thereof to the

²²⁸ Proceedings of the Grand Jury, (1844-1851); December Term 1848.

²²⁹ *Acadian Recorder*, 20 January 1849.

²³⁰ Proceedings of the Grand Jury, (1844-1851); 14 December 1849.

²³¹ Proceedings of the Grand Jury, (1844-1851); 16 December 1850.

²³² Proceedings of the Grand Jury, (1844-1851); 12 December 1851.

²³³ Petition from Dennis Hartley ("x") to Lt. Gov. Sir John Harvey, February 1852. PANS, RG 27, Vol. 7, "Provincial Penitentiary, 1848-1861", File 3 "Penitentiary -- 1850-52".

favourable consideration of the Executive."²³⁴

The Bridewell finally ceased to be an institution of confinement when a new County gaol and another gaol for the Town of Halifax (Rockhead Prison) were erected.

²³⁴ Petition of Sarah Jane McKay, 20 December 1857, to Mayor Henry Pryor, Halifax. PANS, RG 27, Vol. 7, "Provincial Penitentiary, 1848-1861", File 1 "Penitentiary -- 1848".

Appendix 1

The 1824 petition of the Grand Jury

Petition of the Grand Jury of the County of Halifax, No. 29, read 4 February 1824.

That your Memorialists have lately had under their Consideration the Establishment of Bridewell or House of Correction situated in the Town of Halifax, and it is with much concern that your Memorialists have to state to your Honourable House the great expenses attending the Establishment which falls very heavy upon the Township, in as much as the sum of Three Hundred and Sixty Seven pounds have been recently voted and approved for the payment of Sundry balances due from that Establishment -- And your Memorialists are again called upon for nearly a Similar sum for its support for the present year, making together an expense to the Township of upwards of Seven Hundred pounds for the Current year, which your Memorialists consider a much larger sum than the Township can afford to pay, in addition to the many heavy burthens of the County and the Poor which are to be provided for.

That your memorialists are anxious that this useful Establishment may be Continued, as well for the benefit of Halifax as the various other Counties of the province. That your Memorialists are nevertheless of opinion that much improvement may be made in this Establishment by the erection of a Tread Mill (agreeably to a plan and estimate annexed) which your Memorialists humbly conceive would not only be the means of defraying a great part of the expense, but materially less the progress of crime within the Province by exciting a Dread in the Minds of the Convicts, of that useful invention which has been found so salutary, both in England and America.

Your Memorialists therefore pray that you Honourable House will take these promises into consideration and grant such a Sum, for the erection of a Tread Mill within the Township, as in your Wisdom shall seem meet....

Halifax, 24 January 1824

S. J. Binney, Foreman²³⁵

Estimate

Petition of John Esson for Erecting a Tread Mill in Halifax

27 January 1824

I hereby offer to make and put up a Tread Mill at the Bridewell agreeably to a plan annexed...and all the machinery necessary for manufacturing Indian Meal, for the sum of one hundred and fifty eight pounds, also a house to contain the above machinery, twenty-five feet long and eighteen feet wide inside and thirteen feet six inches high, with a sufficient frame, two double floors, Eight windows and two doors, and to be shingled side

²³⁵ Petition of the Grand Jury, Halifax County, 24 January 1824, RG 5 Series P Vol. 2, No. 47.

walls and roof, and a shed on the side of the house sufficient to cover? [erect?] head which with sufficient room to work the same for the sum of one hundred and forty five pounds, both sums making Three hundred and three pounds Currency and to complete the whole by the first day of July.

Chas. Esson²³⁶

To these concerns, the Magistrates of the Town of Halifax also added their voice:

The Memorial of the magistrates of the Town of Halifax

That in the 55th year of His Late Majesty's Reign, the great influx of Vagabonds and disorderly persons into the Province made it necessary for the legislature to provide mean for the establishment of a Police and for the erection and maintenance of a Bridewell in the Town of Halifax, which is the general resort of persons of this description.

That the inadequate means placed in the hands of the Magistrates to effect these objects, being also applicable to the repairs of the Public Property, on which very large sums have been necessarily expended, has plunged the County into debt, and put it out of the power of the Grand Jury to provide for the same without laying a greater burthen than the County, in its present state is able to bear for the verification of which parts[?] your memorialists beg leave to refer to John Albro, Esquire, a member of the Honourable House of representatives, who is in charge of the said Institution and who will offer the Legislature every information on the subject.

That the Act passed in the 36 [35?] year of His Late Majesty's reign giving a Power to the Judges of the Supreme Court to commit Criminals to the Bridewell in Halifax from any part of the Province, some of which are sentenced to be confined for many years has greatly increased the expenses of that Establishment.

That your Memorialists, from the experience of many years are fully convinced that the funds of this County are unequal to the support of this necessary Institution and that the Establishment must be destroyed unless the legislature can be induced to aid the County in supporting it.

That your Memorialists are fully aware of the evils which the Province will sustain if these vagrants are turned loose on Society, and of the inconveniences which the Judges of the Supreme Court will be exposed to if they are deprived of the mean of Sentencing Criminals to punishment in the Bridewell of Halifax as the Law of the Province directs.

That under these circumstances the Magistrates deem it their duty to request the assistance of the Legislature toward the support of this Institution.

J. L. Pyke Custus Rotulorum

on behalf of himself and the other Magistrates²³⁷

²³⁶ Charles Esson's estimates for Tread Mill, 27 January 1824. RG 5 Series P Vol. 2 No. 48 PANS.

²³⁷ The Memorial of the Magistrates of the Town of Halifax, received 30 January 1824. RG 5 Series P Vol. 2, No. 55. PANS.

Appendix 2

Weekly return of the County Bridewell 1836, March 14th

From His Majesty's Supreme Court 8

From " " Quarter Sessions 13

Under Sentence 21

Persons under the Vagrant Act, &c. -- George Donovan, John Kam, Henry Harford, William Hogan, Ann Burke, Cornelius Murphy, Elias Pensun, Samuel Street, Patrick Fagen, John Gourley, Mary Parker, Michael Nowlan 12

Total 33

Discharged -- none

Ran away, on the 12th inst. Patrick Fagan, (a Vagrant) 1

Present Number 32

Sick -- none

Confined, to solitary, John Richardson

Prisoners committed since last Return

From Sessions 3, viz: -- John McDonald, Mary Ann Stewart and William Sheldon.

Vagrants 2, viz: Mary Parker and Michael Nowlan.

Signed RODERICK O'BRIEN, Keeper²³⁸

²³⁸ *Journal of the House of Assembly*, 1836, Appendix 75, p. 149.

Appendix 3

Despatch to Colonial Governors from Lord Glenelg, Colonial Secretary, Concerning Prison Discipline

Among the subjects which have recently engaged the public attention in this Country, none has occupied a more prominent place, or is more intrinsically important, than the establishment of proper Regulations for securing an effective Prison Discipline. During the last Session of Parliament a Committee of the House of Lords was appointed to enquire into the state of the Gaols and Houses of Correction in England and Wales. After a minute and laborious investigation, their Lordships adopted a series of Reports, of which copies are herewith enclosed for your information; and an Act, of which a copy is also enclosed, was subsequently passed by the Imperial Parliament, for the purpose of carrying out the principles elicited by their enquiries. It is the object of my present Dispatch to call your attention to the general subject of Prison Discipline as far as regards the Colony under your government. From the nature of the investigation undertaken by the Committee of the House of Lords, some of the observations in their Reports, and of the recommendations embodied in their Resolutions, are necessarily of a local and exclusive nature; but, there are many others which are of general application, and which, with such modifications, only as are demanded by local circumstances, might probably be advantageously introduced into the Colony under your Government. I have, therefore, to desire that you will bring the enclosed Documents under the consideration of the Legislature of Nova-Scotia, and to solicit their early attention to this important subject. I have also to request that you will, at your early convenience, procure and transmit to me a Report upon the state of the prisons in the Colony under your government. The principal heads into which it is desirable that this Report should be divided, are:--²³⁹

1st.-- The number of Gaols or Houses of Correction actually existing in the Colony.

2d.-- The number of prisoners which each is capable of containing, and the average number of Prisoners confined in each.

3d.-- The Regulations adopted for maintaining the internal discipline of the Prison--the authority by which such Regulations are established or revised--the nature and extent of the punishments permitted to be inflicted on Prisoners--by what authority the general rules for Punishment are made, and also, by what authority the punishment appropriated in each case is appointed.

4th.-- Whether any and what species of compulsory labour is enforced.

5th.-- In those cases where compulsory labour is used the average amount of the

²³⁹ Glenelg to Campbell, 28 November 1835, in *Journal of the House of Assembly*, 1836, Appendix No. 65, pp. 141-142.

earnings of each Prisoner and its application.

6th.-- The amount of the daily allowance of food to each Prisoner--the allowance of clothes or bedding--under what authority provided, and the average annual expense of such supplies.

7th.-- What provision is made for the medical treatment of such prisoners, and for holding inquisitions in case of death.

8th.-- The nature and extent of classification which is established--more especially with reference to the separation of Men from Women--of the young from the old Prisoners--of Criminals from Debtors, and of persons committed for trial from those who have been convicted.

9th.-- The provision made for the instruction of the Prisoners--whether a Chaplain is appointed--and whether Bibles or other books are furnished to the Prisoners.

10th.-- What means are adopted for securing the visitation of the Prison by the local Magistracy and other authorities--whether these visits are only at stated and pre-arranged periods--or whether the Magistrates are in the habit of visiting the Gaols at irregular periods--and when their visits would not be expected.

11th.-- Whether any means exist for allowing the Prisoners to enjoy exercise in the open air.

On these and any other points which may appear to you deserve notice, I have to request that you will transmit to me the fullest information which it is your power to furnish, and you will also inform me whether any alterations and improvements, upon the system at present in use, are in the contemplation of the local legislature.²⁴⁰

I have only to observe, in conclusion, though it is hardly necessary to do so, that the information now called for is not intended in any degree to supersede the similar annual Returns which are comprised in the Blue Book.

²⁴⁰ *Journal of the House of Assembly*, 10 February 1816, pp. 9-10.

Appendix 4

Bridewell Bill, House of Assembly, 1836

Whereas, in the punishment of Criminal Offenders, the substitution of confinement in the Bridewell, at Halifax, in the stead of imprisonment in the County Gaols, has, from time to time, greatly relieved the several Counties from burdensome charges, and heavy expenses, and would be publicly beneficial, as a more efficient mode of punishment, were a House of Corrections and Labor established on an effective system, supported by adequate means; and *whereas*, no adequate provision is made for supporting the Bridewell Establishment, which is beyond the means of, and ought not to be borne as a municipal charge by, the Town of Halifax; Wherefore, it is proper that a Provincial Penitentiary, and House of Discipline and Industry, supported at the public charge, should be established on an extended plan and efficient system, for the punishment, reformation and profitable employment of Criminals. *Resolved therefore*, that a Committee be appointed to wait on His Excellency the Lieutenant-Governor, and respectfully request that he will nominate and appoint five fit and proper persons to be Commissioners for the purposes hereinafter mentioned, who may be willing to discharge gratuitously the duties required of them.

Resolved, That the said Commissioners, so appointed, be requested, and they are hereby authorized, to make enquiry and report, respecting such a situation as may appear to them eligible for the purposes hereby designed, and the terms on which the same can be obtained; and also, to prepare and digest a scheme or synopsis of a system of Government for a Provincial Penitentiary, and House of Discipline and Industry, from the most approved systems in operation in Great Britain or Foreign Countries, altered and adapted to local circumstances, and the state of the Province; under which punishment may tend to reformation of character, and the employment in useful labor of the Convicts and others brought under its influence may operate both as corrective discipline, and a source of income towards defraying the expenses of the Establishment. And further, that they be required to procure, arrange and prepare, Plans and Estimates for the erection of Buildings suitable for the purposes contemplated, to be erected on the Land which may be purchased, in case any of the Plans and Estimates shall be approved by the Legislature.

And also, that the said Commissioners shall, at the next meeting of the Legislature, present to the Assembly such scheme or synopsis of government, and such Plans and Estimates as are herein before directed to be prepared, that such further measures may be adopted for the advancement of the objects intended, as the Legislature may deem practicable and expedient.²⁴¹

²⁴¹ *Journal of the House of Assembly*, 1836, p. 1082. Motion moved by Mr. Deblois.

Appendix 5

Report to the House on behalf of the Select Committee which had been established in the previous session to enquire into the Bridewell, presented by Hugh Bell, 9 February 1838.²⁴²

While crimes are committed, a place for Criminals is, in a state of civilized society, indispensably necessary. An Establishment for this purpose should be suited to the objects for which under every good and well ordered Government, such places are designed, viz:-

- The safety of the Community -- the prevention of crime -- the lessening or the removal, if possible, of the burden on the public for their support -- and, the reformation of the Criminal. For all these purposes it will be perceived at one glance, without any laboured investigation, that our present Establishment is utterly unsuitable and inefficient.

The decayed and ruinous state of the Building is such, that were it not for the Military Guard, and the fetters with which the wretched beings are loaded, the prisoners could not be kept, and even with these, it is well known that they frequently do escape. But were there no danger in this respect, the unwholesome noxious effluvia arising from Sewers, and other nuisances, connected with the present wretched establishment, which no cleanliness on the part of the Keeper can prevent, render it not only unfit for human beings, but absolutely disgraceful to a civilized community. For, while good government requires that crime should be punished, humanity, and reason, and Christianity, require that even Criminals should be treated as fellow Mortals and Immortals, and not as irrational beasts.

Respect for our common nature demands that of every well-ordered mind, and of every properly organized Government.

It is of importance also, that 'the prevention of crime should be part of every Judicial system.' Indeed the infliction of punishment should not be so much that the Criminal should suffer for crime, as that crime should not be committed; and this is the sentiment of the most able writers and expounders on jurisprudence. But our dilapidated and inadequate Establishment has been for many years not a preventive of, but a nursery for crime. Huddled together, and mixing almost without restraint with each other, the long practised and hardened adepts in wickedness, contaminate still further themselves and others, and perhaps confirm in their depravity the youthful offender, and those who are less proficient in crime, and who perhaps under a different system might have been reclaimed, or at least might have been prevented from increasing the amount of crime, and consequently of wretchedness. It is therefore now a part of the system of Prison Discipline, and that to which every enlightened Government directs its attention, to

²⁴² *Journal of the House of Assembly, 1838, p. 264.*

prevent this association. Hence separate or solitary confinement is strongly recommended and acted upon. The Prisons of the United States have strikingly and successfully illustrated the propriety and advantages of this mode, and have forcibly attracted the attention of the Governments of Europe. In England it is now generally adopted, and is strongly recommended to her Colonies. Two Volumes of Reports of a Committee of the House of Parliament on the subject, have been sent to His Excellency the Lieutenant-Governor of this Province, and have been by him laid before us, and recommended to our consideration. But such a system cannot be carried into operation until a suitable Building be erected.

To make the labour of the Criminal as productive as possible to his support, is what economy, common prudence, and common sense would dictate. In this we all agree, but in the manner in which this is to be carried into effect, there is great diversity of opinion. In the United States Prisons, are Manufactories, and in many places are fully equal, and in some more than equal, to their support. The large protecting duties, and the high price of labour of Artisans, enable them to do this; here, it would be, except in very few articles, quite impracticable. Self interest is the governing principle of mankind, and few will be found so patriotic as voluntarily to tax themselves for the public benefit. There are perhaps some few things that might be manufactured, if not to a profit, at least to avoid a loss, and employment itself, if it led to habits of industry, would be a benefit both to the offender and to the community. Some of the resources of our own country might thereby be brought into operation, (such as the grinding and preparing of native paints -- the dressing of granite and other stones, &c.,) and this as far as it could be accomplished might be adopted. But perhaps there is no employment so unexceptional, especially in this new country, as agriculture, if a suitable situation, and sufficient ground, could be obtained. In every country the produce of the ground is the basis of its support and prosperity, Commerce and Manufactories can extend no further than the produce of the ground can pay for them, and all that commerce imports beyond this, (except it be food itself,) is a surplus that causes in business stagnation, distress, and bankruptcy. Every acre of Land therefore, that is brought under cultivation, every bushel of Wheat or Potatoes additional that is produced, whether by the Farmer, the Gentleman or the Criminal, is a real benefit to the public. It is an axiom in political economy that population will always flow in and increase in proportion to the support for them: and Commerce and Manufactures must of course increase with the demands of an increased population. He therefore that furnishes food, if it be only to the extent of an additional bushel of potatoes, is to that extent a benefactor to the community. In this view of the subject, it seems incontrovertible that clearing and cultivating the ground is the best manner in which the Criminals in our Bridewell can be employed. Every acre of Land brought under cultivation, would be a lasting benefit to the public. The inevitable conclusion to which these premises lead, is, that the Bridewell should be placed where these advantages can be derived.

"The reformation of the criminal," is held by all enlightened Governments as an

important object, and an imperative duty; and increasingly so as light and intelligence are diffused. Hence, the sanguinary and vindictive laws which were dictated by the barbarism of the dark ages, are either permitted to remain inoperative and obsolete, or are abrogated and give place to such as emanate from the genial and meliorating influence of Science and Christianity; and in those Countries where this influence has been the most unchecked and unfettered, has the more humane and philanthropic system the most advanced. Justice has not been deprived of its authority, nor has it let down in the least any of its high attributes. It has walked through the land with dignity and majesty, but also with benignity; protecting with one hand the innocent, and with the other correcting but not destroying the guilty. It has been asserted, and it is a fact, to which every observing and reflecting mind will give ready assent, that it is not the amount or the severity, but the certainty of punishment, that is likely to deter from crime. A consciousness of this, and that in consequence of the disproportion in many of our Laws between the offence and the punishment the guilty frequently escape, have no doubt induced some of the greatest minds in the Legislature of our Country to endeavour to rise our criminal code, and make it more accordant with the increased intelligence of the public mind. To carry into effect these benevolent intentions, Prisons are so constructed, and Prison Discipline so directed, as to give to the Criminal the advantages of moral culture, from which more is expected than from Legislative enactments. The moral culture is best applied, and operated most effectually in solitary confinement, to have the advantages of which a suitable Building should be constructed.

But as this must be a Provincial Establishment to receive Criminals from every part of the Province, it ought to be, to a great extent at least, a Provincial charge. The Capital is heavily taxed by the impositions, frauds, and depredations of such characters, who chiefly rendezvous there, and it is not fair that they should be further disproportionately taxed, and thus punished in punishing them. Justice seems to demand that an Institution designed for the general protection of the Province, should be supported from the general funds of the Province.

If the view of the subject above taken is correct, the influence seems to be that it would not be so advantageous to the public to establish the Bridewell on lands already cultivated, as to place it on some part which is altogether unproductive. Hundreds of acres are in this state on the Peninsula. Every acre of this when reclaimed would be doubled or quadrupled in value, if immediately sold; or if retained would increase food for the population, and population would thereby increase with the food. A large tract of Glebe Land is on the shore of the basin, within three miles of the Town, which is of little or no value to the Church, and never will be in its present state. Perhaps a part of it could be obtained, or, if not, some similarly situated might be purchased for a small amount. To have it near the town and near water are two desirable objects, both as regards the erection of the Building, and the conveying of articles to and from it. Even the stones taken off it would turn to some account.

The subject of this report is one of much Importance to the community, and the consideration of it cannot, from the dilapidated state of the present Bridewell, be much longer deferred. After due investigation and reflection, the above is respectfully recommended and submitted.

H. Bell, Chairman²⁴³

²⁴³ *Journal of the House of Assembly*, 1838, Appendix 18, pp. 70-72.

Appendix 6

The Attempted Pardon of Halifax's Criminals in 1841 – *The Novascotian*

“it was stated by the civic authorities that they intended to release the poor debtors, by which, it was understood, they meant to pay their debts out of the funds subscribed by the community. If it was intended to go further than this and extend mercy to criminals, of course it was taken for granted that a judicious selection would be made, and that the sanction of the Queen's Representative would be asked and obtained. Nobody dreamed that the congregated mass of convicts, collected from every part of the Province, was to be thrown forth upon the community, or that the Mayor was to seize upon and trample under his feet the highest and most hallowed prerogative of the Crown. Had the first been thought of, there is not an old woman in the town who would have slept soundly in her bed, nor is there a loyal man in the community who would have lent his countenance to the second....

“After the procession was over on Thursday, his Worship, accompanied by the Recorder, and the members of the City Council, repaired to the County gaol, called up the prisoners, debtors, and criminals, and, after making a speech to them of the most moving description, ordered the gates to be thrown open, and gave them their liberty. This was not bad, considering that the place was the County gaol, and that the Town of Halifax only embraced about one fiftieth part of the space, and one half the population for whose accommodation the fabric had been erected, and that the Mayor had just as much right to give the order as any of the criminals before him. Somebody, it is said, remonstrated, but his Worship strutted away followed by the admiring glances of the worthies, whose ‘tender mothers’ had not the least idea of how near they were being ‘out’. From the gaol the Mayor went to the Bridewell,²⁴⁴ where six and twenty ruffians, gathered from every part of the Province, and condemned by different tribunals, were confined. The whole were paraded – another speech was made, and an order given, that they should be turned loose on the community on Monday morning. Nobody but the Queen's representative was empowered to give such orders, and had they been obeyed, the persons in charge of the prisons would have been liable to instant dismissal from their said situations. Fortunately, the Sheriff had more sense than the Mayor, and thinking that His Worship was exceeding his authority, waited till his back was turned, and then quietly turned the keys upon the inmates of the gaol, much to their astonishment.”

“On Friday, the Executive wrote to the Sheriff who explained the proceedings at the gaol and informed the Lieutenant Governor “that he had disobeyed the Mayor's

²⁴⁴ It may be that the Mayor went first to the Bridewell.

orders, and that the prisoners were safe. The Keeper of the Bridewell, who might not have acted with the same discretion, was cautioned, at his peril to pursue the same course. This has been done, so that, except the exposure of vanity and ignorance, no harm has come of these ridiculous proceedings.

“We have not taken the trouble to enquire very minutely into the history or claims of the prisoners, but have heard that one of them is a most dangerous mono-maniac who has already committed fearful crimes – that another had only been sentenced a few days before to two year’s imprisonment – and a third, just tried and convicted by the Supreme Court, had been remanded for safe custody, until sentence could be pronounced.... Had the order been obeyed, we apprehend that the Supreme Court would have taught Mr. Binney a lesson he would not have soon forgotten.”²⁴⁵

²⁴⁵ *Novascotian* 30 December 1841.