Towards a Provincial Penitentiary

Concerns about the establishment of penal institutions in Saint John date back to the time of incorporation. According to Nason, the idea of a public penitentiary had been in existence as early as 1828. In 1833, he traces the beginning of concern "for an updated and refined penal system" to a petition, submitted in January 1833, "from the subscribers, magistrates and inhabitants of the city of Saint John [which] embodied an accumulation of complaints dating back some fifty years." The petitioners from the Saint John had argued that it would be advantageous "if the provincial government were to share in the establishment of a public penitentiary."

Saint John had been incorporated in 1785 and, under the Charter, a jail was established under the superintendence of a High Sheriff. Nason says that "for many years the old jail was a make-shift affair. Over the years the need for a permanent structure and a regulated system of punishment became more expedient. During the fifty years of its existence, the Saint John jail served not only as the residence for county offenders but also for criminals from all over the colony." The petitioners of 1833, however, complained that the rapid growth of population since 1815 meant that the jail was continually overcrowded. "The most common complaint voiced by this group centred around the fact that there existed little distinction as to the degree of punishment for various crimes.

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1 Nason, "Evolution", p. 3n. Nason's footnote: See the message from the Council to collect information about report on the feasibility of erecting a penitentiary. RLE, Miscellaneous, 1828."
2 Roger P. Nason, "The Evolution of the Provincial Penitentiary in New Brunswick, 1836-1857", April 1972. Unpublished paper, Provincial Archives of New Brunswick. Herinafter, Nason, "Evolution". Nason cites the following source: "Provincial Archives of New Brunswick, (hereafter P.A.N.B.) Records of the Legislative Assembly, hereafter RLE, Petition No. 36, Petition of the Subscribers, Magistrates and Inhabitants of the City of Saint John to Lieutenant-Governor Sir Archibald Campbell, January 1833. It is interesting to note that the representative delegation included most of the Justices of the Peace of the County, several clergymen of various faiths and number of leading businessmen in the community."
3 Nason. "Evolution", p. 3. Nason's footnote: The idea of a public penitentiary had been in existence as early as 1828. See the message from the Council to collect information about report on the feasibility of erecting a penitentiary. RLE, Miscellaneous, 1828." (p. 3n)
When considering the rate of population increase, the Jail is totally inadequate to enable the Justices of the Peace to put such confined parties to hard work, as expressed in their sentences -- in consequence of which, punishment and crime are disproportionate... In their opinion the City was consequently suffering financially because it had to support sentenced criminals who could be otherwise employed at hard labour to offset the expenditures in housing this group. The petitioners then argued that it would be advantageous "if the provincial government were to share in the establishment of a public penitentiary." According to Nason, the great expense which such an undertaking would require had not been possible until the 1930s because during the early part of the 19th century New Brunswick had experienced an economic boom which "had restored a degree of confidence in the colony which was indirectly reflected in the spending of the government." The "optimistic support the Saint John citizenry had in a new prison system" reflected these "changing social attitudes".

The petition listed "primary advantages" as well as the "proper adjustment of punishment to crime"; in addition "the Saint John petitioners felt the urgency for immediate construction of a public penal institution on account of the advantage which would flow from it [the prison] to the Prisoners themselves, who would be instructed in the way to procure an honest livelihood, and have time during their confinement, under salutary discipline, to consider and repent of the habits which led to their degradation, and so become afterwards useful to Society." In addition to these arguments, Nason notes that "other communities such as Fredericton were in the process of constructing ... corrective institutions", which placed pressure on the citizens of Saint John to take action.

A petition from the Justices of the Peace for the City and County of Saint John was presented to the House by Partelow on 11 February 1835, "praying for the establishment of a Public Penitentiary for ... Saint John, and aid towards the erection of the same." The petition was referred to the Committee of Supply who proposed Bill number 70, "for the establishment of a public penitentiary" for Saint John. Subsequent to a second reading,
however, the Bill was postponed until the next session of the Assembly.\footnote{Journals of the House of Assembly of New Brunswick (henceforth JHA-NB), 1835, pp. 359, 360, 413.}

On the 11th of February, 1835, Saint John member of the House of Assembly, John Partelow, presented a petition from the Justices of the Peace for the City and County of Saint John "praying for the establishment of a Public Penitentiary for . . . Saint John, and aid towards the erection of the same." The petition was referred to the Committee of Supply who proposed Bill number 70, "for the establishment of a public penitentiary" for Saint John. Subsequent to the second reading, however, the Bill was postponed until the next session of the Assembly.\footnote{JHA-NB, 1835, pp. 359, 360, 413.}

According to Baehre, the adoption of the penitentiary model in New Brunswick was occasioned by intervention from the colonial power. "On 27 January 1836, Lieutenant-Governor Sir John Harvey, following Glenelg's directive, laid Reports of a Select Committee of the House of Lords, appointed to enquire into the present state of several Gaols and Houses of Correction in England and Wales before the New Brunswick House of Assembly."\footnote{Baehre cites: Extract from Lord Glenelg’s Circular, addressed to Sir John Harvey, K.C.H., and dated "Downing Street, 5th July 1837", JHA-NB (1837-38), p. 44.} To this document was added recent British legislation on the management and inspection of prisons. In the following year Harvey received a Despatch from Lord Glenelg, the Colonial Secretary, regarding prison discipline. In this Despatch, which was a Circular, Glenelg enclosed a copy of a letter addressed to one of his Under Secretaries from the Committee of the Prison Discipline Society in England which had been forwarded to the British Cabinet, "relating to the state of the gaols and prison discipline in the colonies and containing much useful information on the subject."\footnote{Glenelg to Harvey, dated 5 July 1837, P.A.N.B., RS 344, Records of Lt. Gov. John Harvey, C. Correspondence, 1837. See: Rainer Baehre, “The Prison in Atlantic Canada before 1880”, (Ottawa: Ministry of the Solicitor General, 1985), p. 14) Baehre cites: Extract from Lord Glenelg’s Circular, addressed to Sir John Harvey, K.C.H., and dated "Downing Street, 5th July 1837", JHA-NB (1837-38), p. 44.} Glenelg also enclosed with this letter "a copy of the Rules adopted by the Lt. Governor of the Bahamas, which rules have been approved of by the" Prison Discipline Society. Baehre notes that these Rules were promoted by the Discipline Society "as a model for advanced penological reform."\footnote{Baehre, “The Prison in Atlantic Canada”, p. 14.} Glenelg requested that the colonial government use its "best endeavours to give effect to the suggestions of the Committee", although he added that this implementation should be done "as far as local conditions will admit in the colony under your government."\footnote{Glenelg to Harvey, 5 July 1837, P.A.N.B., RS 344.}

In order to obtain systematic information about colonial gaols and prisons, Glenelg also included copies of a new Gaol Returns document to be substituted for the ones which had previously been attached to the Blue Books (annual statistical accounts of the
colonies), a document which included a number of questions on gaol conditions. (These new returns were discussed above, in connection with the York County Gaol in Fredericton).

According to the 1858 Report of the Commission Appointed to Enquire into the Management of...the Provincial Penitentiary, the idea which led to the penitentiary originated with the Justices of the City and County of St. John and the first legislation was passed in 183618 when the House of Assembly in New Brunswick passed an Act to authorize the Justices of the Peace for Saint John City and County to erect a building "for a common Gaol and House of Correction", and assess the inhabitants in order to raise a sum of money, not to exceed 4,000 pounds for the purpose.19 Nason reports that, under Act 6 William IV, c. 50, the Justices of Saint John received support from the legislature "to erect a building to accommodate both classes of prisoners from the older jail. At a cost of nearly £ 4,000 the expanded Common Gaol and House of Correction was to be fully financed by the Justices with a stipulation in the act of 1836 that three-fourths of the total cost could be borrowed from the Legislative Assembly."20 On 21 March 1837, the Quarter Sessions struck a committee "to obtain Plans and Specifications for a Suitable Building for a Jail and House of Correction for the City, with the probable expense thereof, and to report the same at a Special Session, to be holden on the 4th Tuesday in April next."21

During the Winter 1838 sitting of the House of Assembly, Saint John representative Partelow presented a petition from the Justices of the Peace for the City and County of Saint John requesting an Act authorizing the establishment and erection of a House of Corrections for Saint John, either in the city or an adjoining parish, "for the purposes stated in the said Petition". Upon being granted leave, Partelow then introduced Bill 58: "A Bill to authorize the Justices of the Peace in the City and County of Saint John to establish a House of Corrections for the said City and County and to extend the provisions of two Acts of Assembly to the same."22 This Act made it clear that the House

19 Statutes of New Brunswick, VI William IV, (1836), pp. 879-880.
21 Extract from Minutes of Quarter Sessions for City and County of Saint John, 21 march 1837, Jas. Peters, Clerk of the Peace. R. F. Hazen papers, Box 1 Shelf 36, # 7, Pk 1. New Brunswick Museum.
22 Journals of the House of Assembly of the Province of New Brunswick, 1838, p. 74. The Bill was read for the first time upon its introduction, on 22 January 1838 (Ibid., p. 75), received its second reading on the next day (Ibid., p. 84), debated in Committee of the Whole on 26 January 1838 (Ibid., p. 92), and was passed by the Assembly on third reading on the 29th. Sent to the Legislative Council, it was returned amended. The Council recommended authorizing the Justices to purchase land for the purpose. The Assembly concurred in this and the Bill was enacted on 9 March 1838 (Ibid., p. 243). The two previous Acts mentioned were from VI William IV and VII William IV.
of Corrections was to be constructed separate from the common Gaol.\textsuperscript{23} The original Act, then, was amended in 1837 (7 Wm. IV., Cap. 19), when the sums appropriated for the construction of the Gaol/House of Corrections were to be put towards the completion of the House of Corrections only.\textsuperscript{24} The sum was raised to £ 10,000 and the justices were authorized to borrow a sum not exceeding £ 8,000. During the period 1836 to 1840, in Saint John, Acts also authorized the construction of an Alms House/Work House, and the construction of a new Gaol.

Bill # 58 was introduced in the January sitting of the Legislature, "to authorize the Justices of the Peace for the City and County of Saint John to erect a House of Correction for the said City and County, and to extend the provisions of two Acts of Assembly to the same."\textsuperscript{25} This Bill was passed by the House and then amended by the Council before final approval.\textsuperscript{26}

"Early in 1838 a decision was passed down by the provincial government to allow for the erection of a "house of correction separate and distinct from the Common Gaol" and the justices were authorized to select suitable lands for the site. Under 1 Vic., Cap. 15 the justices were authorized to establish the House of Correction. Warrants issued for the previous dwelling were to be applied to this new institution.\textsuperscript{27} Nason reasons that this "radical alteration in the prison program", which "would undoubtedly mean increasing expenses", could be contemplated because of the passing of the Civil List Bill in 1837. The availability of these funds made ""separate and distinct"" institutions feasible.\textsuperscript{28}

In the 1838 Act, which clarified the situations by calling for two separate institutions, to the original sum of 3000 pounds in 1836, the Justices were permitted to borrow an additional ten thousand pounds.\textsuperscript{29} During the 1838 session, J. Harvey, the Lieutenant Governor, referred a despatch from Colonial Secretary Glenelg to the Assembly "on the subject of Prison Discipline, which he [Harvey] recommends to the consideration of the House as a matter requiring some Legislative regulation and provision in this Province."\textsuperscript{30} The New Brunswick government (Governor-in-Council)

\textsuperscript{23 Statutes of New Brunswick, I Victoria, Cap. XVI, 1838.}
\textsuperscript{24 Statutes of New Brunswick, 7 William IV, 1837.}
\textsuperscript{25 JHA-NB, 1838, p. 84.}
\textsuperscript{26 The Council wanted the following words inserted: "and the said Justices are also hereby empowered, by the style and name of the Justices of the Peace for the City and County of Saint John, to purchase, take and hold for the site and purposes of such House of Correction." The House concurred in the amendment. JHA-NB, 1838, p. 115.}
\textsuperscript{27 Nason, "Evolution", pp. 5-6. Nason’s footnote: "Statutes of the province of New Brunswick, Act 1 Victoria, c. 16. The location of this proposed house of correction was designated as being within the Parish of Simonds near Courteny Bay."}
\textsuperscript{28 Nason, "Evolution", p. 6.}
\textsuperscript{29 Report of the Commission Appointed to Enquire into the Management of the Light Houses ..., pp. 12-13.}
\textsuperscript{30 JHA-NB, 1838, pp. 43-44. A 7-line extract of the 5 July 1837 Circular was included in the communication to the House.}
established five Commissioners in an Act setting forth the government of the workhouse. In the same year, the Justices of the City and County of Saint John procured the land in the Parish of Simonds.

On 25 January 1839, Partelow presented a petition from the Justices of Saint John "setting forth that they had entered into a contract for the building of a House of Correction in the said County, upon an enlarged scale, and praying that an Act may pass to vest the management of the same in the hands of Commissioners to be appointed by the Executive Government, and for other purposes, as stated in the Petition." Saint John representative J. R. Partelow succeeded in having this money voted, in part, on the argument that the House of Corrections in Saint John would be used to imprison convicts from other counties in New Brunswick.

On 10 March 1839, J. R. Partelow wrote to R. F. Hazen about the transfer of the House of Correction to provincial authority. He reported:

yesterday I succeeded in getting £500 additional voted for our House of Correction payable in 1840, which will be as soon as it is wanted – When I brought the resolution forward, I was called upon for information as to the amount already voted for this service which I partly told the Committee, but upon my stating that we had it ultimately in contemplation to extol its usefulness throughout the Province by allowing convicts sentenced to hard labor to be sent to St. John, if it could be accomplished, I got it through with less difficulty than I imagined, or that I was led to believe would be the case for the last fortnight when in conversation with members on the subject – Hatch was in the lobby when the grant passed and he intimated to me afterwards that he would oppose it in Council but before I left him I think he altered his mind....

The House granted £500 on 9 March, 1839, "the same not to be drawn from the Treasury until 1840". Also in 1839 (2 Vic., Cap. 30), the legislature passed an act for the regulation and government of the House of Correction. Partelow presented Petition # 64, for an Act to vest the management of the House of Correction in Commissioners, to the House, leading to Bill # 45 "to provide for government and regulation thereof". Passed in March,

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31 Extract from Minutes of Quarter Sessions for City and County of Saint John, 21 March 1837, Jas. Peters, Clerk of the Peace. R. F. Hazen papers, Box 1 Shelf 36, # 7, Pk 1. New Brunswick Museum. The five initial Commissioners were Robert F. Hazen, George D. Robinson, Henry Porter, Robert Payne and Noah Disbrow. Of these, Payne was actively associated with the first management. Nason. "Evolution", pp. 13-14.
33 JHA-NB, 1839, p. 287.
36 JHA-NB, 1839, p. 438.
the Act for the government and regulation of the house of correction established a Board of Commissioners of a maximum of nine persons to "have full power and authority, at any and all times to make such rules, orders and regulations for the good government and management of the said House of Correction, and of the several persons from time to time confined therein." 37  "More specifically the commissioners would be responsible for the appointment of all officers, servants and keepers of the house of correction; the acquisition of provisions for the general support and maintenance of the prison; and finally the confinement of `rogues, vagabonds, idle, suspicious or disorderly persons' sentenced by the city courts to hard labour." 38

The Bill was subsequently amended by the Council. For example, the Council expunged a section from B in Section II, and ordered the following inserted:

`To enforce the observance of the rules, orders and regulations which they may from time to time make for the government and management of the prisoners in the said House of Correction, by solitary confinement or other reasonable punishment; Provided always, that at any meeting of the said Commissioners, at which any rule, order or regulation, for the governance and management of the said House of Correction or of the prisoners therein being, may be made, or at which any officer, keeper or servant may be appointed or removed, there shall be not less than five Commissioners present, and the said Commissioners shall cause a record of all their proceedings to be kept in a book to be provided for that purpose.'

In E. of Section VI, the Council altered the wording to: `and be kept to hard labour for any term not exceeding forty days.' They also substituted the label, `prisoners sentenced to imprisonment for hard labour', for the original term, `convicted prisoners'. 39

Nason says that the Saint John Justices were attempting to convince the Assembly that taking over the prison would be beneficial for the Province as a whole:

The Justices argued that the government would have the additional advantages of a separate dwelling to hold about one hundred twenty hard core prisoners. This new concept of separating prisoners 'from the others during the night and their constant employment when together during the day will most effectually check that communication among the Prisoners

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37 Nason, "Evolution", p. 6-7. Nason cites: Statutes of the Province of New Brunswick, "Act 2 Victoria c. 30. The Board was in effect to be composed of not less than two members of the Court of General Sessions for the City and one member from the Common Council. Eventually, the appointments to the Board included Robert F. Hazen, George D. Robinson, Henry Porter, Robert Payne and Noah Disbrow. These men are referred to in the records of the Provincial Secretary (hereafter RPS), William F. O'Dell to Board of Commissioners, August 25, 1842."


39 JHA-NB, 1839, p. 418.
which has hitherto made our places of punishment a mere school of vice and iniquity corrupting the young and inexperienced and confirming the old and vicious in their criminal habits.\footnote{Nason, "Evolution", pp. 7-8. Nason's footnote: "Records of the Legislative Assembly, Petition of the Justices of Peace of the City and County of Saint John to Lieutenant-Governor Sir John Harvey, No. 219, 1840."}

While the House of Corrections was under construction in 1840, moves were underway to transfer ownership and responsibility from the Town and County to the Province. A series of Acts in 1841 and 1842 passed control of the house of correction from the Justices of the County to the provincial government. The newly re-named Provincial Penitentiary continued to be managed by the Board of Commissioners, but "the basis for reception of prisoners was broadened to include sentenced persons from any county in the province."\footnote{\textit{JHA-NB}, 1842, pp 177, 282. (5 Vic., Cap. 25. Nason, "Evolution", p. 8. Nason's footnote: "Act 4 Victoria, c. 44. One important feature retained from the former act regarding the Board was the emphasis placed on the disallowance of remuneration for the Commissioners' services. For the legislation leading up to the takeover}
referred to prison conditions:

The Representations which have reached me from the Sheriffs, as well as the Inmates of some of the Prisons of the Province, have induced me to institute Enquiry, which has satisfied me that their improvement, as well as that of the conditions of the incarcerated Debtor, calls for the interposition of a humane Legislature -- Documents connected with these views will be laid before you.42

Accordingly, the House resolved on 31 January 1840, "That the subject matter of the Provincial Prisons should be referred by the House to a Select Committee to report thereon, by Bill or otherwise."43 This committee reported back to the House on 28 March 1840, having attended to this important duty, and beg leave to Report

That they have examined the various documents referred to them on the subject and are of opinion, that some material changes are necessary in the construction and government of the Provincial Prisons; but as great care

The Saint John Alms House (1843-1900), 193744

and attention will be required in disposing of the subject, the Committee

see RLE, Bills 90 & 94, 1841.”
42 JHA-NB, 1840, p. 6.
43 JHA-NB, 1840, p. 17.
cannot venture to report finally thereon at the present Session, but with the leave of the House will prepare a Report during the recess, and submit the same at the next Session.\(^{45}\)

On 20 February 1840, Partelow presented a petition from the Saint John Justices "praying further legislative aid towards the House of Correction now building in the vicinity of Saint John, and tendering the use thereof to the Province at large, for the purpose of security to convicted Convicts, and keeping them employed at hard labour."\(^{46}\)

The Petition was referred to a Select Committee reported on 24 March 1840 as follows:

That there being no establishment in the Province for the purpose of placing convicted Criminals to hard labour, when sentenced thereto by the Courts, your Committee think it highly desirable that the House of Correction now building near the City and County of Saint John should be accepted as a Provincial Penitentiary, and that an Act should be passed at the next Session to authorize the transportation of Criminals from the several Counties to Saint John, and they further recommend that a Grant of money be made at the present Session to the Justices ... payable in 1841, to enable them to complete the said Building.\(^{47}\)

This report was accepted by the Assembly and referred to the Committee of Supply. On 25 March 1840, £1,500 was voted to finish the House of Correction, to be drawn in 1841.\(^{48}\)

Actual construction which, not coincidentally, used convict labour, commenced in 1840.\(^{49}\) In 1840, when the prison "was commenced", a number of male and female prisoners were removed from the Gaol to the House of Corrections "and put to hard labour". The males were occupied in brick-making, hammering granite and clearing the

Depiction of the granite prison building, Saint John Penitentiary


\(^{46}\)JHA-NB, 1840, p. 94.

\(^{47}\)JHA-NB, 1840, pp. 223-224. The committee consisted of J. W. Weldon, J. R. Partelow, George Hayward and J. A. Street.

\(^{48}\)JHA-NB, 1840, pp. 224, 236. Baehre reports that a report was prepared in 1841 and submitted to the "Commissioners of Prison Discipline in England", and that they replied to W. Colebrooke, the Lieutenant-Governor of New Brunswick, [\_] who "was instrumental in converting the Saint John jail to a penitentiary." Baehre, "The Prison in Atlantic Canada", pp. 14-15.

\(^{49}\)Baehre, "The Prison in Atlantic Canada", p. 15.
The bricks were sold "to the parties who were erecting the Alms House". The female convicts were engaged in "washing barrack bedding, spinning, knitting, weaving cloth".\textsuperscript{50} Between 1838 and 1840, a sum of £12,840 was spent on the erection of the Provincial Penitentiary. The purchase of the property included a building which was fitted for a prison for women. The main building, the stone prison built of granite, cost about £7,000. There was a Keeper's Residence, two drying sheds, a wash house, and several workshops including a stone cutter's shop and a blacksmith's shop. Prisoners were employed in 1840 at general labour about the premises white-washing fences and making bricks. Bricks made at the prison were sold to Ewan Cameron.\textsuperscript{51}

On the 10th of March, 1840, Colonial Secretary Russell wrote a letter to Lieutenant Governor Harvey with respect to the 1839 Act establishing the Regulations of the House of Correction. The text of the letter is as follows:

\textbf{Downing St., March 10th, 1840}

Sir.--

I have under my consideration an Act (No. 1232) passed by the Legislature of New Brunswick during the last Session, providing for the Government and Regulation of the House of Correction for the City and County of Saint John.

It is to be regretted that the plans of the Building, which is states to be in progress, at a great public expense, should not have been transmitted to England before the building commenced, as it is not improbable, from the attention that is now given to the subject of Prison construction in this

\textsuperscript{50} Baehre, "Atlantic Canada" (probably).
\textsuperscript{51} Report on expenditures by Robert Payne, one of a Committee of Justices of Peace for the County and City of Saint John appointed by the Sessions of the Peace for erection of the Penitentiary, 12 July 1842, PANB RS 383.
Country, that some improvements in those Plans might have been suggested.

The second clause of this Act confers on the Commissioners of the House of Correction, the uncontrolled power of making Rules and Regulations for the management of the House, and of the several persons confined in it. The Act of Parliament, 1 & 2 Vict. c. 67, for the better government of the Prison in the West Indies, required that no rule should be enforced in a Prison, until it should have been approved and certified by the Governor in Council, who likewise possess the power of amending and adding to such rules; and it is desirable that the power should be vested in the Governor and Executive Council of New Brunswick.

I enclose for your information, an extract from the Act to which I refer.

I would also suggest that the Board of Commissioners should be authorized to appoint Visitors from their own Body, with powers similar to those possessed by visiting Justices of Prisons in England, under the provisions of the Act, 4 Geo. 4, c. 64, extract of which I likewise enclose.

You will lay this Communication before the Council and Assembly, and recommend the adoption of these suggestions in an amended Act, and in the meantime Her Majesty’s decision on the present Act will be suspended.

J. Russell

To John Harvey

These documents were referred to a select committee, to which Street was also appointed, and they reported by way of a Bill, number 90, "relating to a Provincial House of Correction", which passed routinely both the Assembly and Council.

In 1841 a stone building, called the House of Corrections, was erected on the site, along with other necessary buildings including a residence for the Keeper. "The Government of that day observing the benefits of the institution to the City and County of St. John, conceived the idea that it would be in the general interests of the people of New Brunswick, were its benefits extended to the whole Province". At the conclusion of these negotiations, an Act to establish a provincial House of Corrections was passed in the New Brunswick legislature (4 Vic., cap. 44) was passed on the 26th of March, 1841. According to Milner, the establishment of the House of Correction "was in order to separate the convicts from juvenile offenders and those convicted of minor offenses." In

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52 JHA-NB, 1841, p. 16.
53 JHA-NB, 1841, pp. 57, 178, 203, 274.
1841 the establishment was transferred to the Province: the "expenses [were] made a charge upon the Revenues of the Province. In order to separate the convicts from juvenile offenders and those convicted of minor offences. Judges Botsford and Parker were the authors of a very complete report on this, which resulted in the adoption by the Province of a building erected by the County of Saint John, which later became the Provincial Penitentiary...."\textsuperscript{56}

\textsuperscript{56} W. C. Milner, "Saint John in the Forties", \textit{Collection of the New Brunswick Historical Society}, reprinted from \textit{Acadiensis}, Vol. 1 (1901), p 7. Ward Chipman, Wilbur Botsford, James Carter and Robert Parker were the Justices of the Supreme Court. Henry Swimmer was Surrogate Judge. Baehre says: The House of Correction was placed under provincial rather than municipal jurisdiction in 1841. Subsequently, the name of the institution was changed to the Provincial Penitentiary." Baehre, “The Prison in Atlantic Canada”, p. 15.
John Quinton, Keeper

The Board of Commissioners appointed John Quinton to the position of keeper of the Provincial Penitentiary, a position he maintained for 33 years, later as warden of the Dominion institution. John Quinton was born in Lancaster, New Brunswick, on 27 October 1807 to Jesse and Sarah Quinton, a second child and eldest son. His sister, Elizabeth, died in infancy. John described his father as “simply a farmer in a quiet neighborhood where he was born and where he ended his days.” At his death Jesse was unencumbered by debt, “owing no one a cent”. Jesse willed his property to his sons, Hugh and William. “Hugh died underage – William sold his share and went away; only returned some twenty years after, and is still living at this date 1886.” James, John Quinton’s second-youngest brother, became the owner of Hugh’s half. James’ son, William A. Quinton (and therefore a nephew of John) became an M. P. P. and, in 1886, still lived on a portion of the original property.

Jesse Quinton, John said, was "an industrious, in fact, a hard working man; he was by no means a hard master but idleness never found a resting place within his jurisdiction; all who could, were requested to make themselves useful in some way; consequently at nine or ten I began to be regularly useful in some of the minor industries, and had an allotted duty to do each day, and that must be done and well done for I could think of play." There was nothing in "this routine of industrial training ... I could not do, and do easily", Quinton wrote. (He had learned to read and write from the Bible with the assistance of his paternal grandmother, Elizabeth Quinton). At the suggestion of his father, Quinton went to Saint John to learn a trade. At the time he was "green as a yellow cabbage" and accepted the suggestion, "having no will or choice of my own. In July 1845, he went to work for Thomas H. Hay, painter glazier and chairmaker "under whose patronage I was to acquire all these arts and mysteries, although he was "under no indentures of apprenticeship". Quinton worked for Hay until 26 April 1826 when his father died and did not return to his service afterwards. Soon thereafter, the 19-year old Quinton embarked on a voyage up the Saint John River to Fredericton, with Stepehn Carman a 21-year old friend (his “old playfellow”) and neighbor, taking passage on a Sloop and reaching Fredericton in nine days.57

"The next years were passed pleasantly enough", Quinton wrote, "I worked in the summer season and enjoyed myself in winter, doing very little besides sleigh driving and having a good time generally. In the fall of 1830, Quinton visited an aunt in New Hampshire visiting his father’s sister. “I liked the country and people, but could never make up my mind to become an American citizen.” Quinton wrote that his “great grandfather came from Ireland to New Hampshire in 1716 and settled there; in 1741 my grandfather, Hugh Quinton was born in Chester, N. H.”; his grandmother Elizabeth

Christy was born in Londonderry, N. H. also in 1741. “[T]hese grandparents never lived under or acknowledged any other flag than that bearing the Cross of St. George”.

In July 1831 Quinton marries Sarah Eliza Robinson "and was induced to become a teacher of youth for a time, in the old school house within half a mile of where I was born, and where in about 1823, I had three or four months instruction under a teacher named Robert Robertson, which was really of more service to me, than all the school instruction I had received elsewhere, which indeed was very little.” His teaching license was date 1828. Quinton, during some period when S. L. Tilley was Provincial Secretary, was made a Captain in the Saint John County Militia, First Battalion. However, he only served duty in the militia "two or three times" because his position as warden exempted him from this duty.58

By 1842, Quinton was the Chief of Police in Saint John, taking charge of the Police force "in about the last quarter of 1841, it was a small and very insignificant affair of about a dozen men but the times and circumstances required its augmentation and I soon had 25 men for the duty, which was about its strength when I left it. When I entered on the duty, the peace of the city was very unsettled and a volunteer force of citizens were nightly on duty, many of these in fact a large majority of them, were young men out simply for a 'lark' under the pretext of being conservators of the peace. However their numbers and well known readiness to fall in with the regular force doubtless contributed to the holding of evil doers in check, and the winter in regard to quiet, and goodness in the City, was a remarkable one, the reverse of what had been anticipated."59

At this point, the Saint John House of Corrections had been erected. Quinton wrote, "I knew nothing of what was being done in this connection, in fact my mind had become so taken up with Police matters, that I thought of nothing else, in short I decided to remain where I was, as I found I could do so with the good will of the management. My friend, the High Constable and City Marshall of St. John had been offered the birth, but understanding the matter thoroughly, James Stockford Esq declined, and named me to the Honorable R. F. Hazen, Chairman of the Commission who at once gave his influence at the Board in my favor and I got the appointment in preference to some thirty or more applicants and this I held through all changes of Government for 33 years, or until a Grit Government decided I should be superannuated to make a place for one of their 'suckers'".60

59 John Quinton, "Reminiscences", New Brunswick Museum, p. 117.
Deputy Minister of Justice Lash, in his 1877 review of the history of the Penitentiary, quoted from the 1841 Act that established the penitentiary, the 4th Victoria, Cap. 44, “which requires a more extended reference”:

It recites the erection of the building and its establishment as a house of correction; states that its establishment is found to be highly advantageous to the interest of the City and County of St. John, and that it is found advisable to extend its benefit to the country at large, and it enacts that a complete statement of all the costs and charges incidental to the erection of the establishment of the said House of Correction is to be made up and verified; that when such statement has been made up, it is to be forwarded to the Lieutenant-Governor of the Province, who is to examine it with all the accounts relating to the House of Correction.

That so soon as the accounts have been found to be correct, notice thereof is to be given to the mayor of the City of St. John, and that the justices are thereupon, in session, to declare and order that the House of Correction and lands &c., held therewith shall be vested in Her majesty without further act or deed of conveyance.

The Act further enacts that the sum which may be due and owing for the erection of the House of Correction, and grounds, and for which county debentures might have been issued, shall be paid by the Treasurer, with interest which had accrued or may accrue thereon, out of monies in the treasury by warrant of the Lieutenant-Governor, provided that no greater sum that £4,000 shall be drawn from the treasury, nor any greater sum than £500 in any one year.

Then follow provisions for the appointment of commissioners for the management of the house of correction.

Then come sections 14 and 15, which are as follows:--

`XIV. And be it further enacted that it shall and may be lawful for the Mayor, Recorder and Aldermen of the said City, or either of them, and Her majesty’s Justices of the Peace for the said City and County for the time being, or either of them, to take up and arrest, or by warrant to order to be taken up and arrested all and any rogues, vagabonds, stragglers, idle, suspicious or disorderly persons within the said City and County, and to order such rogues, vagabonds, stragglers, idle, suspicious or disorderly persons to be committed to the said house of correction, there to remain and be kept to hard labor for any time not exceeding forty days.'

`XV. And be it further enacted that it shall and may be lawful for the Justices of the Peace in and for any County or City and County of this
Province, in general sessions or in any special sessions, to be for that purpose held, to cause all prisoners sentenced to imprisonment with hard labor, and all vagrants, rogues, vagabonds, stragglers and other idle, suspicious or disorderly persons at such time in confinement in the common gaol or work-house of the said County or City and County, under and by virtue of any conviction to be removed from such common gaol or work-house, and to be carried, conveyed and taken to the said House of Correction, and to make such necessary orders and regulations for the carrying, conveying and taking such persons, together with the necessary costs and charges of the same as to them, the said Justices, may seem fit, and the keeper of the said house of correction shall forthwith receive such person or persons into his custody, and the said person or persons when so removed and placed in the said House of Correction shall remain there and be kept to hard labor until the several and respective terms of imprisonment shall expire.  

Lash noted that no change in the above statute appears to have been made up to the time of Confederation.

Construction continued on the main prison buildings between 1839 and its official opening in 1842 but, Nason notes, “signs of financial difficulties within the city government were apparent. A large debt had been amassed by 1841 and with the gradual tightening of money in the economy the chances of completing the project without additional funds were slim indeed.” In the early Session of the Legislature, the Justices of Saint John petitioned the House for further aid towards the House of Correction "recently erected in that City", receiving £1,000 to be drawn in 1842. That year, the Justices of Saint John petitioned the House for reimbursement for the expenses of the House of Correction. The grant was passed on a division of 17 to 10, in a motion which left the amount blank. On the 26th of March "the blank was filled up with the sum of £2068 5s. 4d." Robert Marshall reported that, according to a statement of 1842, the cost of erecting the House of Correction had been £13,501 19s. 3d. Between 1838 and 1842, grants from the Legislature amounted to £8,078 5s. 4d. The Sessions of Saint John, then, were due the balance of £5,433 13s. 11d. According to the Clerk of the Peace, H. W. Firth,

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62 Return No. 79, pp. 7-8.
63 Nason, "Evolution", p. 7. Nason’s footnote: "See the Petition from the Justices of the City for further funds to complete prison in RLE, Petition No. 114, 1841."
64 Nason, "Evolution", p. 7.
65 JHA-NB, 1841, pp. 70, 137.
this balance was "the subject of a long dispute" which was resolved in February 1844 when the Commissioners of Audit reported the balance due to be £4,866 3s. 8½d. 67

W. N. Street was Chairman of the Board of Commissioners of the Provincial Penitentiary. 68 The Board considered several proposals from “Medical Gentlemen” in their 6 March 1841 meeting and offered the position to Thomas J. Beckman(?) M. D, attending for £25 per annum. 69 At the meeting in which this decision was reached, the Board also discussed discipline at the institution. According to the minutes, "The Keeper reports that on Wednesday the 3rd February last" several prisoners had broken the rules or had escaped. On Wednesday, February 24,

Roland Deveau about 6 p.m. left his work and escaped from the Establishment. He was recaptured on the following Tuesday, brought back to the prison, confined to his cell and had 57 pounds of weights attached to his legs. "During the time of his confinement he was shouting ... and carrying on in the worst manner. At this time of his confinement he broke the cover off his night pail and also tore off two sides of his bedstead.... On Wednesday night last the keeper stopped at the Stone Building after the Prisoners had gone to their Cells and the lights were put out, he heard a great talk among the prisoners about getting a light. Heard the prisoners Deveau, 21 and James Williams (22) talking.... Williams was confined to his Cell ... Deveau said 'William got the light and passed one that way.' Saw the light first in William's (22) cell and as soon as he saw the lights he came out of the Prison and ... of the Prisoners gave three cheers. Rafuse[?] was one who cheered -- he only cheered once.... Deveau and Williams (22) cheered repeatedly, could not positively who the others were ... cheered. Called the Under Keeper and examined the Cells, 22 and Deveau's cell. Found in William's (22) Cell a neck handkerchief ... found a ... in William's (22) cell -- locked both 21 and 22 up with a dark door and shackled 22 and put them ... two separate cells ... bread and water.... Both 21 and 22 behaved very badly." During the confinement of 21, he "beat against the ... door with his weights and broke one of the locks off ... of his shackles. No punishment has as yet been inflicted on 21 for this behaviour.

This morning 21 was let out to work and upon examining his cell found one of the sheets torn in strips off of each side ... is not yet found. Last night remained in the Stone Building for some time and heard Adam, 22 and ... 24 talking about passing something from one cell to the other. Heard

something passing on the floor.... 21 was put in confinement this morning after breakfast. During this day he ahs been threatening the Keeper, in particular, to take his life.... 21 while the prisoners were shaving said he would have his revenge on the keeper. When the Commissioner arrived he was shouting some thing about the Under Keeper, Pelham[?].

Prisoner 21 states that he denies that he had anything to do with the [...] maintained by the keeper, that he does not make any more noise than any of the rest, denies having torn the sheet. The sheets are ... and it appears ... the side and end of one of them has been torn off. The keeper having now checked 21’s cell finds some Candles and a Stone Chisel.70

Two days later (March 8), the Commissioners again discussed the matter of discipline in a meeting in the office of Robert Hazen. Present were Hazen, King(?) Pitcher, Clifford(?) Robertson(?), Roland Payne and Noah Dickson. The rough minutes of this meeting, part of the R. F. Hazen papers in the New Brunswick Museum, refer first to an incident that occurred the previous Saturday night, involving William Robertson, which the Keeper had brought to the attention of the Chairman (Street) and Alderman Pitcher. The two Commissioners had “both signed an order for the keeper forthwith to discipline the said William Robertson.” At the same time, Alderman Porter, M. Payne, and Hazen had investigated the conduct of “Roland Deveau a prisoner ... guilty of several flagrant breaches of the rules and regulations”. They examined the Keeper and also Deveau. As a result, they recommended further rules and regulations:

Every prisoner, when set to work, shall most diligently employ and exert himself or herself to the best of his or her ability. Shall in addition to or ... the infliction of the punishments permissible by the rules made on the fourth day of January last, be fed while ... on bread and water only at the discretion of the Keeper, until such time as he or she shall duly employ or exert himself or herself to the best of his or her ability ....

Any prisoner defacing, defiling, injuring or destroying his bedstead or bedding or any parts thereof shall be deprived of his bedding for a period not less than three days nor more than seven days at the discretion of the Keeper.

Whereas by the rules made and established on the 4th day of January last certain punishments are provided for first and second offenses, and whereas it may (appear?) that the first and second offenses are committed by a prisoner, may be of an aggravated nature requiring more severe punishment than is permissible by the said rules, to be imposed by the Keeper or ordered in any case and prisoner (that?) commits an offense.

of an aggravated nature if it may be his first or second offence only, prisoner may by the Keeper be confined in his cell and fed on bread and water only. And the circumstances attending the ... fully communicated to the Board of Commissioners, and further resolved that the said Board will punish the party thus offending by close confinement, stripes, or otherwise, in like manner as is provided by the said rules for any third or subsequent offence.

It therefore appearing that the said prisoner Roland Deveau had been guilty of the following offenses and had not been punished therefore, viz:
1. Breaking the cover of his night pail.
2. Breaking his bed stead.
3. Beating with the side boards of his bed stead against the wooden door placed to darken his cell while in confinement.
4. Shouting and making a great noise in his Cell as well by day as by night, several times.
5. Knocking against the iron door of his Cell with the weights attached to his legs.
6. Breaking one of the locks from his shackles.
7. Tearing his sheets.
8. Having a pair of candles and one of the stone chisels in his cell.
9. Threatening revenge against the Keeper.

Thompson ordered that the said Robert Deveau, for the offense Number 4. of shouting and making great noises in his Cell as well by day as by night, several times, be whipped twenty stripes on his naked back.

Further ordered that the affixing of punishment for the other offenses above ... (enumerated?) be deferred to a further time.

If Deveau was whipped, that form of punishment was soon to end in New Brunswick. Nason writes that an important change in the mode of punishment occurred with the abolition of the lash in 1842. According to the Provincial Secretary, William F. Odell, "the abolition of lashing was really conforming with the present prison reform methods in England. Moreover,

the crimes and offenses of which the Prisoners are convicted having their origin for the most part in habits of sloth and the disposition to live by other means than by labour and industry, the application of vindictive punishment to compel the performance of labour has proved ineffectual in changing their [prisoners'] habits, but to impress on them that their subsistence depends on their own exertions has had a more salutary affect."

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In 1842, two prisoners, Martin Newman and William Roberts, were sent to England for transportation.\textsuperscript{72} This punishment was the result of the Lieutenant Governor’s decision to commute the death sentence “in consequence of several mitigating circumstances in the case of two Prisoners now in confinement under sentence of death, for the crime of Robbery”. Newmann and Roberts were ordered to undergo “Transportation for Life”, a sentence that required they be taken “to England, in order that their final destination may be determined by Her Majesty”. The cost of sending them to England would be charged to the Province.\textsuperscript{73}

In his 1842 speech from the throne, Lieutenant Governor Colebrooke recommended: "A revision of the laws for the regulation of Prisons … with a view to the introduction of a Reformatory system of Prison discipline, upon the principle adopted in England, as far as they may be applicable."\textsuperscript{74}

The House amended the “Act to make further provision relating to the Provincial House of Correction, and to give it the name of the Provincial Penitentiary” in 1842, authorizing the Lieutenant Governor, upon an application from the Board of Commissioners of the Penitentiary, “to issue his Warrant or Warrants upon the Treasury for a sum not exceeding three hundred pounds annually, to defray the expense of providing for the Prisoners, and materials for employing them at labour”. The Commissioners were ordered, “at the end of each and every year”, to “make up and render a full and detailed account of the expenditure of such sum or sums to be laid before the Legislature within twenty days after the meeting thereof.”\textsuperscript{75}

On 1 April, 1842 the province officially took control of the newly re-named Provincial Penitentiary, which continued to be managed by the Board of Commissioners, but “the basis for reception of prisoners was broadened to include

\textsuperscript{1842." (p. 13n).}
\textsuperscript{72} JHA-NB, 1842, p. 248.
\textsuperscript{73} JHA-NB, 1842, p. 199. The extract read as follows: Extract from the Rules and Regulations made by His majesty’s Government, for the information and guidance of the principal Officers and others in His Majesty’s Colonial Possessions, relating to the Transportation of Convicts in the Colonies.

"Throughout His Majesty’s American, West Indian and Mediterranean Colonies, it will be convenient that the uniform practice be observed, of sending to England all persons condemned to transportation, in order that such persons may be removed from this Country to whatever place His Majesty may from time to time see fit to appoint.

"As the charge of forwarding Convicts from Great Britain to the place of their ultimate destination is borne by this Kingdom, though it is not properly a British but a Colonial expenditure, so the cost of sending the Convicts to England for transportation must be borne by the respective Colonies in which the convictions may take place.

"Convicts are to be supplied with Clothing and Provisions, properly adapted to the season of the year and the duration of the voyage." JHA-NB, 1842, p. 199.
\textsuperscript{74} JHA-NB, 1842, p. 6.
\textsuperscript{75} JHA-NB, 1842, p. 197. Section VII.
sentenced persons from any county in the province.”

Four officers, the Keeper, Matron, Chaplain and Surgeon. (See Appendix for the Rules and Regulations of the Penitentiary). The Commissioners drew “a list of rules and regulations ... enumerating the many responsibilities of the commissioners, keepers and associated personnel.”

Nason writes:

As administrators the commissioners were to adhere to the before-mentioned instructions under Act 2 Victoria c. 30 and report periodically on the state of the prison. While the commissioners were not entitled to compensation for their services, one point was made evident by the despatch of the Colonial Secretary, Lord John Russell on March 10, 1840. To him all encompassing power of the Board relating to the making of rules and regulations placed the commissioners in a very favourable position. Without restrictions on their power by the Lieutenant-Governor-in-Council, Russell predicted this Board could do almost whatever they wished. Perhaps the Colonial Secretary was thinking more in terms of commissioners attempting to vote salaries for themselves. To offset any possibility of a monopoly of power in the penitentiary, the Assembly hastily repealed certain sections of the act of 1839 in 1842.

In 1877, Robert Marshall responded to a post-Confederation dispute about which level of government was responsible for short-term prisoners in the Saint John Penitentiary. Marshall argued that the control and management of the Penitentiary passed into the hands of the Province, "for a money consideration, together with a solemn agreement that prisoners of the class referred to in the 14th Section of the Act should be, in perpetuity, a Provincial charge." The "adjustments of the accounts and delivery of title took place in March 1844.... Part of the terms of the transfer between the Justices and the Province, was the reservation, that short term prisoners — those sentenced for less than two years — would be cared for in that institution, in perpetuity, and that it should become a Provincial and not a local institution. Subsequently, the name, 'House of Correction' was changed to 'The Provincial Penitentiary of New Brunswick.'"
The main Penitentiary building was to be of hammered granite, 120 feet long, 44 feet wide and 36 feet high, containing 4 tiers of cells in double rows and cost about £7,000. There were to be 15 cells on each side. By 1858, 90 cells had been built and there was room for the construction of the fourth tier. Each cell was to measure 7 by 4. In 1852, a building for female prisoners was erected containing 40 cells, replacing the building that was purchased along with the property and had been used for a prison for women. According to the 1858 Report: "Both are substantial buildings and in excellent condition". About 1849 a fence was constructed, part of which was fourteen feet high, to enclose less than half the total land. There was also a brick workshop, a drying house and an old wooden house used to store prison manufactures. In 1855 a new brick building was added, having apartments for the Keeper and Under Keepers, a hospital, storerooms and an office. In addition to the Keeper's Residence, the property contained two drying sheds, a washhouse, and several workshops including a stonemason's shop and a blacksmith's shop.  

Baehre notes that the opening of the New Brunswick penitentiary was "virtually simultaneous with the grand opening of the quintessential British penitentiary of that period, Pentonville"; symbolizing the adoption by New Brunswick of a similar prison system. The Provincial Penitentiary in Saint John, while "far less grandiose" than the one in Kingston, Upper Canada, "nevertheless exhibited many of the same features" such as the new mode of prison discipline. Baehre cites a "New Brunswick Commission in 1858" as asserting that, "while the Law punishes crime", and protects "the great interests of the community", the function of the penitentiary was "to benefit and reform the criminal."  "Similar comments were made on the opening of the Halifax Penitentiary in 1844. The aim of this new type of prison was `that great reformation among the prisoners, both moral and religious, as well as the formation of industrious habits, may be expected.'"  "The ideas of labour, instruction and moral reformation", Baehre concludes, "were not new, but stemmed from the original acceptance of the penitentiary model in the 1820's  

81 Report on expenditures by Robert Payne, one of a Committee of Justices of Peace for the County and City of Saint John appointed by the Sessions of the Peace for erection of the Penitentiary, 12 July 1842, PANB RS 383; Report of the Commission Appointed to Enquire into the Management of the ... Provincial Penitentiary", pp. 14-15. The land was 6 chain, 94 links wide, 48 chains, 50 links deep. The Female prison building was built at a cost of L 2,163 13 4.  
and thirties.”

In his 1843 Annual Report, Board Chairman W. H. Street indicated that the present Commissioners “had been appointed to office late in the month of August”, and entered upon their duties on 1 September last. The Commissioners had received a total of £1021 9 10 from the Treasury, there remained on accounts contracted before 1 January 1843, a sum of £198 8 5½. Street continued:

Cutting and preparing stone, and recently building thirty new Cells, has furnished the means of employing usefully many of the Prisoners; and although there are now sixty Cells which can be used for Male Prisoners -- as a Provincial Institution, it is apprehended that a third tier of Cells will be required by the period at which the material could be procured and the work completed.

The only, at present, prospective profitable occupation for the Prisoners, is that of making Brick, and although considerable fuel for that purpose has been procured — if allowance be made for no inconsiderable consumption in the Prison during the Winter — it would be desirable to increase or double the present quantity of Wood, so as to ensure an ample supply when the season for making Brick arrives.

The Commissioners cannot omit in this Report noticing the very insecure description of Fence or Paling with which the Prison is enclosed, — affording little or no protection against escape; and are of opinion, that it is an object of the first importance to get the grounds securely enclosed by Brick or Stone Walls, and that the labor of the Prisoners should be rather directed to that object than any other; and that the providing Brick and quarrying Stone the ensuing season would be ultimately more advantageous than making Brick for sale; and with the erection of exterior Walls, Sick Wards and Work Buildings can be made to become a part of the intended Wall.

The Commissioners esteem it their duty to notice the embarrassment under which they have frequently been placed by the delay in procuring the necessary funds to pay the charges of the Prison; and had it not been for advances occasionally made by themselves, the means of feeding and clothing the Prisoners would on more than one occasion have ceased to exist. To obviate a continuance of this liability, they respectfully suggest that the Province Treasurer may be authorized to furnish funds as required,

on requisition of the Board, to the extent of £100 monthly.\textsuperscript{87}

The principal addition to the prison was the construction of a brick kiln, begun in September 1843 and finished in October. Prison labour was also used for further construction of the penitentiary. According to the October report of the Visiting Commissioners, I. Woodward, John Owens, and R. L. Hazen,

The labour of a part of the male Prisoners, under the direction of Mr. Ray, with the assistance of two hired Masons, has been devoted to the erection of a second tier of cells, which are progressing well -- the hired Masons commenced on Monday the 22nd instant, at 6s. 6d. per day. The other male Prisoners have been principally occupied on the grounds, digging and housing the Potatoes, (about 500 bushels of which have been secured,) ditching and otherwise preparing the soil for cultivation next Spring; also at carpenter and Blacksmith work, Tailors, Shoe and Harness making, with the exception of three Soldiers in solitary confinement, which will expire on the 1st proximo.

The female Prisoners employed in washing and cooking, &c. for the establishment, spinning, knitting, and making up clothing.

The conduct of the Prisoners generally has been good, the male Prisoners doing all the labour required of them orderly, industriously and apparently willingly, as if working for ire; no sickness. -- Some of the Prisoners have required the attention of the Doctor, who has been constant in visits. The Chaplain, the Rev. William Harrison, has also visited and performed Service every Sunday. A supply of Bibles and Testaments have been furnished during the month, and a number of Tracts bought from the Rev. Mr. Coster, at Carleton, which will be sent out.\textsuperscript{88}

The Committee also gave consideration to the price of supplies. The contracted price for beef (27s. per cwt.) was found to be high relative to market rates. The contractor refused to lower his price. "We then stopped the receipt from him at the Prison" and received supply from the market at 14s. per cwt. "Your committee would suggest the propriety of advertising for tenders for all supplies requisite for Prison subsistence, under the scale of diet for a given period, say three or six months." They also recommended building a Keeper's or Porter's Lodge at the outer gate, which they estimated would cost £15 "exclusive of Prisoners' labour and part of the materials for Frame, which are on hand", and purchasing the horses, which were being hired from Smith, the pair costing £27 10s., a price considered low. "They would further suggest the propriety of having a

\textsuperscript{87} "Provincial Penitentiary, Annual Report of Board of Commissioners", JHA-NB, 1843 Appendix, lxxix.

\textsuperscript{88} Monthly Reports of Visiting Commissioners of Provincial Penitentiary, October, JHA-NB, 1843, Appendix, lxxx. The Monthly reports of the Visiting Commissioners for the last quarter of 1842 were reprinted in the Journals of the House.
Brick Tank built in the Prison for collecting Rainwater for the use of the Prisoners, as the Wells dug on the premises do not furnish good water, and at present the water for use is brought from a Well near the shore. They estimate the expense, exclusive of Brick, at about £10.89

The Visiting Commissioners for November reported the prisoners to be employed similarly to the previous month and "conduct generally good throughout the month; no fault found by the Keeper." The Cells should be completed by the end of the month, "at no greater cost than was anticipated — the expense of two Masons and the Cement." The Commissioners reported that articles of clothing and bedding were required, but they "have not felt themselves justified in purchasing, in consequence of the state of the funds — the Chairman being in advance; but they hope provision will be made by the Executive that the Establishment may be put in order without subjecting the Chairman or any of the Commissioners to the inconvenience of making advances of money in such times of scarcity as the present."90

The prison used about six cords of wood per week for cooking and warming, at 8s. per cord. The Commissioners recommended buying spruce in the winter at 6s. 3d. per cord which is "required for the burning of Bricks next season, as that is one of the employments to which they think the labour of the Prisoners may be advantageously devoted at that time." The Commissioners also indicated that a "Cooking Apparatus" was "particularly required", and had this comment on the Keepers:

The conduct of the Keepers have given satisfaction, and your Committee think affairs are in such a train[?] as may be conducted with but little trouble. The Keeper appears to have managed well with the Prisoners, uniting a proper degree of firmness with a regard to their comfort — such as are allowed, that makes his rule borne willingly. They have provided a Book for the Keeper's Journal, in which he enters daily all transactions and occurrences as they arise; this, they think, will be satisfactory as a reference.91

Commissioners Woodward and Owens reported in December that they had visited the prison "frequently", that the officers had "conducted themselves well", and that the "conduct of the Prisoners ... has been generally good, no complaints having been made to us." During December 1843 the prisoners were principally employed on the second tier of cells and in sinking a well in front of the prison. The cooking apparatus was being put up and would be completed in January. (The Commissioners referred to

89 Monthly Reports of Visiting Commissioners of Provincial Penitentiary, October, JHA-NB, 1843, Appendix, lxxx.
90 Monthly Reports of Visiting Commissioners of Provincial Penitentiary, November, JHA-NB, 1843, Appendix, lxxxi.
91 Monthly Reports of Visiting Commissioners of Provincial Penitentiary, November, JHA-NB, 1843, Appendix, lxxxii. Visiting Commissioners were I. Woodward, John Owens and R. L. Hazen.
Keeper, J. Quinton).

The expenditures of the prison for December 1842 were listed as follows:

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wood, for burning Brick next year</td>
<td>£99 16 9½</td>
</tr>
<tr>
<td>Cells, Wages, Masons, Cement &amp;c.</td>
<td>43 18 0</td>
</tr>
<tr>
<td>Hay and Straw for Horses and Bedding</td>
<td>4 1 3</td>
</tr>
<tr>
<td>Sustenance, Beef and Bread</td>
<td>15 2 8</td>
</tr>
<tr>
<td>Clothing and Blankets</td>
<td>14 1 0</td>
</tr>
<tr>
<td>Salaries, Keeper and Under Keepers</td>
<td>20 0 0</td>
</tr>
<tr>
<td>Miscellaneous, Blacksmith, Powder, &amp;c.</td>
<td>12 0 9½</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>209 0 9½</strong></td>
</tr>
</tbody>
</table>

In addition, the Chairman was due £92 2 11½ "per last year’s Account rendered", for a total of £301 3 5. The credits were listed as £161 12 0 and £100 0 0 from the Treasury on 8 December 1842 and 23 January 1843, as well as £26 9 9 "For the diet of Soldiers committed", for a total credit of £289 1 9, leaving a balance due W. H. Street, the Chairman, of £13 1 8. "There are also several accounts unpaid for Wood, Wages and sundries, which could not be liquidated; as also the Chaplain, Surgeon, &c. for want of funds."92 The Commissioners also had a further recommendation:

Your Committee would recommend that some one gentleman should be appointed as Superintendent, in whom the Board should have confidence, to manage the out door business of the establishment, responsible to the Board, and relieve the Visiting Commissioners of that duty; as it is impossible the Visiting Commissioners, changing as they must necessarily do monthly, can so well manage as one person continuously in office, who will thus have the run of the business, whose duty it would be to attend to it, and for which he should be remunerated; as should the Commissioners’ own private affairs require their attention, they could not give the time to the Institution that its good management would require, and which they are now enabled to afford in consequence of the leisure which business at present permits.93

Nason believes "There is reason to believe that several of the commissioners gained handsomely from the prison’s good fortune. For instance John V. Thurgar and John Ward Jr. while members of the Board were deeply involved in overseas trade to Britain and the West Indies via the United States. Another member, William H. Street later to become mayor of Saint John received the homespun goods of the prison and sold them almost entirely through his store.”94

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92 Monthly Reports of Visiting Commissioners of Provincial Penitentiary, December 1842, JHA-NB, 1843, Appendix, lxxxiii.
93 Monthly Reports of Visiting Commissioners of Provincial Penitentiary, December 1842, JHA-NB, 1843, Appendix, lxxxiii. The Visiting Commissioners were I. Woodward and John Owens.
In 1843, (6 Vic., cap. 14), the powers of the Provincial Penitentiary were enlarged by statute, and a small angle off the old ground given back to the justices.\textsuperscript{95} The House also passed Bill # 19, to enlarge and establish the bounds of the Provincial Penitentiary.\textsuperscript{96}

On January 25, 1843, the Commissioners appointed by the Governor-in-Council to investigate the accounts of the provincial penitentiary made a report to the House. In their summary, the Sessions listed the following accounts:

A. Account Current, debiting the gross sum of various bills (1 to 132) -- £11 420 2s. 1d.
B. Charges made by County Treasurer, for Commissioners (paper C) -- £682 4 3
C. Interest paid on County Debentures -- £737 18 6
D. Sum claimed by Commissioners of House of Correction -- £1,091 1 11

The principal credit listed "for sundry Legislative Grants", amounted to £8,068 5 4
The Balance was listed as £5,483 13 11

The Committee argued that,

The amount charged against these Bills by the County Treasurer is £10,676 18 9. The whole amount of Vouchers that have come into our hands is £5,277 9 4, leaving the difference between the two last named amounts to be made out from charges in the Account of the County Treasurer, which has been handed in as a substitute for Vouchers of a more business like description; the reason assigned for which is, that since the last great fire in Saint John, many papers have been missing, and it is thought that on that occasion some of the Vouchers were lost.

Nearly 5,000 pounds of the non-authenticated amount was connected with the account of John Fisher, the Contractor. Of an account of £434 15 8 of Mr. Hillyer, £225 "was allowed to him for superintending the Brickyard about seven months; we think this exorbitant."

The Committee held that charges "for Medical attendance, Cartage, and carrying Prisoners to House of Correction ... should have been charges against the County, not against the Province. The sum of £200 "allowed to Robert Payne for superintending" is also "objectionable". The interest on County Debentures was also properly a County, not a provincial charge.

Overall, the accounts were prepared in a "careless manner" and the vouchers were unsatisfactory. The "County Treasurer's Account which has been handed in to stand in the stead of those Vouchers that are lacking, is much wanting in method and clearness,

\textsuperscript{95} The Report of the Deputy Minister of Justice, 29 December 1878 "Report, Etc. St. John, New Brunswick, Penitentiary as to Short-term Prisoners, "Return" No. 79, 27 March 1879. Hereinafter referred to as "Report No. 79".
\textsuperscript{96} JHA-NB, 1843.
and is therefore a very unsatisfactory substitute." The Committee also claimed that "in all the doings connected with the Institution, there appears to have been a great want of economy", and the auditing of the accounts by the Saint John Sessions "must have been very superficial, and we beg to state in conclusion, that we do not think the Province should be debited with any part of the Account, except the cost of erecting the buildings." 97

The Sessions replied there had been no demands made for additional vouchers but that, at the present time, it would be difficult to procure many since many persons had left the province. With respect to the salary given to Hillyer, the Sessions remarked: "Mr. H. is an Englishman largely engaged in brick making in Bangor, and was the only person who could be got fit for laying out a large establishment property. He would not have received his engagement for another season; but allowing his salary to be high, from it it is to be deducted a large part of the claim from the Contractors, (£152) credited in account, which claim was for actual damage, and Mr. H's services formed a large part of that claim." They further explained: "Mr. Payne was actually employed as a Superintendent in the formation and arrangement of the establishment, and devoted the whole of his time, during a long period, to that service; the charge was approved of by the Sessions, but if the Commissioners are of opinion that services of this nature are to be performed gratuitously, then their objection is proper."

Other charges were "for the labour of the prisoners in the House of Correction, in the preparation of a second tier of cells; another part, 30 iron doors for the cells, not then paid for by the Commissioners of the House of Correction; and the remainder a quantity of Granite and some tools furnished by them after taking charge, for the cost of all which the Commissioners are accountable to the Sessions. They look to this Account also as an offset to the expense incurred by them in conducting the establishment while they had charge. It was added to the Account, as there could be no doubt the Province would take the articles, and the Commissioners not being in existence after the 1st April 1842, the Sessions were considered as the proper party to make the claim."

Finally, the Sessions expressed "surprise that the Commissioners should have considered that the Province is to be debited only for the cost of the building, and they cannot have looked at the Act 4th Vic. referred to with respect to County Debentures, for by it, the buildings, but also the land and all other costs and charges are to be paid for, as is evident by the 1st Section of the said Act, which expressly provides that the Accounts shall contain 'the whole cost of the building, and a complete statement of all costs and charges incidental to the erection and establishment of the said House of Correction.'" 98

97 "Report from Commissioners appointed ... to investigate the Accounts connected with the Provincial Penitentiary", 25 January 1843. JHA-NB, 1843, Appendix, lxxxiii-lxxxv. Committee members: F. P. Robinson, B. Wolhaupier and Joseph Gaynor.
98 "Report of Committee of Sessions, Saint John, upon the Report of the Commissioners appointed by the Government to Report upon the Accounts of the Expenditure incurred in the Erection, &c. of the House of
In the Journals of the House of Assembly for 1843 is also printed a copy of the auditor's report on the expenditures of the Commissioners from 1 April to 31 December 1842. A balance of £169 7 9½ was due "from the former Commissioners of the Penitentiary on expenditures, from 1st of April to the 1st of September, 1842". An additional £911 5 6½ was on account from 1 September to 31 December. A further £169 7 9½ was due "sundry persons" to 31 December 1843. A Despatch from the provincial Secretary "stating that £27 15 was directed to be appropriated for the purchase of a pair of Horses for the use of the Penitentiary." The total of these sums was £1302 7 11.

On the credit side was £0 11 10½ in November for "19 days diet of a soldier", a further £26 9 9 in December for soldier's diets, leaving a balance of £1275 6 3½. In addition, there was a Warrant on the Treasury, by order of the executive, in September 1842 of £300; further warrants advanced in October 1842 (£209 17 10); in November (£100), in December (£161 12), on 23rd January 1843 (£100), on 27th January (£150) and on 6th February 1843 (£241 2 4½), for a total of £1262 12 2½. The House resolved that the expenses of auditing the accounts by special Commissioners "should be paid by the Commissioners of the said Provincial Penitentiary from the grant made towards the support of that Institution for the present year". On February 27, 1843, the Lieutenant Governor laid before the House the accounts of the Provincial Penitentiary as well as a return on prisoners and an Annual Report. Daniel Sullivan petitioned the House for the payment of the balance due him as Under Keeper to the House of Corrections at Saint John, and was given £63 10 3 by the Assembly. On 1 April 1843 the legislature granted £750 for support of the provincial Penitentiary (in addition to the usual grant of £300).

At the end of the 1843 session (6 April), the House passed the following resolution: That a Select Committee be appointed to examine into the state of the provincial Penitentiary during the recess, and to make a full report thereof at the next Sessions, specifying the number, names and ages of the Convicts -- the crime for which they are imprisoned -- the terms of their imprisonment -- the description of occupation in which they are engaged -- and to what extent the same is of a productive character -- the extent of accommodation for Prisoners -- the number of Keepers and Servants, and

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99 "Report upon the Accounts of the Commissioners of the Provincial Penitentiary from the 1st of April to the 31st December 1842", Office of Audit, Fredericton, 15th February, 1843, F. P. Robinson, auditor. JHA-NB, 1842, Appendix, pp. ccx-ccxi. The auditor was F. P. Robinson.

100 JHA-NB, 1843, p. 275.

101 JHA-NB, 1843, p. 123. (27 February 1843).

102 JHA-NB, 1843, Petition # 126, pp. 99, 109, 110, 240.

103 JHA-NB, 1843, p. 253.
their respective salaries and wages, and any other information which they may deem of importance.\textsuperscript{104}

Nason explained that, in the beginning, it was "not necessary to devise plans for employing the inmates at hard labour. The necessity of completing the second tier of thirty solitary cells ... called for the constant attention of all." In 1843, the average daily male population was 27, and the female average was 16, so "all inmates could be totally employed."\textsuperscript{105} Using June 1843 as an example, which was the "most suitable time for construction work", Nason cites the monthly work statistics from the Keeper's Report of June 1843:

<table>
<thead>
<tr>
<th>Male prisoners</th>
<th>Days of Work</th>
<th>Occupation June 1843</th>
</tr>
</thead>
<tbody>
<tr>
<td>38</td>
<td>607</td>
<td>General labour - agric. &amp; const.</td>
</tr>
<tr>
<td>49</td>
<td></td>
<td>Carpentry</td>
</tr>
<tr>
<td>7</td>
<td></td>
<td>Blacksmith</td>
</tr>
<tr>
<td>34</td>
<td></td>
<td>Shoemaking</td>
</tr>
<tr>
<td>49</td>
<td></td>
<td>Tailoring</td>
</tr>
<tr>
<td>77</td>
<td></td>
<td>Brickmaking</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Occupation June 1844</th>
</tr>
</thead>
<tbody>
<tr>
<td>28</td>
</tr>
<tr>
<td>141</td>
</tr>
<tr>
<td>General labour - agric. &amp; const.</td>
</tr>
<tr>
<td>90</td>
</tr>
<tr>
<td>Carpentry</td>
</tr>
<tr>
<td>40</td>
</tr>
<tr>
<td>Blacksmith</td>
</tr>
<tr>
<td>25</td>
</tr>
<tr>
<td>Shoemaking</td>
</tr>
<tr>
<td>338</td>
</tr>
<tr>
<td>Brickmaking</td>
</tr>
</tbody>
</table>

"By this time the prison was producing upwards of 50,000 bricks per month."\textsuperscript{106} Women

\textsuperscript{104} \textit{JHA-NB}, 1843, p. 270. Wilmot, End[?], Fisher, Botsford and Perley were appointed to the committee.


were engaged in washing and cleaning cells, "wool dressing, spinning, knitting, sewing and cooking. Although some women were occupied in harvesting the potato crop, they proved of `very little advantage' according to the keeper."107

"By the end of 1843 the visiting commissioner to the penitentiary was optimistic enough to report that the combined sales of bricks, agricultural products (mostly potatoes) and woven materials would greatly relieve the burden of government expenditures for keeping up the prison.108 Within a span of two more summers the commissioners were able to report that the prison was the principal supplier of all bricks for the city, especially since the devastating fire of July 1845."109

According to the Report of the Commissioners for 1843, the accounts showed an expenditure of £1577 3s. 5d. A "very considerable portion of this expenditure has been applied in discharging ... the unpaid Accounts of the preceding year, and in repairs and expenses connected with the improvements of the buildings and grounds, as also in the purchase of Looms and apparatus for the manufacture of Clothing for the use of the Prison ... and in the purchase of Seed and Manure, which have produced a quantity of Vegetables equal to the years consumption, according to the present number of inmates, and sufficient Seed for a succeeding years crop. Nearly three hundred thousand Bricks have been manufactured in the year, and about two hundred and eighty thousand, of the estimated value of £350, remain unsold, and may be made available for the expenses, in part, of the year entered upon." There remained £130 unpaid accounts, of which £98 were for the previous year's expenditure.

The Commissioners also referred "to their last years Report of the insufficiency of the wooden paling with which the Prison is enclosed. Several Prisoners have at different periods during the year made their escape, and recaptured at considerable cost." The Commissioners recommended that, in the event that the prison was to be continued as a provincial penitentiary, that an annual grant of £300 should be made for five years to be spend in enclosing the "whole grounds ... by Stone and Brick Walls...[N]otwithstanding the great extent of Wall required", this sum "united to the Prisoners labour" would "probably effect the object within the period named."

The Commissioners have given much consideration to the importance of rendering the labour of the Prisoners more productive, and thus gradually reduce the charge upon the Public Revenue. The following considerations present themselves:--

The fact of similar institutions in the United States supporting themselves by the profitable employment of the Convicts, has induced, on

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the part of the Commissioners, the utmost desire of placing the Penitentiary in like circumstances. It must however be borne in mind, that in every case of such desirable results the inmates of the Prison are very numerous, and no inconsiderable number committed for a term of years, or for life. That such institutions are complete in the appointed means of employing to the best advantage each Prisoner at such trade as he may acquired a previous knowledge of, or if not in possession of such previous knowledge, ample means exist for his acquiring it. How widely different is our infant institution circumstances—the inmates so limited in number as to make the cultivation of the grounds and manufacture of Brick the means of full employment for at least two thirds of the year. The time of commitment never for life, rarely for more than one year, and the majority from one to six months. Not more than two or three are at any one time in confinement, possessing a knowledge of any trade, and quite as limited a number only, are committed for a sufficient period to admit of instruction, did the means exist. The constantly increasing population of a new country, will most likely unhappily remove the first disability, of want of numbers, at but too early a period. If then, in anticipation of events which experience renders so certain, the Legislature make provision for gradually surrounding the grounds with sufficient Walls, and thus preserve the establishment in improved efficiency, it cannot be otherwise than a public benefit, and operate as a check upon crime.\textsuperscript{110}

| Table |
|---|---|
| Number of Prisoners, admitted and discharged, Saint John Penitentiary, 1843, by Month:| |

<table>
<thead>
<tr>
<th>Month</th>
<th># 1st of Mth</th>
<th>Admit in Mth</th>
<th>Disch in Mth</th>
<th># end of Mth</th>
<th>Total Diets</th>
<th># 1st of Mth</th>
<th>Admit in Mth</th>
<th>Disch in Mth</th>
<th># end of Mth</th>
<th>Total Diets</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Male</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Female</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

\textsuperscript{110} "Report of the Commissioners of the Provincial Penitentiary, 1843", W. H. Street, Chairman. \textit{JHA-NB}, 1844, Appendix, cxli - cxlii.

\textsuperscript{111} "Statement Shewing the number of Prisoners admitted into and discharged from the Provincial Penitentiary from 1st Jan. to 31st Dec., 1843, the Rations required, and the employment of Prisoners for each month." \textit{JHA-NB}, 1844, Appendix, cxliii.
The number of prisoners on hand at the beginning of each month was between 23 and 35 males, and 7 and 38 females. The average numbers were 29 males and 16 females, or 45 in total. The numbers of female prisoners show the greatest variation. In five months there were three or fewer admissions, but there were 31 in May, 17 in July and 16 in September.\textsuperscript{112}

The Report is accompanied by a statement of the number of prisoners, discharges and admittances, the number of daily rations, and the employment of the prisoners for the year 1843 broken down by months. For the males, in January, 163 days were spent on the second tier of cells. The majority of work in the months from January to April, inclusive, as well as December, an average of 419 days were spent on "general labour". From May to November, the work was described as "Farm Work and General Labour", and about 371 days work was done on average during this time. Each month about 34 days were devoted to shoemaking, 41 to carpentry, and 29 to tailoring. An average of 28 days blacksmithing was done for the first six months, and then none for the remaining half year. 18 days, on average, of coopering were done in February (9 days), March (27 days) and April (19 days). Finally, brick making occurred between June and October, inclusive, with an average of 298 days work per month, although there was only 77 in

\textsuperscript{112} "Statement Shewing the number of Prisoners admitted into and discharged from the Provincial Penitentiary from 1st Jan. to 31st Dec., 1843, the Rations required, and the employment of Prisoners for each month." \textit{JHA-NB}, 1844, Appendix, cxliii.
June and 118 in October. Brick making was a warm-weather occupation.

The women worked consistently on wool dressing (66 days), spinning (29 days), knitting (56 days) and sewing (43 days). Five days weaving were listed in December. Between January and June, and November and December, the work was variously described as cooking, general housework, washing and scrubbing, and general labour. Between July and October, the term "out-door labour" was added either exclusively (as in September) or in combination with the other tasks. This general labour work, over the twelve months, occupied 190 days labour monthly.¹¹³

The total expenditure for 1843 was £1,696 3 6. The prison received revenue for prisoners' diets of about £163. They also sold hogs and spun yard (£11 5/ 5d), sheep skins (£1 12 6) and bricks (£15 13 4½), for a total revenue of £192 0 2, leaving a balance of £1,504 3 4 which was totally met by warrants from the Treasury. Two of these (£391 2 4½) were "Special Warrants"; two amounts totaling £813 10 3 were received under Act 6 Vic. c. 41; an additional £300 was received under Act 5 Vic. c. 35 s. 7.

£398 11 8 were spent on salaries and wages, including £50 to the Physician, £25 to the Chaplain, £120 to the Keeper, £48 each to two underkeepers, £24 to the Matron and £25 to the Secretary. Diet, bedding and clothing amounted to £485 3 6½, as well as £271 18 1 for building, repairs and utensils. A further £96 13 7½ was expended on apprehending prisoners and other contingencies. The total listed expenditure was £1,710 5 2 (including £282 13 0 arrears from 1842).¹¹⁴

The Commissioners Report for the month of January 1843, said: “The cooking apparatus for the stone prison, against which so much complaint has been made, has been altered and improved . . . trust that they will answer for years without any further expense.” New cells were nearly complete and capable of being completed by convict labour under McRay.

As in last December’s report, the Commissioners report to the Board “that a superintendent should be appointed”. In addition to the reasons stated in December, “that the office and duties of the Secretary to the Board should be discharged by the Superintendent, by which the charge for services of Secretary would be saved.”¹¹⁵

The Commissioners' Report for Feb. found the institution well managed. They attached the report of the Keeper.¹¹⁶ In March the prisoners were employed by the

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¹¹³ "Statement Shewing the number of Prisoners admitted into and discharged from the Provincial Penitentiary from 1st Jan. to 31st Dec., 1843, the Rations required, and the employment of Prisoners for each month." JHA-NB, 1844, Appendix, cxlii.

¹¹⁴ "Report upon the accounts of the Commissioners of the Provincial Penitentiary from the 1st January to the 31st December, 1843" JHA-NB, 1844, Appendix, cxliv. Auditor: F. P. Robinson.


¹¹⁶ 31 March 1843 NB Executive Council, Penitentiary, Correspondence and Returns, 1842-1854, M.G. 9 A 1 Vol. 95, p. 15.
Keeper “to the best advantage for the season”. Woodward, Owen and N(?) Porter directed the Keeper to make arrangements, as he had indicated in his report, “for the accommodation of one of the Underkeepers at present in the Alms House”.  

In April the visiting commissioners accepted the beef tender for one year of Thomas Corking (lowest), and continuing the bread tenders at the same price as the last year. They expressed pleasure in reporting the “vigilance the attention, and good management of the Keeper Mr. John Quinton and also of the Matron and Underkeepers”.

In May, the Visiting Commissioners noted that the number of both male and female prisoners was greater than in any previous month, the number of females “very much augmented by the commitment of women of loose character in the town as Vagrants. The law authorises the magistrates to send vagrants to the prison, but it is to be hoped the Justices in Sessions will make some provision for their support, as suggested in a Resolution passed at the last meeting of the Commissioners, to prevent a complaint that may arise on the part of the Legislature, that, they are supporting our City and County Vagrants out of the Provincial Chest”, although admitting Saint John was “the focus of the vagrants of the Province”. They expended money on seed potatoes and manure, expecting to save money by growing this item of daily diet and having a surplus for sale. They planned to begin brick making, after planting was finished, and if they could find a potter at a suitable rate, to begin making pottery from the abundant clay. The only similar work being carried on in or near the city “is fully employed and unable to supply the demand.” They also reported on the “insufficiency of the fence” and suggested that “good and sufficient walls of brick or stone should be erected at least on the side lines(?). Without it it will “be almost impossible to prevent” prisoners from escaping when taken out for agricultural work. The insufficiency was the means of escape of Don and Norton. “Your visitors hope that the fact, that all those who attempted to escape being stopped and those who got clear off, being brought back, will for a time deter others from making an attempt.”

“The conduct of the prisoners during the month has been generally correct and orderly, doing their work willingly, with the exception of Don, the convict for four years, who lately escaped and was brought back. He is a desperate violent character and it has become necessary since his return to inflict upon him the severest punishment that the Rules of the Prison permit that of solitary confinement and loss diet.”

A total of 32 men and 17 women were imprisoned at the end of April and 55

117 31 March 1843 NB Executive Council, Penitentiary, Correspondence and Returns, 1842-1854, M.G. 9 A 1 Vol. 95, p. 16.
118 NB Executive Council, Penitentiary, Correspondence and Returns, 1842-1854, M.G. 9 A 1 Vol. 95, p.p. 18-19).
Men were reported doing mostly agricultural work. The women assisted them and did other outdoors work, such as whitewashing buildings and the fence. Over seven acres of potatoes were planted. Women made prison clothing, including “7 shirts, 20 petticoats, 8 short gowns, 21 chemises, 16 pairs stockings, 18 pairs socks, and spun 31 lbs. Yarn.”

In June, the Commissioners reported that the ground from the prison to the road had been planted with potatoes, and that brick-making was underway. They hoped, “with good weather and a market, with the potatoes, to lessen the cost of the establishment.” Women were also employed “on sundry outdoor jobs”, Quinton reported, “but I must acknowledge to very little advantage – feel as much would have been done without them”. Their production was accounted as 100 lbs. of yarn, 23 pairs of socks and 18 pairs of stockings.

Lieutenant Governor William Colebrooke, in his opening speech for the 1844 Session, noted, "The salutary effects of the regulations which were framed in the last year for the Penitentiary of Saint John, of which the Reports will be laid before you, encourage me to recommend that they may be applied, as far as may be practicable, to the other Provincial Prisons.” The committee of the House, appointed “with a view of applying to them the Regulations framed last year for the Penitentiary at Saint John” decided, however, not to pursue this suggestion. In their view, 

... the subject is of great importance, and every attention should be paid to the health and moral improvement of persons in close confinement.

As there are but few persons in that unfortunate condition in the different Counties, owing to the paucity of crime in the Province, and the Penitentiary at Saint John being sufficient to contain and employ all persons who may be sentenced to imprisonment with hard labour, where the Rules and Regulations are enforced, and persons employed at much less expense than they could be in any of the County Gaols, Your Committee are of opinion, that it is not expedient to extend the Rules and Regulations framed for the Penitentiary at Saint John to the Gaols of the Several Counties in the

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120 J. Woodward, A. Porter and John Avery, 31 May 1843. (NB Executive Council, Penitentiary, Correspondence and Returns, 1842-1854, M.G. 9 A 1 Vol. 95, p. 21).
122 NB Executive Council, Penitentiary, Correspondence and Returns, 1842-1854, M.G. 9 A 1 Vol. 95 pp. 26-27.
123 NB Executive Council, Penitentiary, Correspondence and Returns, 1842-1854, M.G. 9 A 1 Vol. 95, p. 29.
124 NB Executive Council, Penitentiary, Correspondence and Returns, 1842-1854, M.G. 9 A 1 Vol. 95, p. 30.
125 JHA-NB, 1844, 1 February 1844, p. 6.
Province, until the same shall more fully be tried.  

In March, 1844, the Penitentiary and lands "were vested in the Queen", the sum of £866 6s. 8d. was paid at once to the Sessions, and in accordance with the Act of 1841 the sum of £4,000 was paid in eight years, by installments of £500 per annum, and, as would appear, without interest." "In the meantime, Bonds or Debentures, which the County had issued at six per cent interest, were running on, and could only be paid off year by year with the amount received from the Government: consequently, in 1852, when the Government grant was paid in full and there was nothing more to be received from that quarter, the Sessions found themselves with a debt exceeding £2,000 still unprovided for." Even thereafter, Marshall added, "St. John, from time to time, paid large sums in settlement of liabilities incurred on account of the institution, and ten years after the transfer was actually made the Sessions had to come to the Legislature and ask for authority to tax the ratepayers of St. John for a sum of $8,000 to pay off the balance of indebtedness still remaining." According to Clerk of the Peace Frith, given the indebtedness on account of the Bonds or Debentures, under 15 Vic. Cap. 69, £600 were assessed each year between and including 1853 and 1855, and £400 in 1856, making a total outlay of £2,200. If the difference in the original outlay and that negotiated with the government in 1844 is added, the total outlay of the Sessions amounted to £2,767 6s. 5d. Frith added, however, that, by 1877, all those who participated in the transaction between Saint John and the province had died. It is impossible, therefore, to discover the total amount paid by Saint John in the initial stages or to say "what led to the valuable concession made by the Government which formed part of the compact, and secured to the City and County the right to send to the Penitentiary all offenders, no matter how light either their offence or its punishment."

By 12 Oct., 1844, the Commissioners reported that they have no funds, in consequence of which, the salaries for the keepers and matron the last month remain unpaid, as do the Surgeon and Chaplain for the last quarter, with several other accounts.

The Keeper’s Report for the month of July 31, 1844 was completed on a new form, titled Provincial Penitentiary, Saint John, New Brunswick. Several times in these reports for 1844 Keeper Quinton (and Visiting Commissioners) reported “excessive consumption of bread for the want of potatoes.” During the 15 “fine working days” in the month, the prisoners had made 50,000 bricks, all “stock”. Women spun 76 yards of cotton cloth and 21 pounds of woolen yarn. Quinton said the conduct of the prisoners, generally good –

130 Frith to Smith, 22 February 1877, "Saint John Taxation", p. 5.
131 NB Executive Council, Penitentiary, Correspondence and Returns, 1842-1854, M.G. 9 A 1 Vol. 95, p. 32.
[they] work well & behave well.”

For their part, the Commissioners remained satisfied with the management and conduct of the officers.

On his August 31 Report, Quinton proposed to begin digging potatoes on the fourth of September, “having none since 12th Inst.” Fog and rain had interfered with brick making from August 23 to 30 “every day.” The women had been employed weeding potatoes and “several days in the Brick yard”, and had spun 46 yards cloth, 38 pounds of yarn, and “some clothing for themselves”. The sick list contained a total of 55 days, and Quinton reported four punishments.

In Sept. 1844, the prisoners made another 50,000 to 60,000 “stock” bricks, although Quinton said the prison has “been rather weak handed”. With the exception of 30,000 bricks made during the season, all had been left unburned. “We are now making the whole into two large kilns to burn erly (sic) in October”, when exact quantity will be known.

At this time, the Keeper proposed that a winter production should be added to the work of the prisoners, suggesting that broom and brush making be introduced to the prison so that ” the winter and early spring months would not be misused in idle chores.”

On 28 February 1846, a committee of the legislature was struck to consider the Provincial Penitentiary and examine the accounts. The committee reported on the 5th of March that the total expenditure for 1845 was £1,436 10 4½ (consisting of £419 3 0½ for provisions, £408 5 0 for salaries and £609 2 4 for raw materials and contingencies. The Commissioners received £668 2 2½ from ”the proceeds of Bricks, Granite, Brushes, Cloth, Pigs, and Sheep Skins”, £90 11 9½ for soldiers’ diets, and £800 from two treasury warrants, for a total of £1,558 14 0, or £120 3 8 over expenditures. On this basis the committee reported ”that every attention is paid by the Commissioners to a judicious system of economy, management, and discipline, and that the Institution is in a very efficient state, fully answering the expectations of the Legislature and the Public at large.” The Commissioners noted that, ”In consequence of the calamitous fire in the City of Saint John in July last, all the Brick that could be manufactured met with immediate sale, and caused the prisoners’ labor to be more productive than in any preceding year.”

In terms of items sold, the Penitentiary received £569 13 10 for bricks, £33 10 0 for granite,

132 NB Executive Council, Penitentiary, Correspondence and Returns, 1842-1854, M.G. 9 A 1 Vol. 95, p. 35.
134 Warden’s Report, 30 Sept. 1844, NB Executive Council, Penitentiary, Correspondence and Returns, 1842-1854, M.G. 9 A 1 Vol. 95, p.43.
137 "Report from Commissioners of Provincial Penitentiary for 1845", JHA-NB, 1846, Appendix, xci.
£50 17 2½ for Brushes and cloth, and £14 1 2 for pigs and sheep skins.\(^{138}\)

The primary occupation of the prisoners continued to be brick making, carried on in the months of May through October, averaging 493 days labour per month, although peaking in August (641) and September (868), with almost all of the work in the prison being dedicated to brick-making in the latter month. An average of 276 days "general labor" was performed per month, generally lower in the summer and higher in the winter. In addition, 33 days blacksmith work, 79 days carpentry and 21 days weaving were also recorded. For six months of the year, tailoring and shoemaking were carried out, averaging during this time 32 and 45 days per month respectively. In November, 64 days work were expended in black and tin smithing. Otherwise, the major change was brush making, which was installed by May, indicting 6 days in May, 32 days in June and 84 days in July, before brick making took the majority of the labour. Then, in December, brush making commenced in earnest with 388 days being spent on this winter occupation. For the women, monthly averages were: 74 for general labor, 47 for wool dressing, 21 for spinning, 29 for knitting (the last two for 11 months only), and 23 days sewing.\(^{139}\)

The Keeper proposed that a winter production should be added to the work of the prisoners, suggesting that broom and brush making be introduced to the prison so that "the winter and early spring months would not be misused in idle chores."\(^{140}\)

The number of prisoners was reported as follows:

Table

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<tr>
<th>Month</th>
<th># 1st of Mth</th>
<th>Admit in Mth</th>
<th>Disch in Mth</th>
<th># end of Mth</th>
<th>Total Diets</th>
<th># 1st of Mth</th>
<th>Admit in Mth</th>
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<td>Male</td>
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<td>Female</td>
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\(^{138}\) Report No. 6, Audit Office, "Upon the Accounts of the Chairman of the Provincial Penitentiary, from the 1st of January to the 31st of December, 1845", \textit{JHA-NB} 1846, Appendix, xciii. F. P. Robinson, Auditor General.

\(^{139}\) "Statement shewing the number of Prisoners admitted into and discharged from the Provincial Penitentiary from 1st January 1845, to 31st Day of December following, the rations required, and the employment of the Prisoners for each month." \textit{JHA-NB}, 1846, Appendix, xcii.


\(^{141}\) "Statement Shewing the number of Prisoners admitted into and discharged from the Provincial Penitentiary from 1st Jan. to 31st Dec., 1845, the Rations required, and the employment of Prisoners for each month." \textit{JHA-NB}, 1846, Appendix, xcii.
The average number of prisoners in the penitentiary at the beginning of each month in 1845 was 30 men and nine women. Over the course of the year, on average each month, ten men and five women were admitted, and eight men and 5 women were discharged. The admission of women was relatively evenly distributed during the year. For men, however, June to September had the highest admissions. In fact, looking at daily rations, for the first six months of the year, the monthly daily average was 615 rations; during the latter half of the year, the number of daily rations doubled to 1232. Overall, 11,080 daily rations were reported for men and 3511 for women. It should be noted that there is a considerable discrepancy between the number of days work reported and the number of daily rations reported. Some of this is attributable to Sundays and holidays, during which little work was performed. In other cases, sickness and inability to work because of old age or because of confinement in a cell reduce the number of days worked. For example, in January 499 daily rations were required for the men, and 342 days work reported.\textsuperscript{142}

In their 1845 Report, the Commissioners noted:

One Convict escaped in July last, and though known to be at his usual place

\textsuperscript{142} Calculations based on statistics derived from: “Statement Shewing the number of Prisoners admitted into and discharged from the Provincial Penitentiary from 1st Jan. to 31st Dec., 1845, the Rations required, and the employment of Prisoners for each month.” JHA-NB, 1846, Appendix, xcii.
of residence in the County of Westmorland, has not been recaptured by the Sheriff of that County, to whom a warrant for his apprehension has been transmitted.”

"The Presiding Judge of the last Circuit Court having expressed that in the event of any future escape from Prison, the Commissioners would be proceeded against by indictment, the Commissioners are compelled to direct attention to the three preceding year's Reports, in respect to the deficient fence with which the grounds are enclosed, which can only be remedied by the erection of Stone and Brick walls, and till which be accomplished it is impossible for the Commissioners to put it in the power of the Keepers to prevent occasional escape of the inmates."

According to the legislative Committee during the 1846 session, in their report, the Commissioners again noted the escape of a prisoner in 1844 observing "that for this escape, and any future ones, they are liable to be indicted." As they had stated in the previous three years’ reports, "until proper Fences of Brick or Stone are erected round the Penitentiary, it will hardly be in the power of the Keepers to prevent escape." The Committee argued that this was "of great importance" because "it may be difficult to induce Gentlemen to continue as Commissioners ... unless due measures are taken to ensure the safe keeping of Prisoners". In his letter to the Assembly, Chairman Street noted, "The annual Report of the Commissioners will best show the necessity of the immediate erection of [a wall] ... for the more secure enclosure of the Grounds, humanity in the one case, and necessary regard to the Commissioners’ protection on the other, against legal liability for the escape of Prisoners, will probably render it impossible to procure the services of competent parties as Commissioners."

The Commissioners also complained "that great inconvenience is felt from the want of a separate accommodation for the Sick, and urge the necessity for the erection of a Sick Ward or Hospital, separate from the other Apartments in the Buildings." Specifically, the Commissioners reported,

The heretofore trifling nature of the prisoners suffering from fever or other disease, has prevented till recently any serious inconvenience being experienced for want of a sick ward, or separate apartment for the for the treatment of sick persons. This has recently become of serious importance, and humanity demands that provision be made as early as possible for the better treatment of invalids. Several cases of fever and ulceration and

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143 "Report from Commissioners of Provincial Penitentiary for 1845", JHA-NB 1846 Appendix xci.
145 W. H. Street to J. S. Saunders, Provincial Secretary, 20 January 1846, JHA-NB, 1846, Appendix, xc.
swelling of the limbs, have of late occurred, the Patients increasing, and no means exist either for the treatment many of these cases require, or of separating such from the healthy inmates.\textsuperscript{147}

The legislative Committee found that a total of £1,456 had been paid by the treasury under Act 4 Vic. Cap. 44 (according to which the Province was to pay £4000, but no more than £500 annually). Consequently, the Province had left to pay on this account £2,544.

Your Committee are informed, that until this debt is paid, the Justices of the Peace for the City and County of Saint John are precluded from making assessments to pay Loans contracted subsequently to the Loan of £5000, for which the aforesaid Penitentiary Debentures were given. This must, undoubtedly, create great inconvenience and embarrassment, and tends, in a very considerable degree, to the increase of the debt of the said City and County. They therefore beg leave to suggest, that in the present very flourishing state of the Public Revenues, it would be advisable that the balance of the aforesaid £4000 be paid off immediately, instead of paying it by yearly installments of £500, as provided by the Act above referred to, for a period of about seven years. If the suggestion should be adopted, there will then remain due of the original debt of £5000 to be paid by the City and County of Saint John, (unless the said City and County should be further relieved by the Legislature,) for the erection of the Provincial Penitentiary, the sum of £2,456, on the first June last, to which add the Interest on the Debentures still unpaid, amounting to £4,600, equal to £276; the whole sum to be paid by the City and County of Saint John on the first June, 1846, will be £2,732.\textsuperscript{148}

The Commissioners also complained that, "The unavoidable occasional delivery of Bricks and other materials, prior to payment being made, having induced the Commissioners to take legal advice, if payment of such property could be recovered by suit, and being advised that the present law did not give such power, the Commissioners are of opinion that additional Legislative enactment is necessary to the due protection of the Public property."\textsuperscript{149} Assemblymen Simonds and Hill, the select committee charged with reviewing penitentiary affairs, noted that the Commissioners held that "no power is vested in them to recover the amount of any property which may be sold by them, and delivered from the Institution before payment therefore is made. If this is really the state of the Law, your Committee recommend, that for the due protection of the public

\textsuperscript{147} "Report of the Commissioners of Provincial Penitentiary for 1845", JHA-NB, 1846, Appendix, xci.
\textsuperscript{149} "Report of the Commissioners of Provincial Penitentiary for 1845", JHA-NB, 1846, Appendix, xci.
property, a Bill should be passed, giving power to the Commissioners to recover payment for any public property sold by them.”

In his report of 31 January, 1845, Quinton noted “the fact of our having at this time a prisoner in the Establishment who professes to understand the brushmaking business in all its branches – purposes of making a trial of all his skill as soon as materials can be procured for the purpose. I have no doubt of his ability.” Project worth testing; “known to be a profitable business”, outlay a “mere trifle”. “This person’s services may be obtained, I dare say, reasonably. Those of the prisoners who can do nothing else can be employed usefully in this way. The chief item necessary was hog bristles; thousands of hogs are butchered each year and their bristles thrown away. In the US, they would be sold to brushmakers and 2/6 per pound “a price that would pay any well for the trouble of saving them.” The Visiting Commissioners were impressed, recommended the suggestion to the Board, and, anticipating their support, they had directed the importation from Boston of required material that could not be obtained in Saint John. With regard to the establishment, it was being well conducted, and “employment of the prisoners in the most judicious manner”.

February and March 1845 reports were mostly concerned with the quantity of bricks delivered in the months. In March, samples of brick were sent to W. Street in Fredericton. Materials for brushes arrived from Boston. The potatoes that had been raised were “all expended”, so Quinton had, again, to “substitute bread ration.” Another consequence of the change in prisoners’ diets was that “the offal became so small they had to sell 11 pigs.” Brick-making, as usual, awaited an improvement in the Saint John weather. Once again, the Keeper proposed that a winter production should be added to the work of the prisoners, suggesting that broom and brush making be introduced to the prison so that " the winter and early spring months would not be misused in idle chores." This work, however, required the purchase of materials from which to manufacture the items.

On 20 January 1846, at a meeting of the Commissioners of the Provincial Penitentiary, it was agreed to raise the salary of the Chaplain from £ 25 to £ 40; "that the Surgeon’s frequent applications for increase of Salary be complied with, by making it

150 Report of the Committee, 5 March 1846, JHA-NB, 1846, pp. 156 Committee members: Charles Simonds and George S. Hill.
151 NB Executive Council, Penitentiary, Correspondence and Returns, 1842-1854, M.G. 9 A 1 Vol. 95, p. 47.
152 NB Executive Council, Penitentiary, Correspondence and Returns, 1842-1854, M.G. 9 A 1 Vol. 95, p. 48.
153 NB Executive Council, Penitentiary, Correspondence and Returns, 1842-1854, M.G. 9 A 1 Vol. 95; see for example p. 55.
155 2 April 1845 NB Executive Council, Penitentiary, Correspondence and Returns, 1842-1854, M.G. 9 A 1 Vol. 95, p. 56.
seventy five pounds" from £ 50, both dated from 1 January last; and "That in consequence of the Secretary's increased duties, and the understanding that he provide Office room wherein to hold Meetings of this Board, his salary be increased to fifty pounds for the current year" from the previous £ 35.\textsuperscript{157}

Also on the 20th the Commissioners wrote to J. S. Saunders, the Provincial Secretary, providing an extract of the minutes of the Commissioners with the above recommendations and commenting: "The Commissioners have felt great reluctance in increasing the charges of the Institution, but the above officers having from the first being very inadequately remunerated for the services by them performed, the addition to their respective stipendiary salaries has been made as a necessary means of retaining them as Officers of the Institution."\textsuperscript{158}

In 1846, the Lieutenant Governor of New Brunswick sent a letter to R. F. Hazen in which he indicated that the Royal Mercy had been extended to a prisoner, Francis Fullarton. The letter said:

"relative to the case of Francis Fullarton, I have the honour to inform you that an Act having been passed in the last session of the Legislature authorizing imprisonment in the Penitentiary of persons convicted of Capital Offenses to whom the Crown may[extend?] mercy on condition of such imprisonment, I have considered it advisable to grant a pardon for the said Francis Fullarton on condition of imprisonment at hard labour in the Penitentiary for fourteen years."\textsuperscript{159}

On 19 March 1846 the Legislature voted £ 2,544 "to enable the Province Treasurer to pay the Debt due by the Province for the erection of the provincial Penitentiary, the aforesaid sum being the balance of the £ 4000 made chargeable to the Provincial Treasury by the Act 4th Vic. Cap. 44."\textsuperscript{160} Later in the session, £ 750 and a further £ 50 were granted "to obtain tools and other things necessary in obtaining Materials for erecting a Wall around the Provincial Penitentiary."\textsuperscript{161}

In the report of the Commissioners it was indicated that the penitentiary had expended £ 2088 and received £ 2386 16 1, of which £ 973 8 was from the sale of bricks, £ 183 14 from the sale of brushes, and £ 110 3 8 for soldiers' diets. The Commissioners were

\textsuperscript{157} Extract from the Minutes of a Meeting of the Commissioners of the Provincial Penitentiary, held on Tuesday the 20th January, 1846, \textit{JHA-NB}, 1846, Appendix, Provincial Penitentiary, xc. Members present: W. H. Street (Chairman), J. V. Thurgar, Wm. H. Scovil, Henry Porter, J. M. Robinson and Sam. D. Berton (Secretary).

\textsuperscript{158} W. H. Street to J. S. Saunders, Provincial Secretary, 20 January 1846, \textit{JHA-NB}, 1846, Appendix, "Provincial Penitentiary, cx.

\textsuperscript{159} Lieutenant-Governor to R. F. Hazen 10 April 1846. # 4-6 Box 1 R. F. Hazen Papers, New Brunswick Museum.

\textsuperscript{160} \textit{JHA-NB}, 1846, p. 215.

\textsuperscript{161} \textit{JHA-NB}, 1846, pp. 260, 308.
left with a balance of £ 418 19 9, "a considerable portion of which is expended in the purchase of wood required in the manufacture of bricks the current year.¹⁶² £ 1,100 were received in legislative warrants in 1846. Among expenditures, provisions amounted to £ 591 1 9, salaries to £ 476 16 4, and raw materials, contingencies, etcetera to £ 1,020 1 10.¹⁶³

The fence was a picket palisade, subject to being blown over. The Commissioners noted: "The severe gales of wind in the autumn laid prostrate the whole of the fences enclosing the grounds, which cannot be replaced till the spring, when any wooden fence put up must be subject to line casualty, the frequent repairing and replacing which has been and must continue a heavy item of expense to the Institution, and can only be provided against by the erection of a permanent stone and brick wall." This issue had been raised in the reports of the preceding three years.¹⁶⁴ A more permanent wall, however, was never built.

They also again complained about the want of a hospital: "Much inconvenience and suffering to the prisoners is caused by the want of a suitable building as an hospital, which the Commissioners have not funds to provide for the erection of, and unless provided for by legislative grant, the sick prisoners must remain without that care in their treatment, necessary to restoration of health, and in frequent cases to the preservation of life, while the expense of their support are in a two fold degree increased by the extra care required, and loss of the prisoners' services during their illness." They added that this subject was raised in the report for 1845.¹⁶⁵

A total of 108 males were committed in 1846 and 114 discharged; 81 women were committed and 73 discharged in 1846, leaving 37 men and 14 women in the prison on 31 December 1846.¹⁶⁶ The monthly average prison population was more consistent than in 1845, with between 37 and 45 men and between 6 and 17 women at the beginning of each month. Rations varied between 1176 and 1327 for the men and 207 and 516 for the women. The main work continued to be brush making from January to April and during November and December. Between May and October, brick making occupied the work of most of the males. Brick making employed more men than brush making, a maximum of 876 days in August spent on bricks, and a maximum of 646 days spent in March on brush making. Women continued to dress wool, spin, knit and sew, and the majority of their labour was spent on unspecified "general labor".¹⁶⁷

¹⁶² "Report of the Commissioners of Provincial Penitentiary for 1846", JHA-NB, 1847, Appendix, ciii.
¹⁶⁴ "Report of the Commissioners of Provincial Penitentiary for 1846", JHA-NB, 1847, Appendix, ciii.
¹⁶⁵ "Report of the Commissioners of Provincial Penitentiary for 1846", JHA-NB, 1847, Appendix, ciii.
¹⁶⁶ "Report of the Commissioners of Provincial Penitentiary for 1846", JHA-NB, 1847, Appendix, ciii.
¹⁶⁷ Account shewing the number of Prisoners admitted into and discharged from the Provincial Penitentiary during the period commencing 1st January, 1846, and ending 31st December 1846 following; the Rations
The January 1847 Speech from the Throne of Lieutenant Governor Colebrooke once again recommended the regime of discipline and punishment, and recommended to the “special notice” of the Assembly that the “introduction of an improved system in the management of Prisons” which, elsewhere, had produced “salutary effects”. The language was the same as in previous throne speeches, either reiterating the importance attached to prison discipline by the British government, or noting that it was necessary to make improvements: “The enforcement of discipline, and of effective secondary punishments, under statutory rules, have been found to be conducive, not only to the reformation of offenders, but to the prevention of crime, and essential to the safety of society where the Criminal Laws have been ameliorated.”168

During the 1847 Session of the legislature, a grant of £250 was made toward payment of the interest on the debentures due for the penitentiary. This was in response to a petition from the Justices of the Town and County of Saint John. In addition, grants of £800 and £200 were made, for the support of the institution and towards erection of a wall around the prison, respectively.169

In 1847 the construction of the new fence was begun, with £316 10 11½ spent towards the erection of a palisade fence around the prison and a part of the ground. This expenditure was in excess of the £200 allocated by the legislature and one fourth of the year’s prison labour was expended on its erection. The commissioners added, "it will require a further sum, equal to that already expended, with an equal amount of labour, to complete the Enclosure; an undertaking, that the safe keeping of the increased number of Prisoners, requires, should be no longer delayed."170 Given the problem of the enclosure, it is not surprising that, in 1847, several escapes took place, “owing to the defenceless state of the Grounds and Brick Yard, where the Prisoners were employed; but all, with the exception of three, have been brought back. The substantial fence now in course of erection, will, when completed, prevent any frequent recurrence of such escapes.”171 It did not succeed in this aim, however.

The Commissioners added: "A part of the male Prisoners are now employed in preparing Granite for another tier of Cells; the number of prisoners having increased so much, as at one period of the year to occupy every Cell, except two, reserved for solitary confinement. The erection of these Cells will require a great part of the labour of the Prisoners during the present year, and a portion of the Bricks manufactured, besides

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168 JHA-NB, 1847, p. 8. 28 January 1847.
169 JHA-NB, 1847, pp. 328, 204. The Justices of Glouchester County petitioned the House for £40 to be indemnified the expenses of transporting prisoners to the Provincial Penitentiary. (p. 169).
170 "Report of the Commissioners of the Provincial Penitentiary for the year ending 31st December 1847", JHA-NB 1848, Appendix, lxxv.
171 "Report of the Commissioners of the Provincial Penitentiary for the year ending 31st December 1847", JHA-NB 1848, Appendix, lxxvi.
a large outlay for Stone, Iron work, &c." Given both of these expenses, it was also indicated by the Commissioners that there would also be a third requirement for funds, since the labour devoted to these projects would mean that less could be devoted to the revenue operations of the prison. In addition:

The attention of the Commissioners has been called by His Excellency the Lieutenant Governor to the necessity of classifying the Prisoners -- but before this can be done, Sheds or Warehouses must be erected, for which a Special Grant will be required.” Consequently, a grant of £2500 was requested to provide for the maintenance of the prison and the required construction.

In 1847, 154 males and 88 women were admitted; the increase during the year was from 37 men and 14 women on 1 January, to 50 men and 21 women on 31 December 1847.

During 1847, £160 1 2 was spent on materials for the making of brushes while a further £180 16 0 worth of raw materials was on hand. Brushes returned a revenue of £188 8 7. For making bricks, the Commissioners purchased £436 2 0 for wood, partly used for burning bricks (and for use in the prison), £63 5 1 for boards and other materials for brick making, while the returns totaled £593 5 3 for bricks sold. The main expenditures were for salaries (£515 13 4, for ordinary expenses (£942 13 2), and for the purchase of horses (£59 0 0) -- although the prison also received £53 10 0 for the sale of horses. A further £49 12 9 was expended on, "Rewards paid for arresting, and expenses incurred in pursuing runaway Convicts". The Commissioners received £189 7 1½ for soldiers’ diets.

On 15 October, 1847, Colonial Secretary (Earl Gray?) wrote from Downing Street in reference to Despatch No. 80 transmitting a letter from Justice Street re: trial of William Chiswell’s case before York Assizes. The Secretary approved a recommendation of commuting the sentence to imprisonment for life and noted that the NB Legislature had not thought it proper “to replace the capital punishment attached by law” to Chiswell’s crime (“from which departure from the policy adopted by the Imperial Parliament there may be very sufficient reasons) I should not have concurred in the proposed commutation of the punishment in so very aggravated a case as the present, had not the delay occasioned by the reference to this country created an insurmountable objection to allowing the law now to take its course”. If it is proper to

172 "Report of the Commissioners of the Provincial Penitentiary for the year ending 31st December 1847", JHA-NB 1848, Appendix, lxix.
173 "Report of the Commissioners of the Provincial Penitentiary for the year ending 31st December 1847", JHA-NB 1848, Appendix, lxvi.
174 "Report of the Commissioners of the Provincial Penitentiary for the year ending 31st December 1847", JHA-NB 1848, Appendix, lxvi.
William Chiswell had committed a rape upon a little girl. She was subsequently reported to have “died of the effects of the violence committed upon her.” According to JW Weldon, QC, however, “the little girl was alive about 6 weeks ago and the writer had not heard anything to the contrary to induce him to believe “she is not now living.” Her father was his tenant, and had she died of any other than natural causes, he felt certain her parents would seek his advice about it. Since his conviction and while on his way to the penitentiary, Chiswell acknowledged having solicited children. “He was recognized at the trial as being the person who was charged with and being guilty of an assault of the like crime in Mirimichi some 26 or 27 years ago – and it was reported to me that he was turned off a school which he had commenced ... about two months before he was arrested for the crime on which he was tried for attempting to commit the same offence upon one of his female scholars.”

On 13 June(?) the Lt. Gov. wanted to be informed of the number of solitary cells “which can be appropriated for the confinement of military offenders”. Street replied that there were 66 cells for males, all solitary, representing the total number of males which could be accommodated at any one time.

\[\text{\textsuperscript{176}}\text{\textsuperscript{177}}\]

\[\text{\textsuperscript{176}}\text{\textsuperscript{177}}\text{(Letter from JW Weldon, QC, Richibuctou, 22 Dec. 1847). NB Executive Council, Judicial, Indictments and Sentences, 1835-1847 (M.G. 9 A 1, Vol. 95, pages 1298-1310. PANB., pp. 1471-1473/} \text{\textsuperscript{176}}\text{\textsuperscript{177}}\text{Street to John Saunders, Prov. Secretary, 3 July 1847. NB Executive Council, Penitentiary, Correspondence and Returns, 1842-1854, M.G. 9 A 1 Vol. 95, p. 58.} \]