THE DEVELOPMENT OF CORRECTIONS IN NOVA SCOTIA
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The research that is summarized in this report reflects the early stages of a project that is designed to help rectify the "paucity of... materials" in Canadian correctional history\(^1\) by describing and accounting for the development of carceral institutions in Nova Scotia.

To date this research has included both secondary and archival sources. There is no comprehensive social history of criminal justice in Nova Scotia, although several social and legal historians have been published on specialized topics\(^2\). There are some easily accessible accounts of local history\(^3\) from which several theses and other reports have been written.\(^4\) In addition there is considerable primary material in the Nova Scotia Archives, although these sources do not become systematic until about the middle of the last century. The first point of this research is institutional history: details of the development of penal institutions in Nova Scotia and initially in Halifax. Much of this work is in the preliminary stages.

Beyond describing the development and physical plans of these carceral buildings, a primary focus of this research is to analyze the emergence and development of the ideology of imprisonment as it affected Nova Scotia. Clearly developments in other parts of the world were far in advance of this province. The exercise, then, is to see how trends established in other regions were introduced into Nova Scotia and were adapted to local conditions.

The initial dilemma of the study of Canadian corrections is the duality of local conditions and external influences. Just as Canadian political economy has emerged under the shadows of first the British and later the American empires, so too has the development of the coercive role of the state been influenced by developments elsewhere. In Nova Scotia developments in the criminal justice system were implemented in the context of ideas and practices which had emerged principally in the American colonies, later the United States, and in Britain. Furthermore, institutional

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change in Atlantic Canada has been influenced more by Central Canada than the reverse has been true.

This influence has been reflected in academic interest as well as in practical institutional implementation. It is probably a reflection of the dependent status of Canada that the study of the social history of crime and punishment in this country has been influenced by major theoretical developments in three nations which have been central to Canadian history: England, France and the United States. In the United States, Rothman interpreted the development of the asylum as a combination of changes in human consciousness, the effects of these new ideals on the political process, and the emergence of a mass society. He presents an idealistic account of the emergence of reform ideologies and an interpretation of civil society as a social order in need of stability and protection, complete with a public which perceives itself as threatened by a breakdown of law and morality. The development of the asylum was compromised in its inception because of the contradictory thrusts of reformation and punishment. In general this perspective assumes that the criminal justice system expresses the universal need for social order.

Foucault’s interpretation is considerably different. The fundamental principle underlying his analysis of the change in the practice of punishment from the body to the mind was the growth of rationality. Rather than a new sensibility, Foucault writes, the new order was characterized by "another policy with regard to illegalities". Although this new policy was rooted in the development of capitalist society, more fundamental were the general attributes of industrialism and the problems of social complexity, such as calculation, accounting and detail, changes in the technology of power and the "power of normalization". In short, Foucault is concerned to analyze the construction of the iron cage (or "prison city") of modern society. Although the development of capitalist society made this "accumulation of men" necessary while at the same time creating the social conditions for it to occur, the entire political anatomy of repression which developed could be utilized by other social formations.

In contrast to this more universalistic interpretation, Ignatieff provides an interpretation of the rise of the penitentiary which links it more closely with the needs of a capitalist class in control of state apparatuses. He argues that the diverse rationalist and religious sources combined into a single practical thrust to discipline the dangerous classes. This ideology shaped institutional developments including schools, hospitals, prisons as well as the early factories.

These studies provide some of the general parameters within which the origin of the penitentiary should be understood. Each provides a different interpretation of the state and of the relationship between the state and civil society. The basic issue is

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6 Ibid., pp. xiii-xviii.
8 Ibid., p. 131.
9 Ibid., p. 221.
whether institutional change in the early industrializing societies was caused by increasing social complexity and the problematic nature of order, the development of a national capitalist market or changes in ideologies affecting legislation if, indeed, these elements can be differentiated.

These general issues need to be assessed in the light of detailed knowledge of institutional developments which necessarily have a national and regional character. Ekstedt and Griffiths declare that Canadian carceral history is "determined and influenced by the geography, political history, and governmental arrangements of the country as well as by economics, religion, and philosophical movements". Just as Canadian developments have their own internal dynamic and logic, regional developments should be examined in their specificity.

There are four distinct periods of this history in Nova Scotia. Soon after the founding of Halifax, public works were undertaken to construct an Orphan House, a Workhouse, a Hospital and a Poor House. Only the last of these survived more than a decade or two. In 1818 a Bridewell was constructed in Halifax next to the property occupied by the Poor House. In 1845 the Provincial Penitentiary, was built on the North West Arm near Point Pleasant Park, subsequently becoming one of three penitentiaries in the Dominion of Canada in 1867. The development of this institution was associated with the introduction of the then contemporary ideologies of reformation through labour, repentance and moral instruction. Beginning in the 1850s, a further boom in institutional construction occurred. The Victoria General Hospital was built in 1859; the Mount Hope Asylum (later the Nova Scotia Hospital) had been built the year before; one year later the Halifax City Prison at Rockhead in the North End of the city was opened, finally replacing the old Bridewell. A new Poor House was available in 1867. Institutions for orphans and juveniles were also developed. In 1880, with the construction of Dorchester Penitentiary in New Brunswick, the North West Arm Penitentiary was sold.

ENGLISH COURTS AND LAWS

Although sources for the study of institutional developments prior to 1800 are less readily available than for subsequent periods, what is clear is that there was a concern for the indigent and/or criminal population almost immediately following the founding of Halifax in 1749. Contemporary Halifax authorities complained about what they regarded as a lenient immigration policy that allowed into the province settlers they described as "cheats, rogues and fraudulent bankrupts". Many of these arrivals were, they claimed, "extremely indigent" and "void of all Sentiments of honest Industry". More significant than these apparently idle but able arrivals were the poor, the infirm, and the women and children left behind by departing soldiers and sailors. These unfortunates had to be supported from local charities and taxes.

The colonial government moved quickly to institute the rudiments of administration and enacted legislation providing for criminal justice and the implementation of the English


11 Ekstedt and Griffiths, Corrections in Canada, p. 10.
12 Public Archives of Nova Scotia, Record Group 1, Vol. 19, Minutes of Council, 2 February 1750.
13 Green to Lords of Trade, 24 August 1766, in Akins (ed.) Public Documents of...Nova Scotia.
14 For an account of early poor relief in Halifax, see Williams, "Poor relief and medicine".
poor laws. Under the rights of his Royal Commission, Governor Cornwallis undertook to establish regular courts of justice in the colony. Justices of the Peace were appointed in the summer of 1749. The first General Court in the colony, which was composed of the Governor and his appointed Council, had as its first order of business the trial of an Acadian, Peter Cartel, who was arraigned for the murder of Abraham Goodside. Cartel was found guilty of murder and hanged on the second of September 1749. Soon Halifax had a more permanent gibbet. The hanging tree, which stood on the beach just above high water mark on the corner of the market slip, was used until 1763 when it was cut down. MacMechan comments that "the Jeffreys plan of the City, published in 1750, shows a regular gibbet and a pair of stocks on the beach as permanent decorations."  

In December of that first year, three members of Council were constituted as a sub-committee to examine the practice of justice in the various colonies and, within a week, they had recommended the system practiced in Virginia. In addition to the General Court, this entailed establishing County Courts which were to meet on the first Tuesday of every month to try all criminal cases except those involving death, dismemberment or out-lawry. These County Courts of Sessions were complemented by an Inferior Court of Common Pleas for trying civil cases, modeled after New England experience. As additional counties were created in the province, county courts were established in them as well.

The General Court was abolished in 1754 with the appointment of Boston-born Jonathan Belcher as Chief Justice. Belcher presided alone over a Supreme Court which heard cases, initially, only in Halifax. This proved inconvenient because of the slow and inefficient means of overland transportation and, in 1774, a circuit for the Court, to Horton, Amherst and Lunenburg, was instituted.

Most of the local law was provided by Justices of the Peace who had wide civil and criminal power. However, they tended to confine their activities to the more lucrative tasks of licensing premises and overseeing the poor while sending difficult legal cases to Halifax. Contemporary portrayals suggest that these justices were often ignorant of the law and incompetent.

One of Chief Justice Belcher's most important early acts, which reflected his New
England perspective, was to declare that the province was being governed illegally because the Governor had not established a General Assembly as instructed. This ruling of the Justice was upheld in England and the Governor was instructed to call an Assembly for the province. Both British and provincial authorities thought it expedient to keep this ruling secret "until an Assembly can be convened and an Indemnification passed for such Acts as have been done under Laws enacted without any proper authority". After an unsuccessful appeal to London and further procrastination from the Governor, an Assembly was called in 1757. This first Assembly made provisions for the construction of a workhouse, to be supported from excise duties, and adopted the English "bloody code" in one fell swoop. According to MacMechan:

The contemporary English criminal code was adopted bodily, with its long list of felonies without benefit of clergy and the savage old penalties of the stocks, the pillory, flogging, branding, cutting off the ears and hanging. Profane swearing, drunkenness, blackmailing, publication of a lie were indictable offenses. These acts long remained on the statute-book. As late as 1816 the Supreme Court of Nova Scotia sentenced a man to have his ears cut off.

Twelve persons were hung in Halifax in 1785, one for stealing some potatoes. Other serious criminals were dealt with by transportation and exile or were sent back to England for trial and punishment. Just as some Newfoundlanders were disembarked at North Sydney or Halifax, with little more than the clothes on their backs, Nova Scotians sentenced to exile (called Transportation) were sometimes sent to Bermuda and, on occasion, to Australia or Von Diemen's Land. Up at least until 1829, burglars and pirates were banished to Bermuda, along with murderers who had their death sentence commuted to transportation for life following recommendations for mercy.

With the exception of social exile, whether for specified periods by way of transportation or more permanent removal through the gallows, most other offenders were returned to the population after some form of corporal punishment or monetary fine. Persons convicted of selling liquor without a license were to be fined and were to

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24 Lords of Trade to Lawrence, 7 May 1755, Akins (ed.) Public Documents of... Nova Scotia.
27 Saunders, "Conditions" pp. 174-175.
29 Fines which were levied could often not be paid and imprisonment resulted. Jack Coleman was fined five pounds for having purchased clothing from a soldier and committed to Bridewell for failure to pay. For the same offence, as well as harbouring a deserter, Mary Irwin, "a woman of light character", was fined the same amount but, as the Novascotian commented, "having her pocket like her character, rather light", she was also committed to Bridewell. (Novascotian VII).

Repeat offenders were also likely to be committed. Some of them were in desperate straits. Mrs Dunbar, "notwithstanding her many moving appeals and promises of amendment", was committed to Bridewell, "a place with little novelty for her", for false pretences: trying to obtain charity as a mother. (Ibid., VI).
Sall Ross, a "black wench" and "an old offender in thievery", was committed to Bridewell for a fourth time for stealing. In the past, she had not long been detained, however. The specific conditions of her life had led to some leniency:
"The first time her condition was such that it would have been worse than inhumane to have detained her-- the
sit in the Pillory for one hour, and for a second offence were to receive 20 lashes. Part of the fine was to be paid to the "informer" and half to the treasury where it was used to support the poor. In 1751, of six people who appeared for this licensing offence, three had their whippings remitted. One man who was lashed was also fined ten pounds but had five returned to him for informing on himself. In a Halifax case, three thieves were scalded on their hands in the courthouse and then released. In addition to corporal punishment, an act of 1774, "for punishing Rogues, Vagabonds and other Idle Disorderly Persons provided for a sentence of a month's hard labour." Press Gangs were also commonly employed.

Although most crimes were punished by fines and corporal punishment, provisions were also made for periods of incarceration for such crimes as stealing livestock, failing to assist magistrates in the execution of their duty, and failing to inform the clergy of a death in the family. The less permanent form of exile was appropriate only so long as there were institutions in the community to send offenders. The upshot was that the problem of exile had to be faced within the boundaries of the society. This was one of the origins of the penitentiary, which served as a means for internal banishment.

**HOUSES FOR CORRECTION**

Within a few years of the founding of the town, the Council's concerns about the able-bodied dependents had led to the suggestion that a workhouse be established. There was no suitable place for confinement. In 1753, the supposed "ringleaders" of the Hoffman Rebellion in Lunenburg were imprisoned in a military fort on George's Island. Consequently, the Justices were instructed by the Council to seek a proper house for building a block-house, to estimate expenses and devise rules and regulations for a House of Corrections.

A Bridewell was eventually constructed on a site to the north-east of Citadel Hill near the harbour, following the passage of an Act to that effect in 1758. It was to be a "place where able-bodied dependents would work for their keep rather than become useless wards of society." The House of Corrections opened in 1759 "to a wide assortment of children and adults". The origins of this model can be traced to the...
development of workhouses to control the displaced rural population in 16th century England.

The workhouse was to contain a wide variety of social deviants, including "disorderly and idle persons... ,common drunkards persons of lewd behaviour, vagabonds, runaways, stubborn servants and children". The list included those who found precarious ways of making a living on the street such as beggars, those who "pretended to fortune telling" or practiced any unlawful games. In addition, "idle persons" and those "who notoriously misspend their time" were to be incarcerated. These persons were to be given work in the Workhouse and were to be punished for idleness or disobedience by being whipped, shackled, or deprived of food. Along with the destitute and petty criminals, obvious lunatics were sometimes interned in the Workhouse, many from other parts of the province.

As the name implied, the Workhouse was not to be a temple of indolence. The Act of 1758 provided that inmates were to be given work of a "useful" kind and were to be punished for idleness. Not only was the prisoners' labour to provide for their own maintenance, since the institution was supposed to be self-supporting, an actual surplus was expected from which the disabled poor were to be maintained. The numbers of these poor far exceeded those incarcerated for offenses and, by 1763, three rooms in the workhouse were set aside for the poor under the supervision of the Commissioners of the Poor.

In 1766, however, less than a decade after it opened, the Workhouse was closed because it had been continuously running at a deficit and the Town of Halifax was not prepared to make additional operating grants. The institution was costing five hundred pounds annually from the duty money levied by the Council, in addition to an assessment on the property owners in the town. Part of these expenses were going to support the large number of unwanted, indigent and infirm immigrants who arrived in Nova Scotia "who were unable to contribute anything to their own maintenance".

Two other important early institutions constructed during this period were the Asylum for the Poor, which resulted from an Act passed in 1759, and an orphanage which had opened in 1752. Prior to the opening of the Orphan House, abandoned or orphaned children were looked after by foster families in the town who were paid three or four shillings a week.

The regime of the Orphan House has been described in some detail by Williams who provides a useful description of the practice and ideology of this mid-18th century carceral institution. From the Orphan House Accounts of the early 1750s and a report on the state of the House written in 1754, Williams describes the concern of contemporaries with the neglect of these children. This neglect meant that the children

38 Williams, "Poor relief and medicine", p. 39.
39 N.S. Statutes, 33 Geo. II, Cap. 1.
40 Saunders, "Conditions" p. 175. The type of work was not specified.
41 N.S. Statutes 3 and 4 Geo. III, Cap. 4.
42 Saunders, "Conditions", p. 175.
44 Williams, "Poor relief and medicine", p. 40.
did not receive appropriate training in "the common Principles or seeds of Industry" which in turn produced, as one social consequence, a tendency to criminality.\textsuperscript{45} The children, who were allotted an annual allowance of one pound per year, were made to dress in strict uniformity. To avoid "idleness and irreligion", the regime of the Orphan House was strict. Morning and afternoon instruction in "their duty to God and their neighbour" was interspersed with labour (to preserve them from "the Habits of Idleness"). The girls were expected to card and spin wool or knit stockings while the boys were to pick oakum in the winter and gather stones or weed gardens in the summer.\textsuperscript{46} Little profit was actually obtained from the labour of orphaned children because the children were bound out as apprentices or servants by the ages of seven or eight. By the mid-1770s, however, the Orphan House had gone the way of the early Workhouse and was closed for the same financial reasons.\textsuperscript{47}

Fundamentally, both the Workhouse and the Orphan House were housing the poor and the infirm. Under the "bloody code" most criminals were not routinely incarcerated. Since these early institutions were primarily for the indigent population, it was only the Poor Asylum which was continuously supported from public funds.\textsuperscript{48} The poor house held an average of 17 people in 1779. These inmates were described in the House of Assembly as "poor, sick, lame, blind and lunatic persons".

The Poor House was expanded in 1811 when the Commissioners of the Poor were granted money to accommodate the transient poor and lunatics from other parts of the province. In the next year a hospital wing was opened.\textsuperscript{49} By 1815, a separate building for the reception of "lunatic and deranged persons" had also been constructed. Under the management of the Commissioners of the Poor, this building was soon in financial difficulties. The initial cost of two thousand five hundred pounds was more than twice the allocation, and sums had been borrowed on the basis of the Commissioners personal lines of credit. The Commissioners used the occasion of a petition seeking provincial assistance to present a rosy image of their function and personal sacrifice: they had conducted the "business trusted to them, with prudence and humanity", had "cheerfully" discharged "the various painful and disagreeable duties" of their office, and assured the Assembly that they sought "no compensation for themselves".\textsuperscript{50} This was routinely untrue. Not only were the able poor farmed out to prospective employers, but also the Commissioners ensured that they had access to supply contracts. These were, however, considered normal practices. The Commissioners were subsequently granted one thousand pounds to help cover their

\textsuperscript{45} Ibid., p. 41.
\textsuperscript{46} Ibid., pp. 41-42.
\textsuperscript{47} Akins claims that the location of this house was uncertain. History of Halifax City, p. 87n. Fitzner locates it at the corner of Barrington and Bishop Streets, opposite Government House. "Development of social welfare", p. 13.
\textsuperscript{48} According to Akins, History of Halifax City, p. 69, the old Poorhouse and the old county jail stood in the vicinity of Luttrell's fort, which was on the line of Salter Street). This House was made over from an original hospital in 1766 and was located to the north of the present Government House.
\textsuperscript{49} Saunders, "Conditions", p. 71.
\textsuperscript{50} Petition from the Commissioners of the Poor, Journals and Proceedings of the House of Assembly of the Province of Nova Scotia, 24 February 1815, p. 31.
debts. After the closing of the Workhouse, prisoners were sentenced to the Halifax Common Jail. This institution, which was under the supervision of the Provost Marshal (Sheriff), was in a very insecure and dilapidated condition and prisoners frequently escaped. The Sheriff blamed this situation on the absence of regulations for night-time visitors, and on the shackles which were "found not to be sufficient". The jail was broken into in 1786 and all six prisoners escaped. A debtor, held at the suit of William Stairs, escaped in 1788, precipitating the replacement of the town sheriff. This jail was eventually offered for sale in 1789, along with the Orphan House and the Court House. A new jail, to be constructed of stone, was authorized. Saunders notes that there "was another jail near where St. Mary's Cathedral now stands". He was likely referring to the original Workhouse. Prisoners confined to the Jail who became ill because of "dampness, poor food, unhealthy surroundings and sometimes mistreatment were eventually housed in a section of a public hospital fitted with bars.

The poorhouse of the 1750s, then, served as a combination house of internal exile, lunatic asylum, orphanage, debtors prison and general dumping ground for social rejects until 1818 when a specific House of Corrections was build. Known as a Bridewell, this establishment was the first important carceral institution in Nova Scotia.

**THE BRIDEWELL OF 1818**

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

The upper streets were filled with brothels; grog shops and dancing houses were to be seen in almost every part of the town. A portion of Grafton Street was known under the appellation of Hogs Street from a house of ill-fame kept by a person of that name. The upper street along the base of Citadel Hill between the north and south barracks was known as "Knock him Down" Street in consequence of the number of

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51 Ibid., 29 March 1815, p. 94. In this same session an equivalent sum of 1000 pounds was voted to purchase plate for the Governor's residence.
53 Ibid., pp. 77-95. This jail was located on Hollis Street opposite the Halifax Hotel.
54 Saunders, "Conditions", p. 177.
55 Ibid.
57 Oxner, "Evolution of the lower court", p. 70; she cites *Journal of the House of Assembly*, 1815, 42.
affrays and even murders committed there. No person of any character ventured to reside there, nearly all the buildings being occupied as brothels for the soldiers and sailors. The streets of this part of the town presented continually the disgusting sight of abandoned females of the lowest class in a state of drunkenness, bare headed, without shoes, and in the most filthy and abominable condition.

One part of the official response to this perceived lawlessness was to rectify the certainty of punishment. As late as 1788 there was no regular police force in the town, although constables were appointed annually. Under an Act of 1815 new Justices of the Peace were to be sworn and a police office was established, to be staffed by a salaried Police Magistrate who was authorized to hire and supervise three paid constables. (This was abolished in 1841 when Halifax was granted a City Charter and a Police Court was instituted). This measure, Oxner asserts, was obviously accepted by the community which was reassured "through the provision of accessible and visible machinery of justice that the State was protecting the lives and property of its citizens." Furthermore, this greater efficiency and likelihood of being caught would "lessen the incidence of crime by acting as a deterrent to some."\(^{59}\)

Mechanisms to catch, try and convict offenders form parts of a total picture which is completed by punishment. The ill-fated Workhouse had lasted less than a decade, following which prisoners were incarcerated in common gaols. By 1785, however, the reliance of the J.P.s on "lengthy periods of incarceration" in the gaols as a form of punishment had been causing difficulties. One response to this had been to hand over to the justices greater powers of summary sentence for common property crimes.\(^{60}\)

The second response was to construct a new House of Correction for offenders. In 1814 a Joint Committee of Council and Assembly members was formed to enquire into the justice system. They concluded that "if a Bridewell were provided in the County of Halifax, to which offenders could be committed for correction, and the Laws already enacted were duly enforced, the Police of Halifax ... may be rendered efficient in all respects".\(^{61}\) "An Act for establishing a Bridewell or House of Correction for the County of Halifax" was passed in April 1815 and re-printed in the Royal Gazette.\(^{62}\) The Act, which caused considerable debate in the House of Assembly,\(^{63}\) authorized the purchase or construction of a suitable building and the appointment of a Keeper who was to be subject to the regulations of an Act "for regulating and maintaining an House of Corrections or Work-House within the Town of Halifax.... [F]ines forfeitures and penalties" paid by order of the Justices were collected by the Treasury and would be used to "defray the expense and charge of executing this Act". The Justices of the Peace could commit to the Bridewell,

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\(^{59}\) Oxner, "Evolution of the lower court", p. 71. (Oxner is a practicing judge in the Provincial Court of Nova Scotia). By 1820, a new Court House and County Jail had been built on Spring Garden Road. On the opposite (north) side, stood the poor house and the new Bridewell, on one corner, and the poor house burial ground on the other. (Akins, History of Halifax City, p. 201.

\(^{60}\) Oxner, "Evolution of the lower court", p. 64. She cites Statutes of Nova Scotia, 1774, c.6.

\(^{61}\) Journal of the House of Assembly, 6 March 1815, p. 42.

\(^{62}\) 5 April 1815.

\(^{63}\) Journal of the House of Assembly, 6 March 1814.
there to be kept, governed and punished according to the rules and orders thereof, and the provisions of the last mentioned Act.. all disorderly and idle persons, and all persons who shall be found begging, or practicing any unlawful game, or pretending to fortune-telling, common drunkards, persons of lewd behaviour, vagabonds, runaways, stubborn servants, apprentices and children, and all persons who notoriously misspend their time to the neglect and prejudice of their own or their family's support.... [A]ll breakers of the peace, idle or disorderly persons.. Sabbath breakers.. runaways, or men and women found frequenting any disorderly house or houses of ill fame....

The Bridewell was placed under the control of the judges of the sessions. They took "an old gamble-roofed building formerly used as a poor house" and fitted it up with cells. 64 This building Akins situates at the "western end of the space known as the old poor house grounds". The building was taken down after the construction of Rockhead Prison.

For the first four years of its existence the Bridewell operated at a deficit. Since it housed prisoners from all over the province, the government of Nova Scotia was persuaded in 1818 to allot 300 pounds for the expenses of the Bridewell. 65 This debt, however, was presumably not caused by inefficient practices for the Nova Scotia Royal Gazette noted in 1819 the "economical and judicious manner in which [the Commissioners] have conducted the expenditures for the Gaol and Bridewell" of Halifax Town and County. 66 The practice of providing grants was ended in 1835 when the other Counties were "instructed to look after their own criminals" rather than send them to Halifax. Before this, however, the province was forced to bear annual costs for maintaining the prisoners. This prompted a suggestion for the construction of a treadmill, a device "which has been found so salutary both in England and Jamaica. The Grand Jury of the County of Halifax made this suggestion to the House Of Assembly in 1824. Their concern, given the overly great financial burden on the town and province, was that "this useful Establishment may be Continued" if a treadmill was erected. Not only would this be a "means of defraying a great part of the expense, but [would] materially lessen the progress of crime within the Province by exciting a dread on the Mind of the Convicts". 68 The petition was accompanied by a construction plan drawn up by John Epsom. 69

During the first five years of its existence, a total of 658 commitments to the Bridewell were made. The records which exist for these years were compiled by the Keeper, James Winton. They include the names of the offenders, their ethnicity and who was responsible for committing them. Perhaps the most obvious piece of information is that the largest portion of these early committals to the Bridewell were of

64 Akins, History of Halifax City, p. 166.
65 Saunders, "Conditions", p. 180
66 22 December 1819.
68 Petition to House of Assembly from S. Phinney, 27 January 1824; PANS RG 5 Series P Vol. 2, No. 47.
69 For constructing the treadmill at the Bridewell, Epsom sought one hundred fifty eight pounds, in addition to one hundred forty five pounds to construct a building to contain the mechanism. Ibid.
Irish descent. Of the 658 commitments, 228 were Irish and 195 were native to Nova Scotia (47 of these being N. S. blacks). In the following year, of the 124 commitments, 59 were Irish. Ino O’Brien, Keeper in 1828, expanded the records to include the date of committal, the crime committed, date of discharge and the sentence, along with notes for special cases.

**CONDITIONS IN THE BRIDEWELL**

The Keeper of the Bridewell was obliged to employ some servants and bailiffs at his own expense. In addition, he was liable for the debts of anyone who was imprisoned for debt and subsequently escaped. Counterbalancing these difficulties of the position were some special benefits. One of the perquisites of the job was the profit obtained from selling liquor to the prisoners. John Fielding, a jailer in Halifax County, petitioned the Grand Jury for an increase in salary partly on the basis of the loss of this revenue:

... when the present salary was fixed by the Grand Jury, the Jailer was accustomed to keep within the jail Spirituous Liquors and was in the habit of selling them to all prisoners and thus realized considerable profit; but as your Petitioner found that the practice was productive of serious injury to the good order and decorum of the Jail and decided to induce those persons, who had money, to remain in confinement wasting their substance, to the ruin of themselves and families, instead of applying it to the payment of their creditors, your Petitioner was compelled, for the preservation of decency among the prisoners and for the prevention of riot disorder and drunkenness, to abandon the practice... and strictly to prohibit their use and introduction within the prison.

Although this restriction had beneficial consequences, Fielding wrote, it deprived him "of one of the most lucrative perquisites of his office".

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

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70 "A general statement of the prisoners who have been committed into the custody of the Keeper of the County Bridewell since its establishment in 1815". P.A.N.S., RG 27, Vol. 6, File: "Penitentiaries-1820s".
71 "Petition of John Fielding, Jailer, Halifax County, to Grand Inquest, 11 December 1828". P.A.N.S., RG 27, Vol. 6, File: Accounts and Reports-Penitentiary 1828".
a new year celebration.\textsuperscript{72}

With the exception of the first few years of its existence, the Bridewell was under consistent attack from reformers. The Grand Jury's assessment of accounts for 1832, for example, were declared "incorrect and totally inadmissible."\textsuperscript{73} A Committee of Investigation, which had been established in the early 1830s to report on the state of the Halifax Bridewell, complained that the building was leaking and the bedding insufficient. Furthermore, the Acting Commissioner of the institution, W. H. Roach, was using the labour of the prisoners for his own advantage. The Halifax Magistrates had investigated but had taken no action and certainly had not dismissed the officials in charge. This instance of Magisterial incompetence and corruption was central to Joseph Howe's criticism in the \textit{Novascotian} which he subsequently defended after being charged with libel, thereby establishing the principle of freedom of the press in Nova Scotia. According to Howe,\textsuperscript{74} the Keeper of the Bridewell was "a brute" who "reigned over the place with" abandoned profligacy and harsh cruelty. When Howe's father had visited the Bridewell, on one occasion he discovered a poor creature with a spiked dog-collar around his bare neck, placed there for some petty offence; and on another morning he found that a woman had been kept in the stocks all night in the open yard, because she would not submit to the brutal embraces of the keeper.\textsuperscript{74}

Akins reported that, by 1820, although the "practice of publicly whipping thieves had almost altogether gone out of fashion", it was still "occasionally resorted to at the work house" where it was administered by "Constable" Hawkins who was described by Akins as one of the "town oddities". Akins also provided a description of "Major" Ben, an "idiot" and another "curiosity" who bought supplies daily at the market for the Poor House and the Bridewell.\textsuperscript{75}

The state of the Bridewell continued to be a matter of "deep concern" and serious charges were made against it: \textsuperscript{76}

The decayed and ruinous state of the Building is such,-- that were it not for the Military Guard, and the fetters with which the wretched beings are

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\textsuperscript{72} "List of prisoners committed to County Bridewell, 2 December 1833-30 November 1834". P.A.N.S. RG 27, Vol. 6, File: "Penitentiary-1830's".


\textsuperscript{75} Akins, \textit{History of Halifax City}, p. 207. Hawkins arrived in Halifax in 1814 on a British man-of-war. Many black slaves had escaped and sought refuge when the British captured Washington that year. As described by Akins, Hawkins "had been for years employed at the workhouse to do the whipping. He was usually dressed in an old military green uniform, epaulets, plumed cap, with red sash, and on state occasion, a sword. With constable's staff in hand, this worthy might be seen in the morning at the opening of the police office, escorting prisoners down George Street to the office for examination, accompanied by a mob of boys. Among the other curiosities in the town was old Ben Myers, usually known as Major Ben. This old fellow, an idiot, was dressed in a long tailored red coat of a fashion then long obsolete, a cocked hat and long white feathers hanging over his shoulder, and on particular occasion, a star on his breast and a sword and sash. He was the messenger of the poor house and Bridewell and came down to the market every morning with his wheelbarrow in which he brought back supplies for the establishments." (p. 207).

\textsuperscript{76} \textit{Acadian Recorder}, 25 February 1829; cited by Campbell, "Social life and institutions", p. 180.
loaded, the prisoners could not be kept, and even with these, it is well known that they frequently do escape. But were there no danger in this respect, the unwholesome noxious effluvia arising from sewers, and other nuisances, connected with the present wretched establishment, which no cleanliness on the part of the keepers can prevent, render it not only unfit for human beings, but absolutely disgraceful to a civilized community. Even Criminals should be treated as fellow Mortals and Immortals, and not as irrational beasts.  

These criticisms of the House of Corrections became a concern of the authorities in England. At this juncture the development of the penitentiary system in Britain became a significant comparison point for Nova Scotia. The British government offered suggestions concerning prison discipline, and made a request for a full report on prisons in the province. Colonial Secretary Glenelg initiated a study in 1836 to compare the Halifax Bridewell with similar institutions in England and Wales. This was during a period when the construction of medieval fortress-style penitentiaries was in vogue. Glenelg concluded that a new Bridewell should be built in Halifax. In England the emphasis was on discipline but the conditions of the Halifax Bridewell did not permit implementation of such a philosophy.  

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

With exposures of the conditions in the Bridewell appearing from three sources -- from the Colonial Secretary, from a Committee appointed by the House of Assembly and from the public rhetoric of Joseph Howe -- the Province voted in favour of a money bill to establish a new Bridewell. Until a new provincial penitentiary could be built, the Justices of the Supreme Court established a policy to prevent criminals from other

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77 Journal of Assembly, 1838, App. 18, p. 7.
78 PANS, Vol. 75, Glenelg to Campbell, 30 September 1837.
79 According to Saunders, information included "the number of prisons", their capacity, "discipline, compulsory labour and the amount of money earned in this way, the amount of food and clothing consumed and the general conditions of the prisons" "Conditions", (:184).
80 Saunders, "Conditions" pp. 184-185; see Campbell, "Social Life and Institutions" p. 179.
counties coming to Halifax. The counties were to raise money locally for supervising their own criminals.\textsuperscript{82}

\textbf{THE NORTHWEST ARM PENITENTIARY}

The Bridewell established in 1818 was supplanted thirty years later when a new House of Correction was opened, known as the Provincial Penitentiary. This institution was subsequently closed in 1880 with the opening of Dorchester Penitentiary.\textsuperscript{83} The Act to establish this new institution was passed in 1840. The granite edifice, 148 feet long and 52 feet wide, was built on a 14 acre site off Franklyn Street overlooking the North West Arm.\textsuperscript{84} The Commissioners also purchased two quarries, one of granite and the other of iron stone. Despite the prison labour and the use of this building material, the penitentiary eventually cost more than double the original allotment of 4000 pounds.\textsuperscript{85}

The building was opened in 1844, although the convicts continued to labour on further construction\textsuperscript{86}. From its opening on 18 June 1844, until 13 December 1845, 35 prisoners were received into the Bridewell. Twenty of these were from Halifax County. Twenty-three were convicted of larceny. Other offenses were attempted rape (2), concealing a birth (2), horse stealing (2), arson (3), forgery (1), using counterfeit money (1) and highway robbery (1).

According to the Act which established the new Bridewell,\textsuperscript{87} prison discipline was patterned on the standard maintained by the penal system of Great Britain which had received commendation from many countries for its organized reform methods. The object of the prison was not only to imprison offenders but also to correct, instruct, and discipline them in a manner which was 'most conducive to their reformation'.

The discipline aspect of this ideology was common to the factory as well as the Workhouse and Penitentiary.\textsuperscript{88}

In the Halifax Penitentiary, rigid discipline was enforced and prisoners who disobeyed were "severely punished. Such offenses as breaking prison, fighting, or other

\textsuperscript{82} \textit{Ibid}., p. 188
\textsuperscript{83} The first occupants of the Penitentiary were "several of the crew of the notorious death ship Saladin". After the penitentiary was closed it "served as a refuge for inmates of the Poor Asylum" when the City Home was destroyed by fire. (\textit{The Halifax Chronicle}, 1 May 1948, p. 1). The Penitentiary was sold by the Dominion Government to the Church of England which intended to use the granite for building a cathedral on Spring Garden Road. The cathedral was not built and in 1895 the property was sold to the People's Light and Heat Company to be utilized as a gas works. Although the walls and roof were not to be disturbed, the interior was to be entirely remodeled. (\textit{Morning Chronicle}, 5, 7 December 1895, p. 5).
\textsuperscript{84} \textit{The Halifax Chronicle}, 1 May 1948, p. 1. (Includes a picture of the demolition).
\textsuperscript{85} Finances continued to be a problem for the penitentiary. George Carpenter, the Governor, petitioned the House of Assembly for additional salary. He could not live "with any degree of comfort" on 125 pounds per annum, having understood the salary to be 150 pounds plus provisions. His provisions, he declared, were the same as for a convict: "two plates mush, soup and hard biscuit, adding only 1 lb. beef on Sundays". (Carpenter to James B. Uniacke, 26 January 1846, P.A.N.S., RG 27 Vol. 6, File: "Penitentiary-1840-1846").
\textsuperscript{86} \textit{Ibid}.
\textsuperscript{88} As Magdoff stresses: "Not only were many factories constructed like poorhouses and prisons, but the work discipline imposed in these shops also presupposed prison-like practices. Harry Magdoff, "The meaning of work", \textit{Monthly Review}, 34, 5 (October, 1982), pp. 1-15.
minor misconducts were usually punishable by an extension of the prison term. Guards who assisted prisoners in such affairs were punished by a fine or were imprisoned. The Keeper and his staff "were not allowed to read, write, talk, sleep, relax, smoke, drink, sing, or whistle" while on duty. Messages transmitted from keeper to keeper were to be whispered and out of the hearing of the prisoners. Guards and prisoners were not to intermingle and no gifts were to be exchanged.

This formalized set of rules emphasizing discipline and silence was reported to be effective in the short run. A report from the Governor cited general good behaviour during the first year. By the following year, however, some indiscipline was reported and the superintendent (formally known as a Governor) of the Penitentiary, George Carpenter, recommended the construction of two or three dark cells. Irons had not proved sufficient deterrence to indiscipline and Carpenter wanted these cells built in the cellar for purposes of solitary confinement. In 1851 the superintendent was described as being lax and "discipline suffered to the extent that occasionally the prisoners would not listen to their keepers and often refused to work". Because of a number of escapes (seven at one time in 1849), the Commissioners ordered that the prisoners be chained at all times. Shackles were removed from first offenders at night, and from others if "it was advisable to remove them". Saunders indicates that more "severe punishment was never permitted in the prison" perhaps because "the management had discovered that solitary confinement served the purpose just as well".

Another method of control which was also introduced into the Bridewell from Britain was a point system. According to this method, prisoners were given points or marks for good behaviour. The reward for good character was early release. J. W. Johnston, the Attorney General who introduced the Bill, stated that "when a prisoner was immured for life, and lost all hope of release, it produced a demoralizing effect".

An account reminiscing about the penitentiary written in 1896 described the difference between new and old inmates:

The stranger to durance will take up his food in a rude and hasty manner, if not with disgust, and consume it as quickly as possible, if he has some of his appetite. No such haste with the old stoger. He goes

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89 Saunders, "Conditions", p. 191.
90 Ibid., p. 193.
91 In his Annual Report for 1845, Carpenter stated that the conduct of the prisoners had been "remarkably good.... All have exerted their best endeavours." This report lists names, crimes, counties of origin and work performed in the prison. 31 men were confined, 22 of them for larceny. They worked at cutting pickets for fencing, breaking stone, clearing land, building cells, planting potatoes and making tubs and buckets. Four women were confined, two for larceny and two for concealing births. They knitted, washed and spun for the convicts. ("Return of work and labour, executed and performed by the Convicts at the Provincial Penitentiary, 1 January - 31 December 1845", P.A.N.S., RG 27, Vol. 6, File: "Penitentiaries-1840-1846".
92 William McLeod, No. 31, struck "a good and quiet Black boy" and then used "very bad Language to the Messenger" and Governor. He was placed in irons but continued to berate the other prisoners. Carpenter recommended dark cells. (Carpenter to the Commissioners of the Provincial Penitentiary, 30 May 1846, P.A.N.S., Ibid.
95 Novascotian, 5 March 1849, p. 72, col. 1; cited in Saunders, "Conditions", p. 201.
96 F. G., Halifax Herald, 6 May 1896, p. 6.
leisurely to work making his homely affair as toothsome as possible, with
the aid of the simple condiments allowed by the rules; then leisurely enjoy
it with much satisfaction.... Old jail-birds, are generally also well behaved
prisoners. They have learned by experience that good conduct is the only
way to ameliorate their position. They will conciliate and even flatter the
guards, when that is possible, and fool the chaplain. I confess I have very
little faith in the religious expressions, or impressions of convicts; and the
last man I would enquire of is the parson.

According to the Act, prisoners were to work a maximum of 12 hours per day except on
Sunday. Prison labour supplied by three carpenters "made furniture for the institution,
finished the women's hospital, built a shed for straw, and erected workshops seventy-
eight feet long and two stories high. The women ... washed clothes, spun yarn, and
knitted many garments". The first year of the Bridewell was profitable. According to
Saunders, "there were benefits of a financial nature and of a spiritual nature".97 In the
words of Governor Carpenter, "every effort has been executed to make the convicts
good members of society and useful tradesmen".98

The ideological function was served by the chaplain. He visited once a week and
circulated religious literature, although most of the prisoners were illiterate. The
ideology of repentance was symbolized by two metal hands with their palms turned
upwards as in supplication which were on the pediment of the prison wall.99 Saunders
comments that the "prisoners seemed to want religious guidance and for the most part
their moral character was somewhat improved".100

In 1867 the penitentiary passed to the control of the Dominion Government.
Along with the penitentiary at St. John, the institution was visited in 1868 by J. M.
Ferres, an Inspector with the Canadian Board of Inspectors of Asylums and Prisons. As
his report indicated, at that point the silent system had not made a dent on the Halifax
prison population. Arriving unannounced and finding the door open, Ferres described
the dining room as a "very low eating-house".101 All of the convicts:

were engaged in loud talk, laughter and banter, and as fancy or a desire
to procure something at a distance prompted, they would leave their seats
at pleasure....

...the guards assumed no control, and gave no orders for decent
behaviour, some of them indeed appeared so old and feeble as to be
rather suited for inmates of an alms-house then guards in a
Penitentiary....

[A]fter dinner had been dispatched, the convicts and guards proceeded, in
a confused crowd, to the corridor of the dormitory.... If the dinner was a
free and easy affair, it could not be compared with that of the corridors.
Here the convicts sauntered up and down in twos and threes; some

98 P.A.N.S., RG 27, Vol. 6, File: "Penitentiary: 1840-1846".
99 The Halifax Chronicle, 1 May 1948, p. 1
100 Saunders, "Conditions", p. 195.
talking, chaffing and laughing; some in earnest conversation on past or future roguery, I presumed....
All the cell doors stood wide open .... [One prisoner] was seated on his bed, with a jack-knife in hand, mincing a piece of beef which he had taken from the dinner-table to feed the cat which purred alongside him....
At one o'clock, the prisoners were called to work.... [T]he same easy familiarity continued. The convicts made free among themselves or with the guards, and the guards with them; calling them-"Bill," or, "Sam," or, "Tom," as the name might be.
In part, according to the Superintendent McGregor, the lack of discipline was caused by insolent guards who could be dismissed only by City officials and not by the Superintendent of the Prison. In addition, the guards lived in fear of the prisoners, preventing them from exercising control.

With Ferres' visit, the disciplinary code was reiterated. The Prison Rules were read to the prisoners assembled in the dining hall. Ferres "told them that the period of misrule had passed" and that he "would demand an unswerving enforcement of the strictest discipline". This included the rule of silence: They could only talk to their guards to ask for instructions about work. Rules would be enforced through punishments consisting of hard bed, bread and water (for not more than three consecutive days), the dark cell, the cat and chains. At least formally, the new prison discipline was initiated at the prison but this was no ordinary federal penitentiary. The prison was also used for the purpose of a common jail. Ferres pressed for the construction of a federal prison for the Maritimes and proposed a site near Sackville, New Brunswick. It would be easier to establish the ancienne regime in a new prison. The penitentiary was eventually sold after the building of Dorchester Penitentiary in New Brunswick and the insides were completely renovated for a gas works.

CITY JAILS

The jails in Halifax were generally in worse shape than the old 1818 Bridewell. At the same time that the decision was made to construct the Halifax Bridewell, in 1815, concerns were voiced about the city jail. Few concrete improvements were made until 1848. In that year a Grand Inquest of the County of Halifax presented a report to the Court of Quarter Sessions. The cells were "unfit for the abode of human beings". People accused of crimes could be imprisoned for months in the jails awaiting trial. Conditions were so much worse in the jails than in the Provincial Penitentiary that the Novascotian remarked that "prisoners were treated as the worst of criminals before conviction, and in comparison, as Gentlemen afterwards". There was "no discrimination in the placing of persons in the Cells, the old, hardened, filthy, oft convicted criminal is confined in the same cell with the cleanly and accidental offender, and possibly innocent person." The dissolute jail keeper was also renting out some of the cells his own profit.

By 1870, Halifax had a number of other carceral institutions. There was an over-

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night lock-up at the Police Station beneath the City Court as well as a small county jail which was rebuilt in 1865 to include an execution yard. Military prisoners were sent to Melville Island after 1856. Prior to this date they were sentenced to a military prison located in the citadel.  

ROCKHEAD PRISON

The North West Arm Penitentiary was too small to house all the convicted persons in the province and there was still the large population of vagrants, debtors, petty thieves and indigent persons in the capital city. Many petty criminals were sent to the Halifax Penitentiary even after 1867, but others continued to be confined in the Bridewell, which remained open for more than a decade after the construction of the Penitentiary. Consequently a new jail was built outside the town to the north. Rockhead prison, built on a 40-acre rocky site about two miles outside of Halifax over-looking Bedford Basin, was constructed to hold 120 prisoners. Within two years of its opening, 39 males and 31 females were incarcerated, most of whom were between twenty and thirty years of age.  

CONCLUSION

Although Halifax was founded in 1749 by settlers from a wide variety of origins, the two principal sources of influence were Britain and the American colonies. Distinct principles of self-government had emerged in the colonies and they influenced developments in Nova Scotia with respect to representative government. However, with respect to law and carceral institutions, English practice prevailed.

Two institutions of correction were established in the 1750s: The Orphan House and the Workhouse. Both reflected a concern with establishing order in the colony. The ideology of the time linked poverty with vice and criminality and the cure for both was to be found in discipline and the virtues of hard work and Christian living. Neither institution survived for long. Orphans were taken as servants or apprentices at an early age. For criminals, the English Bloody Code emphasized geographical or mortal exile from the community or immediate reincorporation following corporal punishments or fines, rather than incarceration them at the public's expense.

The Bridewell of 1818 was designed for improving the class of social outcasts in the face of perceived lawlessness and the lack of order in the garrison town. It was used to lock up a wide variety of miscreants, but mostly vagrants and drunks. The history of this institution is marked by brutality, corruption, indiscipline and the absence of useful work, despite the ideology to the contrary. Rockhead prison, which served a similar diverse selection from the underclass, had a similar type of inmate social structure. Only the Provincial Penitentiary attempted to implement the then fashionable silent system.

What you have in the available literature is a picture of a deviant population in need of being corrected. My main interest is how this "correction" was to occur. The key words were: work, discipline, penitence and moral instruction. What occurred was the growing specialization and bureaucratization of the field of corrections. Along with

the institutionalization of the ideology of discipline and punishment came the separation of types of deviants. Lists of prisoners in the 1820s show that 80 per cent of the commitments to Bridewell were for vagrancy. More serious offenders were sent to the North West Arm Penitentiary where there was an attempt to implement both reformation and discipline.

But there was no automatic control over prisoners. The silent system and control of the perimeter by the guards had to be implemented against the norms which quickly developed in prisons. It was an imposed discipline and became the established practice only gradually, with some dramatic interventions followed by slower institutionalization. This development concerned only the formal regulation of prison life, leaving substantial inmate control within the perimeter.

From the point of view of research on penitentiaries, it is important to distinguish between what was supposed to occur and why, and what did occur. In the Poorhouse and Workhouse, many of the inmates were incapable of working. Others were contracted out, usually to the financial benefit of the keeper. In the North West Arm Penitentiary, convicts were to work 12 hours a day. Adjacent to the institution was a granite quarry and the convicts provided cheap labour. Much of this was used for the initial construction and maintenance of the prison.

The research sources that are readily available are official ones. They indicate how healthy the work was, how it instilled habits of diligence and workmanship, and hence led to the reformation of those incarcerated. What is missing in these accounts is the point of view of the individuals who were putatively gaining the benefits of this physical and moral training. At best there are the accounts of the reformers which give a picture of the objective conditions. One of the problems is the need to uncover sources, which provide some glimpses into the subjective experience of these amenities as experienced by the inmates.

Writing about a population of 92 recidivists from Rockhead, Judy Fingard concluded that conditions in the new City Prison were no worse than, and possibly better than, those faced by these members of the underclass on the street. There was the common phenomenon of self-sentencing, for example. On some prisoners' records in Rockhead would appear the explanation: "allowed to stay for the winter."106

A second theme which I want to trace through its origins and early development is the question of discipline. Clearly, forced labour was expected to promote self-discipline. But there was also the question of maintaining order. In the early Bridewell, prisoners were flogged in a situation where prisoners were housed together in congregate cells and indiscipline prevailed. Joseph's Howe's father, who visited the Bridewell, described the Keeper as a brute. Some of this indiscipline was attributed to liquor, one of the perks of the position of Keeper. The chief instrument for discipline in the North West Arm Penitentiary was solitary confinement in dark cells. Along with the silent system, these measures were to prevent prisoners from communicating for the declared purpose of preventing contamination and thereby assisting the rehabilitation of

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105 Dr. R. Black to Commissioners of Provincial Penitentiary, 30 June 1945, P.A.N.S., RG 27, Vol. 6, File:
"Penitentiary-1840-1846".
106 Judith Fingard, "Jailbirds in Mid-Victorian Halifax".
prisoners. It was to help create the conditions of solitude and penitence necessary for turning criminals into god-fearing citizens. Even with all these precautions, however, the penitentiaries likely turned out more born-again criminals than born-again Christians.

From a sociological point of view, then, this study is concerned with routinization, with the limits of reforms established within existing conditions and ideologies. Ultimately, the most sobering thing about researching prison history is the realization that reforms are simply reiterated periodically. With the exception of the precise grammar and vocabulary used in different eras, the same points are made over and over again in the literature. In the end it makes the social history of prison reform seem depressingly contemporary.