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AN UNEASY PEACE:

CITIZENS AND SOLDIERS OF THE HALIFAX GARRISON, 1830-1906

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INTRODUCTION

From its occupation by the British in 1749 Halifax was a garrison town and as Allyson May and Jim Phillips have argued the army and navy played a considerable role in the town's early criminal activities. "The military presence," they wrote in 2001, "rendered Halifax, compared with the rest of eighteenth-century Nova Scotia, a dangerous place in which to live."[1] Perhaps true for the period they examined, the same ready generalization cannot be applied to soldiers of later Halifax garrisons. Of the 1,444 persons charged with serious offences who stood before the Supreme Court in Halifax during the Victorian and Edwardian eras, fewer than ten percent were soldiers, sailors or marines. Clearly Halifax had no need of the military to ensure its continuation as a dangerous place in which to live.

NOT EVERYONE LOVED A SOLDIER

As Halifax matured and its defence complex developed, the number of troops increased. Headquarters of the Nova Scotia Command, Halifax's garrison numbered between 1,200 and 1,500 men for most of the nineteenth century.[2] With such a substantial detachment of soldiers in a relatively small area, it was not surprising that relations between civilians and military were frequently strained.

A passenger debarking from a ship at mid-century immediately became aware of the garrison and sensed its impact on local society. "In the streets of Halifax there was no lack of scarlet uniforms," Edinburgh publisher William Chambers observed in 1854, "and this leads me to remark that the military forms no inconsiderable, and I should think no very advantageous element in the society of the town."[3] This was a perceptive comment by a visitor who was only briefly in Nova Scotia's principal port. The relationship between military and civilians in Halifax was uneasy throughout the Victorian era and, if the atmosphere improved during the brief Edwardian period, it was probably due to a sharp reduction in numbers in the British garrison and ultimately their replacement in 1905-1906 by Canadian units.

Of course, not all Haligonians objected to the military presence. One reads in local newspapers fond farewells to regiments as they ended their term of garrison duty. "Officers and men in general were specimens of what Englishmen and gentlemen should be," the *Acadian Recorder* gushed in the summer of 1831 as the 52nd Regiment prepared to withdraw to another imperial posting.[4] Such commendations might have been sincere, but must also be placed within a business context: no newspaper could survive on subscription rates alone and the military commissary was one of the most lucrative advertising accounts.

Even so, criticism of the military emerged in local journals. The *Daily Sun* of 27 November 1846 commented on an army Sergeant's alleged indecent assaults on girls less than ten years of age, declaring its naive belief that a higher moral code prevailed among civilians.[5] A decade later the *Acadian Recorder* indicated that it, too, was distressed by the Army's impact on Halifax citizens. On this occasion the newspaper targeted young officers, not enlisted men. In its regular gossip column, 'Talk of the Town', the *Recorder* rejected any simple moral division postulated by the *Sun*; the writer saw fault in both segments of the community, decrying the military's negative influence on Halifax's young bucks who aped the behaviour of officers who gathered at Stewart's Saloon, men "who disgrace the uniform they wear." [6] Criticism of the military continued and in 1883, after almost a century and a half of occupation, the Halifax *Herald*, a Conservative newspaper, complained of attacks on civilians by British soldiers. "This sort of thing is becoming too common, and should be put a stop to in some effective manner," the paper declared.[7]

Certainly not constant, tensions rose and fell throughout the period, but were never far from the surface. In late summer of 1842 Maximilian Hammond, a young subaltern in the Second Battalion of Her Majesty's Rifle Brigade, wrote home to England, describing his new posting: "I continue to think this is the stupidest place in the world; the people are not in the least civil to us and do not seem to show any desire to become acquainted with us; but what can't be cured must be endured."[8]

Court records detail that some Haligonians were more physical in demonstrating their distaste for the military than those who snubbed Maxy Hammond. In October of 1843 in Connell's House, a tavern on Grafton Street, and certainly not a place frequented by Hammond or his fellow officers, Thomas Thatcher, a member of Hammond's battalion, engaged in a sharp exchange with a local, concluding the discussion by punching him in the eye. Walking back to the North Barracks later that night, a man emerged from the darkness and struck Thatcher across the head with a heavy walking stick, killing him. Rifleman Charles Elliot witnessed the attack from across the street and heard the civilian shout: "You bugger, here's one for you!"[9]

At the Coroner's inquest, Elliot identified the assailant as Robert Walsh, a man he had seen in conversation with Thatcher in the tavern. Walsh's friends closed ranks, however, denying their pal had been involved in any scuffle with the soldier. Edward Connell, the tavern keeper, added to the alibi, claiming he could not recall ever seeing Walsh in his establishment. Patently untrue, his testimony was nevertheless accepted and the inquest ruled that Thatcher had been killed by person or persons unknown. Crown law officers did not subscribe to the Coroner's verdict and later that year Walsh was indicted by a Grand Jury on a charge of murder. When the case came to trial on 7 December 1843 prosecutor John Whidden must have realised his case was going nowhere: testimony of soldiers was disputed roundly by defence witnesses. Chief Justice Brenton Halliburton directed the jury to acquit Walsh and it did so without leaving the Box.[10]

Four years later another incident confirmed that Halifax streets at night could be dangerous places for soldiers. Shortly before midnight on Friday, 8 August 1847 Private Edward Knowlan of the 20th Regiment of Foot was walking along Barrack Street on his way back to his billet in the Citadel. With two other members of his regiment, he had been watching a rehearsal of a play that was to open the following night. It was not, however, a direct route the trio took to the barracks. Private John Nelson admitted they had walked down to Albermarle Street where they "each had a couple of glasses of spirits." According to Nelson, after no more than a quarter of an hour they were on their way again towards the Citadel. "We was coming along by the Garrison Clock," he recalled, "when we met a girl." Mary Ann Armstrong, the girl in question, later testified she had just left Patrick Toole's tavern when she encountered the three soldiers. Walking along Barrack Street with them, the group met John Cain. "When the coloured man saw the girl," Nelson testified, "he asked her if she was with a soldier again." Words ensued and according to witnesses, John Cain struck Edward Knowlan on the forehead with a stone, knocking him unconscious. Nelson attempted to catch Cain but the local man outpaced him, disappearing in the warren of streets and alleyways below the Citadel.

Knowlan was taken back to his billet but during the night his wound bled profusely. Over the weekend, Knowlan's condition deteriorated and late on Saturday night he died. At the inquest held in the military hospital on Monday morning, a Coroner's jury returned a verdict that John Cain "wilfully and with malice aforethought did kill and murder" Private Edward Knowlan. In November, Cain was tried before the Supreme Court, found guilty of manslaughter and sentenced to serve one year in the recently opened Halifax Penitentiary.[11]

In the autumn of 1858 John Noonan, a civilian, was charged with "feloniously stabbing a soldier named Brown."[12] Nothing is known of the soldier or his Regiment but upon Noonan's conviction his barrister presented affidavits to the Court which outlined extenuating circumstances. Apparently effective, the judge sentenced the civilian to a relatively light term of six months confinement in the County Jail.[13]

Relations between citizens and the military were difficult for much of the time but in 1863 it became poisonous. In sentencing Michael Hines, keeper of the Blue Bell tavern on George Street, for attacking a soldier with a hammer, Mr. Justice William DesBarres decried the "ill-feeling that has arisen between a number of civilians and some of the soldiers in the garrison."[14] One can certainly understand the judge's frustration. On the previous day DesBarres had sentenced four soldiers for viciously assaulting George Clelland, a civilian worker at the naval dockyard, and only days earlier he had tried five civilians for beating Private George Loughman. In a separate case during that same week DesBarres had found Corporal William Henry Prescott guilty of assaulting a civilian named John McCarthy.

SOLDIERS VERSUS CITIZENS

In the opening years of Queen Victoria's reign a succession of offences by soldiers against civilians in Halifax were adjudicated under military law. This seems anomalous, for civilian trials of soldiers for offences under the province's criminal statutes had been established early in Nova Scotia. Nonetheless, courts martial continued to try soldiers for offences covered by the civilian criminal code. Punishments meted out by these military courts were far more severe than sentences awarded in Nova Scotia's Supreme Court, frequently employing corporal punishment, a penalty absent from the civilian criminal code of the time.

On 1 November 1839, for instance, Private Edward Overton of the 8th Regiment of Foot was charged with disgraceful conduct for stealing "a watch and case, the property of Mrs. Fagan, an inhabitant in the neighbourhood of the town."[15] Overton's court-martial sentence was severe: 150 lashes, forfeiture of all claim to pension on discharge and any additional pay while serving in Her Majesty's Forces. As required by military law, this judgement was passed to the Commanding General who promptly confirmed Private Overton's sentence. At morning parade later that week he was led before his battalion, tied to crossed halberds and whipped, a drummer from his unit beating the count on his drum.

Seven years later, George Hill, an enlisted man in the Rifle Brigade's Reserve Battalion and member of the Halifax garrison, was sentenced to 150 lashes for forging his Company Pay Sergeant's name in a transaction with a local spirit dealer.[16] Like everything in the military there was a studied process for flogging troops, intended to have impact on observers, if not on the man being disciplined.[17]

Such punishments did little to elevate troops' moral awareness, their habits, vices or off-duty behaviour. In all, eleven soldiers of the Halifax garrison were convicted of offences against civilians between late 1839 and February 1846 by courts martial. It is not clear why these military trials for civil offences ceased, but Rifleman George Hill's court martial in the winter of 1846 was the last recorded in General Orders of the Nova Scotia Command.

Although troops frequently were led before the town magistrates on a variety of lesser charges, trials before the province's highest court were for more serious offences. From 1830 to the British Army's withdrawal in late 1905 and early 1906,[18] troops garrisoning Halifax appeared before the Supreme Court of Nova Scotia on robbery charges on 16 occasions: for burglary 18 times; sexual assault 18 times; and for other aggravated assaults 15 times. In addition, 14 soldiers were charged with larceny, eight with malicious wounding, three with counterfeiting, two with bigamy, one for arson, one for embezzlement and one with cruelty to a child. Thirteen soldiers and sailors were tried for homicide. In all, 112 men answered charges before the Supreme Court sitting in Halifax during these years.

Military criminality, like civilian law-breaking, had various roots, but it has been proposed by some scholars that there were specific causes. In their examination of early military crime in Halifax, May and Philips suggested the culture of violence and aggression instilled by military training played a role.[19] There were, of course, other explanations. The low calibre of recruits, cited by numerous observers, might have been a factor; even the severity of discipline might have contributed to soldiers' criminality.[20] The boredom of military life seems certainly to have been a factor. Garrison duty was dull no matter where troops served. Young Maxy Hammond characterised it as the "deadening influence of garrison life."[21] Gambling and heavy drinking remained features no matter how hard Hammond and some of his fellow officers in Halifax encouraged their men to attend Bible study.[22] Garrison duties were not very taxing, consisting primarily of drill, guard duty and maintenance of military facilities. This allowed time for some troops in Halifax to exercise their criminal creativity.

Unlike the slate of robberies, burglaries, sexual assaults and general mayhem committed by troops of the garrison, newspaper coverage of which tended to be negative, reports of military homicides were more balanced and, in some cases, even sympathetic. Understandably, homicide was a crime that agitated yet intrigued Haligonians. Between 1830 and 1905 ninety-three such offences were committed in Halifax County.[23] Soldiers were responsible for relatively few of these crimes, somewhat more than one in seven.

This record stands in stark contrast to military behaviour recorded in the town's Georgian age. In that period May and Phillips tell us that 72 homicides were committed, and of 59 killers for whom occupations could be determined, 36 were military personnel.[24] May and Phillips offer additional insights into these military murders. Generally, they suggest, civilians were victims, and in the few cases where military were killed, the crime tended to be perpetrated by other soldiers or naval ratings.[25]

For the Victorian and Edwardian eras the table below represents both refutation and confirmation of these assertions. Military personnel carried out very few of the 93 homicides in Halifax and only one of their victims was unrelated to the military. In total, ten soldiers, two naval personnel and one marine were charged with the murder or manslaughter of ten persons, while two unsolved murders committed in the Citadel were attributed to unknown soldiers. Far from wreaking havoc upon civilians on the streets of Halifax, antics of an earlier military according to May and Phillips, Victorian soldiers and sailors tended to kill infrequently and when they did, with only one exception, they killed others connected to the military, usually on military property.[26]

Table 1: Homicides Committed by Military Personnel in Halifax, 1830-1905

Year	Perpetrator	Victim	Location	Verdict
1830	Sgt. John Kelly	Mrs. Ann Kelly	South Barracks	Guilty: Murder
1845	Pvt. John Campbell	Mrs. Ann Campbell	Cavalier Barracks	Not Guilty
1854	Sapper William Sime	Sapper Richard Wilkinson	South Barracks	Guilty: Murder
1858	Marine Archibald Downey	"a coloured woman named Stephens"	Halifax Commons	Not Guilty
1862	Pvt. Dennis Lyons	Pvt. John Hurd,	Two Mile House, Halifax County	Guilty: Manslaughter
1862	Pvt. William Lonergan	Pvt. Foley	Citadel	Guilty: Manslaughter
1867	RN Seaman Patrick Mackassey & civilian Eliza Smith	Pvt. Thomas Summers	Gottingen St., Halifax	Guilty: Manslaughter
1872	L. Cpl. Edward Stowe Sgt. William Stevens Pvt. John Groome Pvt. James Wynd	Private James White	Wellington Barracks	Guilty: Manslaughter Not Guilty Not Guilty Not Guilty
1873	RN W.O. George Powers	Seaman John Watters	Richmond, Halifax	Guilty: Manslaughter
1873	Person Unknown	Pvt. John Gleeson	Citadel	No Trial
1876	Pvt. Peter Salmon	Pvt. John Scott	Wellington Barracks	Guilty: Manslaughter
1888	Person Unknown	L. Cpl. Joseph Glancey	Glacis Barracks	No Trial

THE NAVY WAS NOT WITHOUT ITS PROBLEMS

The Army comprised the largest component of the military presence in Halifax during these years, but a key element of the British defence complex was the Dock Yard, base to squadrons of Britain's powerful navy. Naval crews were as rough as their opposite numbers in the army, but at sea much of the time, their appearances in the town were less frequent. Nonetheless, when they came ashore and mixed with locals in the taverns and brothels, they too felt the wrath of Halifax's citizenry.

In 1847 Henry Lynch, a marine serving aboard HMS Wellesley, was murdered by a civilian in a brothel on Barrack Street. Although a witness identified the man who struck the fatal blow and named a woman as an accessory, no one was charged with the marine's death. Two days later the building in which Lynch died was consumed by fire. The *Acadian Recorder*, either naively or conscious of commercial implications, was quick to attempt to shift responsibility from the military. “It is true,” the *Recorder* noted, “that the sailors did threaten throughout the day to extirpate the house in consequence of the death of the marine yet they had no hand in the execution of the threat.”[27]

Five years later a crewman of HMS Cumberland met a similar end only paces south of the site of the 1847 murder. On Saturday, 10 September 1853 a headline in the *Acadian Recorder* announced the Barrack Street death. Under the banner, “Horrid Murder”, the paper described events which, according to its reporter, had thrown the city “into a state of great excitement.” Early Thursday morning two members of the Night Watch had discovered a sailor’s body sprawled before the Waterloo Tavern, below an open second floor window. A post-mortem examination indicated the sailor had suffered a fractured skull that might have been consistent with a fall from a considerable height. Dr. Allen, who conducted the examination, also noted a severe laceration over the deceased’s left eye that he believed “must have been produced by heavy blows with the fist or a cudgel.”[28] Dr. Fraser, Surgeon aboard the Cumberland, concurred with the civilian physician: Alexander Allan had died from a blow or blows to his head. The Coroner’s jury, which according to the newspaper was composed equally of local citizens and crew members of the Cumberland, ruled wilful murder and implicated four inmates of the brothel, its owner, his enforcer and two prostitutes.[29]

At trial in April of 1854, Mr. Justice Thomas C. Halliburton remarked on the weakness of the Crown’s case, based as it was on the altered testimony of two defendants, the prostitutes, who now claimed that Allan had, in fact, been murdered. William Young, Premier and Attorney General, had vigorously pressed the case but with the judge’s statement immediately abandoned it, recognizing his chances of conviction were now very slim. In releasing all defendants, Halliburton made his distaste of their behaviour evident but focused his ire on the City of Halifax. “I may remark that it is a disgrace to this City that licenses should be granted for the sale of liquors in houses of such character, collecting revenues off the prostitution of the unfortunate female inmates of these dens.” [30] In what was a worrying trend of vigilantism in Halifax, some members of the public responded to the judge’s criticism. The Waterloo House was destroyed on the night of April 27: “The fire is ascribed to an incendiary,” the *Sun* informed its readers.[31]

On a warm July evening in 1873, Mark Gibbons and John Watters, HMS Narcissus’ Gun Room Steward and Cook respectively, were passengers on a Halifax streetcar travelling north on Water Street. Warrant Officer George Powers, also of the Narcissus, boarded the trolley at Upper Water Street. Drunk, Powers stated noisily that he wanted to fight Watters. The conductor stopped the tram and threatened to put Powers off if he did not cease his ranting. Powers appeared to calm down and the car continued its journey to the Richmond Terminal.

There the three sailors got off and Powers immediately recommenced his verbal attacks on Watters. “Watters was walking away,” Gibbons later testified before a Supreme Court jury, "and Powers picked up a stone of about three pounds in weight and hit him on the left temple. Watters fell immediately and became insensible." Gibbons assisted the injured man into the nearby Castle Inn where he bathed his mate's head with cold water. In answer to the prosecutor's question, Gibbons stated: "Powers did not seem sorry for what had happened but walked away."

When Watters regained consciousness he and Gibbons returned to the town centre, where Watters complained of dizziness and deafness in his left ear. Undaunted, the two sailors began drinking with "some blue jackets" at the north end of Albemarle Street. Both sailors came aboard the Narcissus on Sunday morning. According to Gibbons, "Watters did his work that day. He took sick on Monday." On Tuesday the unlucky sailor was transferred to the Naval Hospital. Semi-conscious, he complained of pain in the back of his head. He died on Wednesday and a post -mortem conducted that day indicated a fractured skull.

Standing trial for murder in October of 1873, a Supreme Court jury found 23 year-old Powers guilty of manslaughter. Mr. Justice Wilkins sentenced the sailor to one year in the Halifax Penitentiary.[32] Unlike two previous incidents in which naval personnel had been murdered by civilians, the Powers case confirmed a troubling aspect of military behaviour in Halifax: when sailors, like soldiers, committed homicide, they tended to kill comrades.

MILITARY RIOTING

Giving greater concern to Halifax's citizenry than even these isolated homicides, the potential for troops acting in groups was always a threat in the city. In September of 1838 soldiers, believing a comrade had been murdered in a house on Barrack Street, wrecked the building. The City Marshall was called and the rioting military dispersed, regrouping later that night to continue their attack. On their return, the soldiers torched two neighbouring houses.[33] A similar riot occurred in May of 1847. Men of the 23rd Royal Welsh Fusiliers took to the streets, believing erroneous reports that one of their comrades had been murdered in a Duke Street brothel. They laid waste to the building, watched by a crowd of civilians and some military officers. Halifax Marshall J. J. Sawyer and his constables struggled to assert control but were unable to prevent the destruction of the building. This brothel was situated across the street from another that had been destroyed only eleven months earlier by other members of the garrison.[34]

For two nights in April of 1863, rioting troops controlled the streets of Halifax. On the second night members of the mob attempted to force their way into City Hall, where the Mayor and Aldermen huddled. Protected by the building's stout wooden door and a number of constables, who put their backs against it, the enraged rioters remained outside. Colonel Franklyn, acting commander of the garrison, ordered two companies of Royal Artillery to march from their barracks to subdue rioters. Sporadic fighting continued during the night and as the sun rose civic and military authorities surveyed the damage and pondered their options.

With the immediate danger past, Aldermen responded, swearing in special constables, who briefly patrolled city streets. Demonstrating a newfound courage, Council members took personal charge of this band of shopkeepers and clerks. "About 120 of them paraded on the streets on Tuesday and Wednesday evenings, in squads, each squad headed by an Alderman," the *Morning Chronicle* reported.[35] In truth, however, these citizens did not restore order. Colonel Franklyn, who had earlier confined the entire garrison to barracks, had achieved that.

VIOLENCE IN MILITARY QUARTERS

These riots were very public criminal acts, yet frequently the most vicious offences committed by members of the garrison occurred in private in army quarters. John Kelly, Sergeant in the 52nd Regiment of Foot, murdered his wife in the South Barracks in July of 1830.[36] John Campbell of the Rifle Brigade battered his wife to death in their quarters in the Citadel on Christmas Eve, 1845.[37] Two years later, at the door to the Quarter Master's rooms in the North Barracks, Sergeant Abraham Tagg sliced open Eliza Bourne's face with his bayonet. A young servant, she had firmly rejected Tagg's protestations of love that summer morning. Charles Herbert, a Corporal in the 20th Regiment, had witnessed the attack. Responding to the Attorney General's question as to why no soldiers had intervened, Herbert's comment was instructive about life in military quarters: "the scream was loud but they said it was only a man beating his wife."[38] By all accounts 21 year-old Tagg had been a model soldier, recently promoted Sergeant. His previous good character seemed irrelevant in court. Despite his barrister's argument that he should be acquitted on the ground he was not of sane mind when he committed the act, a Supreme Court jury found him guilty.

Unprovoked violence occurred in other facilities in the Halifax defence complex. Early on a July morning in 1854 a shot echoed around the square at the centre of the Royal Engineer's barracks at the south end of Barrack Street. Without any apparent reason Sapper William Sime shot and killed Sapper Richard Wilkinson. Held in civilian custody until his trial in December, Sime was found guilty and the Chief Justice pronounced the death penalty, later reduced to life imprisonment. [39]

On the night of 6 December 1869 Private James White approached Soldier's Gate at Wellington Barracks, clearly feeling the effects of a night of heavy drinking. Called as a witness at the subsequent inquest and trial Michael White, Corporal of the Guard that night, testified to his actions: "I apprehended him and lodged him in the Regimental Guard Room of the 16th Regiment." Intent on distancing himself from the prisoner's demise while in custody, Corporal White stated "there was no more force used than was necessary to take him to the Guard Room."[40]

Later testimony made clear the prisoner had died from asphyxiation while bound and gagged, a punishment frequently applied but not formally approved by military authorities. In his own defence, William Stevens, Sergeant of the Guard for the 16th Regiment that night, denied any liability and shifted blame to a subordinate whom he said had "gagged him on his own responsibility." Seeking to avoid culpability, Stevens further declared: "I do not consider myself responsible in this case, not having given the order to gag him."[41] A Supreme Court jury agreed: Stevens, Privates John Groome and James Wynd who had assisted in the procedure, were found not guilty of murder. Lance Corporal Edward Stowe alone was convicted of manslaughter.[42]

Seven years later in the same barracks violence arose from a dispute between soldiers. Before lights out on a July night in 1876, two men of the 87th Regiment quarrelled. Witnesses said neither was drunk. In the resulting scuffle, both fell to the floor. Private John Cummins told a Coroner's Inquest and a subsequent trial that as he pulled Peter Salmon away from John Scott, "Salmon swore by JS I'll kill him and Salmon kicked him on the front of his head with the heel of his boot and killed him." Twenty-two year-old Scott was well liked by his mates and they were unanimous in their memories of how he had come to his death. Private Peter Salmon, only 25 himself, was held for three and a half months in County Jail prior to being found guilty of manslaughter and sentenced to five years imprisonment at the Halifax penitentiary.[43]

John Gleeson, a Private in the 87th Regiment of Fusiliers, was also billeted at Wellington Barracks. From Tipperary, Gleeson had served with the regiment for two years. A solid, sober and steadfast man, according to friends, it was well-known he had inherited money recently, a sum estimated between £185 and £200.The grape vine carried suggestions that the young Irishman was going to purchase his discharge at a cost of £21. It was also rumoured that Gleeson was going to advance money to James Kelch and John Hill, Privates in the 87th, either to do the same or to enable them to desert.

Rumours became part of the public record when John Gleeson's body was found in the moat on the southwest side of the Citadel on Saturday, 21 June 1873. At the Coroner's inquest the following day Sergeant Robert Burke testified that Hill and Kelch "had been noticed spending more money lately than was usual." Burke also reported that when he searched Kelch's kit bag he found a poison packet, "a package of blue storm." Although circumstantial evidence pointed towards the duo poisoning Gleeson in order to get his money, the Coroner's jury drew back from any allegation of responsibility, saying only that they "regret that while there are grounds for suspicions of foul play there is not evidence to convict any person or persons and as yet the cause of death is uncertain."[44]

In 1888 another soldier was murdered on military property by person or persons unknown, this time outside the canteen of the Glacis Barracks on the northern slope of the Citadel. The canteen had been a busy place on the night of 29 September 1888, with beer and ale consumed by thirsty members of the 2nd Battalion of the West Riding Regiment. Following a dispute in the canteen with Corporal John Mitchell, Lance Corporal John Glancey's body was found lying on the floor of a tent near the canteen. Taken to the hospital, his injury appeared to be a three inch wound over the left parietal bone. He showed no obvious signs of distress until the following Saturday morning about 8 AM when he complained of a headache. By 8:30 Joseph

Glancey was dead. Surgeon Fowler of the Medical Staff conducted a post-mortem, discovering the soldier had suffered a severe fracture of the parietal and temporal bones with blood clotting on the brain. Fowler's testimony at the Coroner's inquest indicated his belief that Glancey had been struck over the head: "the wound was such as must have been done with a sharp instrument and with force." The Coroner's jury was unable to determine who had struck the blow, another case of murder in the Citadel at the hands of a person or persons unknown.[45]

BALANCING THE CRIMINAL LEDGER

There can be no argument about the positive benefits the military brought to Halifax: its expenditures in the city were immense, contributing to commercial prosperity and economic stability. Moreover, the garrison provided entertainment to citizens: manoeuvres on the Commons; band concerts at locations about the town; horse races and other athletic events in which officers and men participated. With military pageantry, troops added to Halifax's official life, confirming its status in a global empire.

Nonetheless, citizens remained concerned about the military in their midst. A relatively small city for much of the period under review, the presence of a large body of troops naturally created tensions. Required to wear uniforms at all times, soldiers were easily identified as they made their way along the town's streets, sat drinking in its taverns, or carousing in its brothels. Military crime had particular impact on Halifax, for soldiers' offences were committed in the town, giving these criminal acts an immediacy that crimes committed elsewhere in the county lacked.

In assessing the impact of the garrison on crime in Halifax, one cannot evade repeated occurrences of riotous behaviour by troops. Indefensible, nevertheless military riots did not stand alone in either Halifax or its surrounding countryside, for the middle decades of the nineteenth century were fractious times.

On Christmas night, 1846, two rival gangs fought a pitched battle at the intersection of Barrack and Sackville streets. Although this mayhem occurred outside the gates of the South Barracks, soldiers were not involved. On this occasion combatants were young men and boys, apprentices and loungers, who were members of feuding gangs, the Northsiders and the Southsiders.[46] This was not the only pitched battle these rivals fought that Christmas season. "Several nights during the week from 200 to 400 lads were traversing our streets," *The Novascotian* fumed, "and disturbed our citizens without any daring to prevent them."[47]

Protestant and Catholic railway workers rioted in 1856 in the 'Gourley Shanty riots', fighting that broke out at a settlement sprawling alongside a major road leading from the city. Agitated civilians rioted at Grand Lake on Election day, 1859. In November of 1863 at Africville, local residents, disgusted with illicit activity in their community, destroyed a house they claimed was a brothel and were subsequently charged with riotous behaviour. Scots-Irish violence broke out in riots in March of 1865 at the gold diggings at Waverley. Anti-Protestant rioting raged at Fort Massey Church in the midst of the city in the spring of 1876.[48]

Halifax newspapers delighted in splashing crimes and criminal trials across their pages. With the exception of railway navvies, reporters seldom identified occupations of civilian offenders. They did, however, ensure their readers knew when a soldier appeared before the Supreme Court. Citizens, therefore, could assure themselves of their own virtues, as the *Daily Sun* had done in 1848, stating that soldiers were drawn from a lower moral stratum of society. Military offenders, like railway navvies, were outsiders, a comforting conviction frequently served up as explanation of criminal activities in the town. Journalists' reports and popular beliefs were misleading. During the Victorian and Edwardian decades only eight percent of all defendants, 112 of 1,444 who came before the Supreme Court in Halifax were members of the military.

Far from wreaking havoc upon civilians on the streets of Halifax, antics of an earlier military according to May and Phillips, Victorian and Edwardian soldiers and sailors when roused to murder for the most part confined their homicidal behaviour to their own ranks. Members of British forces in Halifax appear to have been at least as law abiding, if not more so than citizens of the port city.[49] Not a great endorsement perhaps, it does, nevertheless, place military crimes in an appropriate context. Haligonians, so concerned about the military's anti-social behaviour on their streets, did not seem to realise that even if all soldiers and sailors were swept away, violent criminal activity would continue to thrive in Halifax and in its surrounding countryside.

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[1] Allyson May and Jim Phillips, "Homicide in Nova Scotia, 1749-1815", *Canadian Historical Review*, Volume 82, No. 4, December 2001, 626.

[2] Troops of the Nova Scotia Command served in Halifax but were also stationed in New Brunswick, Prince Edward Island, Cape Breton and in other locations in Nova Scotia. An interesting table summarizing numbers and desertions within the Nova Scotia Command from 1837 to 1865 is found in Peter Burroughs, "Tackling Army Desertion in British North America", *Canadian Historical Review*, Volume LXI, No. 1, March 1980, 30-31.

[3] William Chambers, *Things As They Are in America*, (London and Edinburgh: William and Robert Chambers, 1854), 31.

[4] Halifax *Acadian Recorder*, 30 August 1831.

[5] "It is a happy reflection that neither of these offences, so horrid in their character, have been committed by members of this community, as they would auger a state of Society, which, thank Heaven, it does not merit." Halifax *Daily Sun*, 27 November 1846.

[6] *Acadian Recorder*, 24 May 1857.

[7] Halifax *Herald*, 20 September 1883.

[8] *Memoirs of Captain Maximilian Montague Hammond, Rifle Brigade* compiled by Edgerton Douglas, (Edinburgh: Ballantyne and Company, 1860), 19.

[9] Inquest over the body of Thomas Thatcher, 26 October 1843, Coroner Inquests, RG 41, Series C, Volume 19, # 15, Nova Scotia Archives (NSA). An impressive headstone was raised to Thatcher by his comrades in the town's military burial ground. It remains there today, the only such marker to a private soldier in Fort Massey cemetery.

[10] The case was called on 21 November 1843 in the Michaelmas Term of the Nova Scotia Supreme Court. Judgement was pronounced on December 7, 1843. See Minutes of Crown Causes Beginning Trinity Term 1843 and Ending Michaelmas Term 1859, RG 39, Series J, Volume 131, NSA.

[11] Testimony given at Inquest over the body of Edward Knowlan, 9 August 1847, Coroner Inquests, RG 41, volume 21, #14, NSA. A provincial penitentiary was opened in Halifax on 15 June 1844.

[12] Halifax *Morning Chronicle*, 30 October 1858.

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[13] *Ibid*., 4 November 1858.

[14] *Ibid.*, 7 May 1863.

[15] Garrison Court Martial of Overton, Private Edward, 1 November 1839, Military Papers, MG 12, Volume 32, NSA.

[16] Garrison Court Martial of Hill, Private George, 2 February 1846, Military Papers, MG 12, Volume 40, NSA.

[17] 'The infliction of the punishment (flogging) was put into the hands of the drummers, under the inspection of the Drum Major and Adjutant, the first to see the halberds are properly fixed, the cats in order, that each drummer does his duty, and is properly relieved after having given twenty-five lashes. The Surgeon is to take care that the prisoner does not receive more lashes than he is able to bear without endangering his life or injuring his constitution; and the Adjutant to cause the sentence of the Court Martial to be properly inflicted and to oblige the Drum Major to make his drummers do their duty." Henry Marshall, *Military Miscellany Comprehending A History of the Recruiting of the Army, Military Punishments etc., etc*., (London: John Murray, 1846), 150.

[18] The men of the 5th Battalion, Royal Garrison Regiment and the Royal Garrison Artillery departed Halifax on 24 November 1905. The Royal Engineers sailed from the port on 5 March 1906.

[19] May and Philips, "Homicide in Nova Scotia 1749 1815", 660.

[20] The anonymous author of a memoir of his time in the British army commented that "The British Army, as it is well known, is the *dernier resort* of the idle, the depraved, and the destitute". Moreover, he saw little improvement for as long Britain was "content to draw the grand materiel of her armies from the lowest classes." *Camp and Barrack Room or the British Army As It Is By a Late Staff Sergeant of the 13th Light Infantry*, (London: Chapman and Hall, 1846), 276-277. Garnet Wolseley, a serving officer in Victoria's army since 1852 in India, Crimea, British North America and Africa, echoed these comments, describing the raw material from which the army was drawn: "The greatest ruffians and criminals in the three kingdoms enlist in our army." It should be noted that General Wolseley made his comments in defence of flogging. Wolseley's comments are cited in Allan Ramsey Skelly, *The Victorian Army at Home: Recruitment and Terms and Conditions of the British Regular, 1859-1899*, (Montreal: McGill-Queens Press, 1977), 148.

[21] *Memoirs of Captain Maximilian Maitland Hammond*, 40.

[22] *Ibid*., 42. "Hammond, with several officers of the Rifle Brigade, and a few more belonging to the garrison, occupied themselves in teaching classes." This interaction of officers and men of the Rifle Brigade was shortly afterwards ordered to cease. Command believed it encouraged too much familiarity between officers and men.

[23] In fact 99 homicide cases, charges of murder or manslaughter, came before the Supreme Court between 1830 and 1905. Six offences were committed on the high seas, but were tried in Halifax. These offences have been excluded in order to restrict trials to homicides committed in Halifax County.

[24] May and Phillips reported 27 males were non-commissioned officers or privates; six were naval ratings; and three men accused of homicide were officers. May and Philips, "Homicide in Nova Scotia", 628.

[25] *Ibid*., 642.

[26] Both Mrs. Kelly and Mrs. Campbell were listed 'on strength', meaning they were approved dependents, eligible for rations and able to live in military quarters. Archibald Downey was tried in November 1858 for causing the death of a woman on the Commons who had no connection to the military. "It appeared to be an accident; there was no malice, either expressed or implied; and the gun, which was described to be a very unsafe one, was discharged accidentally. The learned Judge put the case very clearly to the jury, who after a brief consultation, brought in a verdict of Not Guilty." Halifax *Morning Chronicle*, 2 November 1858.

[27] *Acadian Recorder*, 2 September 1848.

[28] *Ibid.,* 10 September 1853.

[29] *Ibid*. Having reviewed all extant Coroner Inquests from 1830 to 1959 in Halifax County, I have found no other case in which a jury was composed in this fashion. The inquest over Allen's body is not contained in the Coroner Inquests, RG 41, Series C, Volumes 7 to 118, NSA.

[30] *Daily Sun*, 28 April 1854.

[31] *Ibid.*

[32] Inquest into the Death of John Watters, Halifax, July 17, 1873, Coroner Inquests, RG 41, Series C, Volume 48, # 38, NSA and R vs. George Powers,[3 November 1873] NSSC, RG 39, Series C, un-numbered criminal cases, NSA.

[33] *Acadian Recorder*, 1 September 1838.

[34] *Ibid.*, May 8, 1847.

[35] *Morning Chronicle,* April 23 1863.

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[36] Sentenced to hang in November of 1830, Sergeant Kelly was spared, transported to Bermuda for life. "S. M. Phillips [Undersecretary] to Hay acknowledges letter of 27 December 1830 and transmits warrant commuting the sentence to transportation for life. 1 January 1831," *Report of the Department of Public Archives for the Year 1947*, (Ottawa, 1948), 117, NSA.

[37] John Campbell was found not guilty by a Supreme Court jury. See *Novascotian* 20 April 1846.

[38] The trial was presumed to be of such interests to readers that *The Sun* of Halifax printed trial testimony *verbatim*. See *The Sun*, 3 December 1847.

[39] Reprieved in late January of 1855, Sime was held in the Halifax penitentiary until later that year when, over the protestations of the Medical Director of the Nova Scotia Hospital for the Insane, he was committed there. See Daily Record of the Superintendent of Hospital for the Insane, RG 25, Volume 3, 27 May 1861, NSA.

[40] Inquest over the body of James White, 6 December 1869, Coroner Inquests, RG 41, volume 45, NSA.

[40] Halifax *Citizen*, 5 May 1870.

[41] *Ibid.*

[42] *Ibid*.

[43] Peter Salmon was transferred to Dorchester Penitentiary in December of 1879 prior to the closing of the Halifax Penitentiary. Sentenced in November of 1876, he received remission of his sentence and was released from the New Brunswick prison on March 26, 1881. See Convict Register, Dorchester Penitentiary, mfm 14269 and Warden's Diary, Dorchester Penitentiary, mfm 14267, NSA.

[44] Inquest over the body of John Gleeson, 22 June 1873, Coroner Inquests, RG 41, Series C, Halifax County, Volume 48, # 12, NSA.

[45] The verdict was recorded as follows: "the said J. Glancey received a mortal blow at the hands of some person or persons unknown to this jury and the said blow or injury having fractured his skull caused his death and so he died from this cause and not otherwise." Coroner Inquests, RG 41, Series C, Volume 64, #47, NSA.

[46] In his testimony, Edward Kelly identified the warring gangs. See Edward Kelly testimony, Inquest over the body of James Kelly, 2 January 1847, RG 39, Series C, Supreme Court Cases, Halifax Division, 1847, NSA.

[47] *Novascotian*, 11 January 1847.

[48] The riot was occasioned by the appearance of Father Charles Chiniquy in May of 1876. Chiniquy, a Presbyterian who had left the Roman Catholic priesthood, was an itinerant evangelical preacher known for his attacks on Roman Catholicism.

[49] To understand this disjuncture one must return to May and Phillips. A closer reading of their text indicates they were not writing about homicides in Halifax, but of homicides in wartime Halifax. As they pointed out themselves, their data was inconsistent. Georgian homicides came in three waves, reflecting the build-up of troops in the port during the North American phase of the Seven Years War, the American Revolution and, finally, the Napoleonic Wars. Each of these conflicts occasioned rapid expansion of troops and ships in Halifax and the town's homicide statistics rose accordingly. Fifty-six of the 72 capital crimes identified by May and Phillips occurred in the 33 years covered by these periods. In the remaining 33 years of their study only 16 homicides were recorded in the town. The Victorian and Edwardian eras, on the whole free from such massive increases of troops in North America, reflected the relative calm of the inter-war years of Georgian Halifax. Even in the period in which the Nova Scotia Command doubled from 2,000 troops to more than 4,000, military homicides did not rise appreciably. See May and Philips, "Homicide in Nova Scotia", Table 3, 639.