

Crime and Punishment in the Cape Breton Songs Contest

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Article abstract

Dishpan Parade, a morning women's entertainment program, was a production of Sydney, Nova Scotia's CJCB Radio from 1948 to 1952. Early in its run the hosts created a local song contest, rewarding lyrics on a Cape Breton theme set to known melodies. Many entrants took the opportunity to satirize current events, protected by the implied triviality of light verse. This article places two such songs—"Bootleg Coal," set to "The Blue-Tail Fly," and "Go Away (The County Jail)" to "Polly Waddle Doodle"—within the specific history that occasioned them and suggests the expressive and subtle subversiveness of mid-century Cape Breton women.

CRIME AND PUNISHMENT IN THE CAPE BRETON SONGS CONTEST

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Introduction: *Dishpan Parade*

On November 1, 1948, CBI, the official Canadian Broadcasting Corporation affiliate for Cape Breton, first went on the air. Prior to that it was CJCB Radio—Cape Breton’s first radio station, founded by Nate Nathanson in 1929—that carried CBC programming, the precursor to CBC Radio One then referred to as the Trans Canada Network. CJCB still had access to Dominion Network broadcasts, the lighter entertainment division of CBC, but it lost the Trans Canada Network programming. Consequently, that same day CJCB began broadcasting a *Musical Clock* program, drawing from such similar programs at KYW Chicago and WOR in New York. No recordings remain, but hosts Bill Loeb and Lloyd MacInnis improvised conversations on topics of the day, interspersed with the occasional song, while soliciting new ideas and, notably, rhymes from their listeners. A letter from a Mrs. R.C. MacDonald of Mira Gut, dated 12 Nov., 1948, is the earliest yet found and contains three Cape Breton-themed limericks.

There was a young girl from East Bay,
Who from her old home ran away,
But when Sydney she saw,
She cried out to her Maw,
“I want to go back to East Bay.”¹

By January 1949 it appears that the show had effectively split in half, and, after 9 a.m., Loeb and MacInnis would perform in character as the avuncular Bill and the rural ‘Teo,’ respectively, their talk accompanied by the sounds of washing dishes. This section would in time become known as *Dishpan Parade*, the name by which the show would be remembered. As

1. From the personal collection of Donnie Campbell.

was recorded in a scrapbook compiled by one of the show's most devoted listeners:

It is different than most radio features. It is in fact, D-E-M-O-C-R-A-C-Y in action, in that the people themselves (the air audience), with the kind co-operation of the radio station, and 'Bill' and 'Teo' make up the program. Under the guise of pen-names, they contribute a mixture of facts, fiction, humor [sic], poetry, useful hints, debatable subjects, etc., which are interspersed by appropriate music and announcements of interest to us all. (Chiasson [n.d.]: 1)

The morning hour meant that it was "woman's programming," with all the connotations that might suggest: inexpensive to produce, inherently ephemeral, presumed to be background to domestic responsibilities, distinct from 'serious' programming, and so forth, and the format built on those connotations. Bill and Teo's imaginative conversations begat contributions from listeners writing under pseudonyms and developing themselves as characters, blending autobiography and fiction. In the real world listeners began to organize meet-ups, which would in turn be written about in letters and poems read out by the hosts. Much as contemporary fan cultures build communities through ancillary fora and social activities, the listeners of *Dishpan Parade* formed a close-knit, highly esoteric group through their shared participation in a popular culture product. Peter Narváez developed the concept of radio listenership developing into "rhetorical communities," defined as both "groups united by sensory perceptions rather than by contiguity in physical space" (2012 [1991]: 240) and "a group of radio listeners united by perceptions that approximate face-to-face relationships" (248; see also Hiscock 1991). In the case of *Dishpan Parade* the rhetorical communities came full circle to regular spatio-temporal contiguity.

One of the more lasting features of the show was its "Cape Breton Songs" contest. Listeners were encouraged to submit lyrics based on the tunes of known songs on a local theme. The shift to submitting songs might have been inspired by the weeks when the Sydney Millionaires, the local minor league hockey team, were competing for the Allan Cup Eastern Canadian Final in late March and early April of 1949.² In September of

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2. Songs include "Sydney Millionaires Victory Song," written to "The Notre Dame Fight Song," and "Millionaires are On Their Way" to "Alexander's Ragtime Band," both dating sometime between March 15 (when they won the Maritimes Senior Playoffs against St Mary's) and March 21 (game one of the quarterfinals for the Eastern Canada Allan Cup Playoffs against Pembroke); "They Still Played On (History of the Sydney Millionaires)" to the tune of "The Band Played On" written after game three of the finals; and "Hockey's Through for the Summer"

that year song submissions became a regular feature, all parodies of mostly contemporary popular song on a Cape Breton theme. Lloyd MacInnis or another CJCB performer would record them direct to acetate accompanied by Bernie MacIntosh's piano. Documentation is scant but there appear to have been about 250 recordings made based on contest submissions, with many of the writers being women (although, once the cash prize element was added, more men started submitting). The songs had regular airing on *Dishpan Parade* and began to be played on other light entertainment programs elsewhere on the CJCB schedule. Donnie Campbell started the (still-ongoing) *Celtic Serenade* show in 1974 when the budding cultural revivalists of the early 1970s (Brodie 2017: 56-58) determined that "Sydney needed a show that would advocate for the local culture," and songs from the contest formed part of his programming (Bergfeldt-Munro 2015: 41), while also entering into vernacular song traditions.³ One of the off-shoots of the Cape Breton revival was 1981's *Cape Breton's Greatest Hits*, a musical revue featuring a medley of contest songs.

It is these songs that form the bulk of my current research. While many of the songs were often straight-forward praise of the Island and its people, similarly there would be songs which picked up on a very real and local concern. My approach to these songs has been informed by Diane Tye's work on how the intensely lady-like activity of baking for church women's meetings drew attention away from the occasionally subversive conversation that took place therein (2010). These songs comprise a form of 'genteel protest,' employing coding strategies such as indirection, distraction, and trivialization (Radner and Lanser, 1987) to discuss such topics as Sydney's industrial soundscape (in "Dumpin' the Slag" by Aileen Stephen, set to the tune of "Casey Jones"), the substandard and dangerous bus service (in the anonymous "Pier Bus," which parodies Frankie Laine's "Mule Train"), the removal of postal service in the multi-ethnic Whitney Pier neighborhood (in a mail-deprived retelling of the African-American ballad "Frankie and Johnnie"), and the habitual flooding of the Wash Brook (another Stephen composition set to "Turkey in the Straw"), a river running through downtown Sydney.⁴

(to "Winter Wonderland") and "Thanks for the Hockey Game" (to "Thanks for the Memories"), soon after April 8, when they lost game five against Toronto.

3. While work is still ongoing, a Facebook page created as an offshoot of this research (<http://www.facebook.com/DishpanParade/>) has provided much anecdotal evidence, as people have written in asking for lyrics to songs they heard originally from grandparents rather than radio or recordings.
4. The Wash Brook also flooded over Thanksgiving weekend of 2016 causing \$15M in damages and the loss of 17 homes: see Montgomery 2016.

In what follows I examine two of these songs in detail, expressly on the theme of crime and punishment. For each I am delineating the particular historical moment in late 1940s Sydney and the way attitudes are being expressed through song. In the conclusion I reflect on the nature of the songwriting as a form of cultural critique. This comprises only part of my planned work on the Cape Breton Songs contest material, and work is ongoing.

Bootleg Coal

The mining and selling of bootleg coal fits well with the Maritime and Atlantic Canadian celebration of the anti-authoritarian, the person who breaks the law when the law itself is perceived by the community with some ambivalence. Poaching, bootleg liquor, and bootleg coal are more or less acceptable practices when the victims are understood as either the state or the corporation. In a review article covering, amongst others, *Bill Fraser*, *Mountie* by R.A. MacLean, Greg Marquis writes:

Rural Cape Breton during the Depression is depicted as a legal frontier where the natives were friendly, but unwilling to impart information to the RCMP. The protagonist, in dogged pursuit of bootleggers and moonshiners, seems to have attempted, almost singlehandedly, to impose an alien culture on Highlanders, Newfoundlanders and Acadians in communities such as Cheticamp, Inverness, Ingonish and St. Peters. (1992:168)

Michael Taft, writing about the popularity of Dick Nolan's "Aunt Martha's Sheep," makes the distinction between sanctioned and nonsanctioned extralegal activity: the tight social cohesion of the small community does not allow for its members transgressing on the property or livelihood of friends and neighbours (1986). And in Julia Bishop's analysis of "The Moonshine Can" (1992), she notes how the "villain" of the song is the person who informs on the moonshiner to the authorities, not the authorities themselves. In a parallel example, Richard MacKinnon notes how in Cape Breton cockfighting is a low priority for law enforcement, and that it is "tacitly accepted and tolerated by Cape Breton Island community members" (2009:100).

Bootleg coal operations have been part of Nova Scotia for almost as long as there has been coal. The General Mining Association had an absolute monopoly on coal production in the mid-nineteenth century, but Daniel Samson notes how "illegal 'bootleg' production and smuggling continued to irritate the company" and how they persecuted illegal operations doggedly

(1999:25). In the strikes of 1924 and 1925, David Frank suggests:

the coal miners also explored another form of direct action. Among the shores, at abandoned mine sites and even on the ballfields, miners opened shallow “bootleg” pits to mine coal from the outcroppings of the coal seams in violation of coal company leases. Company officials took “illegal” miners to court, earning condemnation from at least one union local for their “inhuman and uncharitable actions.” Yet the practice continued to flourish in hard times. (1986: 117)

The bootleg miner thus became something of a folk hero in the harsh labour context of Cape Breton in the 1920s and 30s, and the Great Depression of the 1930s provided a similar rationale for forgiving bootleg miners across North America. Like moonshine, the coal was often of dubious quality, not subject to any screening, which in turn entered the anecdotal tradition of the Island. Hector Carmichael, Gaelic poet and local historian from Munroe’s Point, recalled the following:

Fellows used to go around selling bootleg coal from over south there. It was much cheaper than the other coal. So I got a load of coal, and a few mornings after that I got up and put the fire on and I went to the pantry there to wash myself—holy smokes! Away goes the stove. The lights were all over the floor. And I couldn’t see anything but smoke and the side of the stove was blown out to smithereens, all in pieces. A dynamite cap, I guess, was in the coal. (*Cape Breton’s Magazine* 1979:38)

Writing in the *Milwaukee Journal* about how the Second World War was bringing an end to bootlegging, William G. Smock wrote that “Because of economic conditions, public sympathy has been solidly behind them and bootlegging has carried no stigma of dishonesty” (1943: D1).

In Cape Breton during the war, miners in Glace Bay and New Waterford refused to go underground with the Italian-Canadian miners, most of whom had settled in the town of Dominion. In order to earn something of a living, many resorted to bootleg mining, “a practice the Dominion Coal Company allowed as a means for the men to support themselves during the stoppage” (Beswick 2014). By “allowed,” Beswick means “turned a blind eye out of a sense of compassion.” Stephenson (1999:97) describes security forces descending on one operation, having been informed of it by non-Italian neighbors. Once it was clear that the mine was not going beneath rail lines (as had been reported), the company official suggested they dig only at night.

Despite the “folk heroism” and the support of the common man, one of the strongest voices against bootleg coal operations came from the Union

of Mine Workers. Broadly, large-scale bootleg mining operations were unregulated: as it became more lucrative, it attracted organized crime, and miners worked in unsafe conditions for long hours and low pay with no job security, the precise context the unions had slowly been collectively negotiating away from. More precisely, during the strike of 1947 the bootleg mines interfered with the process of limiting supply and thus weakened the union's bargaining power.

The union tried to pressure the provincial government into giving support to the strikers by calling for telegrams to be sent to Premier Angus L. MacDonald. The UMW also protested the importation of coal into the province, and set up pickets on the Halifax docks. In the mining areas themselves, the only pickets established were part of a campaign by the executive to stamp out bootleg coal operations. Probably very unwisely in terms of union morale, Freeman Jenkins insisted that the selling of coal from bootleg pits by miners be treated as strike-breaking, and picket lines were stationed on the roads to stop and inspect trucks for the illicit coal. In one incident a Phalen Local "flying squad" of 200 men smashed up a bootleg pit on one man's property. (Earle 1990: 341-342)

Even with the threats of action by the UMW, some had no choice but to continue the practice. Former labour leader William "Bull" Marah was no exception:

Strike benefits—I think I was getting five dollars a week or something. I had two children. And God, you know, it was terrible. The only thing that saved me, and a lot of other people, is—we had bootleg pits. And I sold some coal to the merchants, for groceries, for food for my children and my wife. (*Cape Breton's Magazine* 1997: 9)

Although John O'Connell, in his passing references to the song in his "Towards a Collection of Coal-Mining Songs in Canada," associated it specifically with the strikes of the 1920s (1984:32), it is in this post-1947 context when Connie Boyd of Sydney wrote "Bootleg Coal" for the Cape Breton Songs contest under her pseudonym, "Sophie's Song Shop." It is unique in the collection in so far as, of the extant contest submission letters, it is the only one dated, to 21 September, 1949.

"Bootleg Coal" by Connie Boyd⁵

Every time that I lie down to rest
There's sure to be some gosh darn pest,

5. CJC.B would make slight edits to the entries, principally for scanning or, for songs sung in an accent, to conform to idiolectical conventions. This text is as Boyd submitted it: for the lyrics as recorded, see O'Donnell 1992: 82-83.

Come, screamin' from his very soul,
"Lady want some bootleg coal?"

Give me one ton, then on your way,
Give me one ton 'till Saturday,
Then whistle 'till you get your pay,
When the master's comin' home.

A man once called me on the phone
And asked if I was home alone,
Then up the driveway, quickly stole,
And shoveled in his bootleg coal.

Give me one ton, one ton will do,
Give me one ton, I don't want two,
Give me one ton and then scadooe,
The master's comin' home,

One day I asked some friends to call
And went to meet them in the hall,
I sneaked a peek through the key-hole,
There stood a man with bootleg coal.

Give me one ton, and then vamoose
Or else I'll turn me darn dog loose,
I'm sure this time you cooked your goose,
Here's the master comin' home.

Now I've enough coal in the bin
So don't try talkin' your way in,
Me husband told me not to dole
The money out for bootleg coal.

So leave me alone and please go 'way
I might take some, another day,
I ain't got no more dole to pay
'Till the master brings some home.

Last June when election day rolled 'round
With hubby nowhere to be found,
Just guess who took me to the poll,
'Twas the fella, sellin' bootleg coal.

Bring me a ton next time you're 'round
Just dump the darn stuff on the ground
If the master's home, don't make a sound
Cause he's an awful light sleeper.

So, now me husband's left me, flat,
He said he couldn't stand for that
I sure got myself in a hole
The devil take that bootleg coal.

Give me one ton, then let me be,
 It's you who caused me misery,
 You oughta give me one ton free,
 Since the master's gone away.

Boyd set the words to "The Blue-Tail Fly": likely the idea suggested itself as the adjectival 'bootleg' and 'blue-tail' are unusual in so far as they are both spondees, and somehow both the rhythm and the near rhyme of the first syllables triggered an opportunity for her, but that is pure conjecture. The song would have been in the cultural zeitgeist in 1949 Cape Breton. "The Blue-Tail Fly (Jimmy Crack Corn)" (made famous by Virginia Minstrels) dates to at least the 1840s, when sheet music for it was published by F.D. Beneen of Baltimore.⁶ Many have suggested the subversive nature of the song, how a black slave cannot (or does not) protect his master from a fatal injury caused by a horse's reaction to a fly. It is "aggressive fantasy" with an "anti-master sentiment" (Toll 1971:42). It was also said to have been a favourite of Abraham Lincoln and that he asked for it to be played (as a banjo instrumental) as the introductory music for the Gettysburg Address. According to Pete Seeger, he happened to be at a CBS radio studio when Alan Lomax was introducing it to Burl Ives (Logsdon and Place, 2002: 11-12). In 1948 Ives released a popular version with The Andrews Sisters (Decca 24463), while it entered the active repertoire of Seeger. Only subsequently did it take on the "children's song" association it has today, through both Seeger and Ives recording it specifically as such and reframing it in the public consciousness.⁷

The three characters of the housewife-narrator, the persistent and pesky bootleg miner and the disapproving and largely absent husband align well with slave, fly, and master triumvirate of "The Blue-Tail Fly," with an explicit connection made between the two "Masters" of the songs. The wife, with autonomy (albeit a limited autonomy) over the household finances, accepts the offer of the bootleg miner knowing her husband would disapprove and, at song's end, the marriage is over as a result.⁸

Of note is the sheer ambivalence of the song towards bootlegging:

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6. Available through the Library of Congress's digital collections at <https://www.loc.gov/item/sm1846.411670/>
 7. On Seeger's *American Folksongs for Children* (Folkways FC7001, 1954) and *Burl Ives Sings ... For Fun* (Decca DL 8248, 1956), respectively.
 8. Jodi McDavid, in personal correspondence, has suggested an explicit double entendre reading of the song, where the bootlegger is making a cuckold of the husband and euphemisms abound. I defer to such an interpretation and invite further discussion.

the bootlegger himself is not a criminal so much as a pest, an unrelenting salesman whose product is valuable but whose actions are annoying. Buying his product is something the wife does willingly but with a desire to attract no attention to it. And the bootlegger becomes such a presence that he, not her husband, is the one who takes her to the polling place at election time.⁹ Although the song was written as humorous, and as such should not be interpreted as an unambiguous expression of worldview, the very fact that the wife participates in the underground economy indicates a split opinion, something indicating if not outright dissent then at least a counter-position to the stances of both (male-centered) organized labor and the state.

There is another song about bootleg coal in the Cape Breton Songs collection, the now unattributed "Bootleg Truckman." Set to the tune of "Little Brown Jug" (at least as interpreted by O'Donnell [1992: 165-167]), it concerns a bootlegger selling a load of coal to a Mi'kmaq community (presumably Eskasoni First Nation, given references to East Bay Road, the connector from the main highway from Sydney) that turns out to be nothing but rocks and old blasting caps. The chief vows revenge for being swindled and two months later the truckman is arrested. My decision not to discuss it in full is not because it would detract from the argument: there is still ambivalence about the illegality of bootleg coal, and judgment is not rendered against bootleggers but a particular, unscrupulous one. However, the song is perhaps the most racist in the collection, employing idiolect for First Nation speech as depicted in North American popular culture.¹⁰

In the post-war years, the depiction of First Nations in film was beginning to change from one of simplicity and savagery to some semblance of sympathy: John A. Price notes how three John Ford films—*Fort Apache* (1948), *She Wore a Yellow Ribbon* (1949), and *Rio Grande* (1950)—"viewed Indians through the eyes of a sympathetic white," and how "The true villain now tends to be a white: a martinet colonel, a trader

9. The election "last June" would be the federal election of June 27, 1949.

10. The stilted, pseudo-pidgin English was first caricatured by Robert Montgomery Bird in his *Nick of the Woods* (1837), a phenomenally popular adventure novel of the American West featuring the character Nathan Slaughter, which effectively made Bird an apologist for the genocide of the 1800s. "One very effective method for transmitting their stupidity to the reader was linguistically through the use of pidgin speech, recognizable now as Tonto-talk. ... Unfortunately, the pronoun fault and the addition of "um" to every other word became the all-purpose Indian speech for authors who came after Bird, so it is he we can "thankum" for the only recently diminishing dialect of the all-purpose Hollywood Indian" (Kilpatrick 1999:8-9).

who sells liquor and guns to the Indians, etc.” (1973: 159). Perhaps—*perhaps*—it is in this spirit that the song was written, but it is nevertheless difficult to digest the depiction of the Mi’kmaq speakers in this song, using the stereotypically broken English of Hollywood westerns. That the Chief ultimately takes revenge upon, and shows mercy to, the bootlegger is of little offset. Instead, we will turn to a song that was written about one of the consequences of small crime in Cape Breton and the shameful conditions in which those consequences are met.

Go Away (The County Jail)

In the May 8, 1945 edition of the *Sydney Post Record*, readers were informed that “Sydney’s celebration of V-E Day last night although noisy was not marred by any incident of a serious nature despite the fact that hundreds of civilians along with servicemen roamed Charlotte Street until early this morning” (1945a). The next day, however, the paper had a different story: “Sydney’s business district, Charlotte Street, for three blocks presented the appearance of a shambles this morning following an orgy of window smashing and looting which broke out shortly after 11 o’clock and lasted for more than four hours” (1945b). Rioting continued the following evening, moving to Whitney Pier, while New Waterford dealt with its own riot: over the next few days most of the populated areas had some form of disturbance. The consequent mass arrests brought to light how the County Jail was overcrowded. One hundred and four prisoners were being accommodated in a building that was designed for 42 (Sydney Post Record 1945c; 1947b). When some were finally granted bail, the population was down to 75.

The jail had been built in 1907 and designed by the architect Ronald Gillis, the owner / manager of the Cape Breton Sash and Door Company, who was also responsible for over twenty Roman Catholic churches in the diocese (Hill 2009-2016). In the decade between 1901 and 1911, the population of Sydney grew from 9900 to 17,700: by 1941 that number was 28,300 and then 31,300 in 1951. Not only had the county outgrown its jail, but approaches to incarceration were transformed. Specifically, the idea that jails were meant to be more than merely punitive institutions had given way, on paper at least, to the idea of improvement and rehabilitation. Young offenders were not separated from adults, the opportunity for work or any form of constructive way to pass time was largely absent, and probation or systems of alternate sentencing were not available in the Nova Scotia courts.

Jails were the responsibilities of counties, not provinces or (with the exception of Halifax City Jail) single municipalities: as a consequence, the various towns and cities rarely wished to use their own budgets for improvements or replacements for infrastructure that might be outside their jurisdictions, especially for the seeming benefit of lawbreakers. Both Nova Scotia's 1933 Royal Commission Concerning Jails (aka the Campbell Report [Campbell 1933]) and the 1938 Report of the Royal Commission to Investigate the Penal System of Canada (the Archambault Report [Archambault 1938]) recommended bringing the jail system under the jurisdiction of the province: these ideas were not implemented until 1986 (Honsberger 1998: 139). But the promise of a centralized system was further disincentive for municipal investment. John Kidman's contemporaneous book *The Canadian Prison: The Story of a Tragedy* notes how the Campbell Report

did not 'faintly damn' the jails as institutions but held that practically all of them should be abolished. ... The Act that would have given the Maritimes the first adult reformatory east of Ontario was shelved. Yet the commissioners had shown that this useless and injurious jail system—largely under control of county councils composed of farmers knowing nothing about penal methods, was costing about \$150,000 a year. So to this day, in cases where a youth may be sent to jail for eighteen months, judges are inclined to make it two years straight so that the offender will be sent to Dorchester penitentiary [the federal corrections facility]. (1947: 62-63)

Meanwhile the state of the facility, including the cracked foundations, lack of heat and frequent sewage backups, was investigated. At several times a plan for a larger capacity prison farm outside of city limits was brought forward, always to be stymied by the illusory promise of provincial jail oversight.

The Nova Scotia Liquor Control Act (1930) had drastically taxed jail facilities throughout the province because the legislation introduced to end prohibition in the province stated that "No person shall be in an intoxicated condition in a public place" (75.2), the violation of which brought mandatory minimum fines or jail time for the first and second offences, and for the third offence a minimum three months and a maximum six months of imprisonment (106.1). As early as 1931 the Council of the Municipality of Pictou specifically cited the act when making the claim that "the number of prisoners in the Common Jail has increased to such an extent that it may be necessary to enlarge the jail" (cited in Campbell 1933: 44). Criminalizing public intoxication (and thus often, if incidentally,

alcoholism) was one of the more prominent ways the province had legislated itself into a jailing crisis.

For the Archambault Report, the commissioners took the Campbell Report as a starting point, and gave a grave diagnosis for jails in Atlantic Canada:

From their studies and observations, your Commissioners have concluded that the jail system in the Maritime Provinces is entirely inadequate, and that the manner in which prisoners are treated in those jails can only result in degrading them morally and physically. Generally speaking, the jails are overcrowded, unsanitary, poorly lighted and ventilated, and provide very limited opportunity for outside exercise. There are no facilities for classification or segregation, and no workshops to provide useful employment. There is no government supervision over the jails in New Brunswick, and only a limited supervision in the other two Maritime Provinces. Young offenders and first offenders must spend their sentences under these conditions, indiscriminately mixed with older and hardened criminals, many of whom have long prison records. (Archambault 1938: 17)

Dr. J. J. MacRitchie, the Nova Scotia Inspector for Penal Institutions from 1947 to 1954, was sympathetic to the poor conditions of the jail infrastructure and advocated for their improvements, renovations, and replacements. But the Inspector did not report to the Minister of Justice but the Minister of Health: they were being inspected as facilities of occupation, not rehabilitation, and the Ministry of Justice was not beholden to any of his suggestions. In the main, however, MacRitchie was ambivalent about the possibility of actual penal reform. In his 1952 report, for example, he wrote:

About Penitentiaries, Gaols or Prisons and the conditions therein, and of the reform of prisoners, much has been written, much has been spoken but as yet no one has come forward with any concrete suggestion or proposal capable of practical application. Commissions have studied conditions and submitted reports, but as yet one cannot see where the problem of delinquency in both youth and adult is being solved satisfactorily. Undoubtedly some percentage of good has resulted. Vocational training, trade learning, etc., do not in themselves supply the answer. Unless prisoners become imbued with true Christian principles and make practical application of these on their return to freedom, I have fears that their stay in society will be only a short one. (1952: 5-6)

This was a little bit disingenuous: the Campbell Report and the Archambault Report both made serious and concrete suggestions. Indeed, MacRitchie's immediate successor, Clyde Marshall, took almost twenty

pages of his first report to summarize the findings of all his predecessors and the two Royal Commissions, alongside the systematic inaction towards any implementation (4-22).

In the public consciousness, however, it appears that overcrowding was the dominant observation to be made about the jail. In the years leading up to composition of “The County Jail,” records for occupancy continued to break while admonishments from visiting dignitaries occasionally shamed the county into the appearance of action. In the last week of February, 1947, two stories appeared in the *Post Record*: one on an address to the Grand Jury by Nova Scotia Supreme Court Justice W.L. Hall decrying conditions at the jail (1947a), and the second a story from four days later when a new record – 136 prisoners – was reached (1947b). Josh ‘Jack’ Silburt, the *Post*’s editorial cartoonist, weighed in on the topic with two cartoons in a three-day period over the first week of March. The first (10 March [Figure 1]) employs Don Quixote imagery as the knight of “Inadequate Jail Facilities” encounters the windmill of “Increasing Crime Convictions,” addressing the move to criminalize more behaviour in Nova Scotia. The second (12 March [Figure 2]) features Jail Warden James McKillop hammering a “standing room only” sign to the door of the jail.¹¹

Such was the atmosphere in which “County Jail” was written, set to “Polly Wolly Doodle” by Aileen Stephen.

“Go Away (The County Jail)” by Aileen Stephen

[Oh I came into] Sydney where I stole a piece of kidney
And ended in the County Jail
They looked out the window and pointed with their fingers
And greeted me with this sad wail.

Go away, go away, come again some other day

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11. As Silburt’s son Allan writes in a biography of his father, Josh – who was going by ‘Jack’ to disguise his Jewishness from the editors of the *Post-Record* – had been part of the Jewish left-wing throughout his early career, including toying with the idea of immigrating to the Soviet Union. While his overt party sympathies were kept under wraps to protect his position in Sydney, his sense of social justice and his tendency to side with labour over management in his cartoons remained intact. As Allan writes: “There was a definite appeal to the reader of the time as an active participant in the political process and to the leaders to be accountable to the electorate and the issues” (2012: 41). In order to secure his position Silburt buried both his Jewishness (adopting ‘Jack’ as his pen name) and his affiliation with the Communist Party. When it was revealed that he had hosted a dinner for Tim Buck, leader of the Canadian Labour-Progressive Party, he was fired from his position: see Silburt 2013: 28-35.

Tilting The Windmill



Housing Problem



Figures 1 and 2. Editorial cartoons on the crisis at the Cape Breton County Jail by Josh 'Jack' Silburt, *Sydney Post Record* 10 ("Tilting") and 12 ("Standing") March, 1947. Thank you to Hannah Davis for her help with preparing the images for publication.

If they take another sinner there'd be nothing left for dinner
Go away way way, go away!

Oh so bitter was my grief that I shivered like a leaf
As the tears began to fall like rain
'Til the jailer yelled "Hey okie, please don't lean against the pokey
Cuz the walls will never stand the extra strain."

Go away, go away, it's no good for you to stay
Though our clientele's elusive, our jail is so exclusive
Go away way way far away!

Then I got upon my pony and I went to Eskasoni
Where I bumped into a big buck deer
Oh I must have got a fright when I looked upon my sights
Because the gun went off and shot him in the ear

Tally ho, off we go, and I'm headed for the County Jail
With a notice I am greeted, "No vacancy so beat it"
Go take another trip along the trail."

I was going down grade doing ninety in the shade
When a whistle began to wail
It was Goldie on the scooter and he said 'You'll look much cuter
When you're sitting in the County Jail."

Fare thee well, fare thee well, oh I'm going to get a nice warm cell
But they checked the waiting list and I was only twenty-fifth
So I had to stick around for a spell.

So I'm growing old and grey and my beard gets in the way
When I try to climb a great white wall
Though my eyes are getting dim I keep hoping I'll get in
Before the roof begins to fall

Go away, go away, come again some other day
If they take another sinner there'd be nothing left for dinner
Go away way way, far away!¹²

There is surprisingly little written about "(Sing) Polly Wolly Doodle" (Roud 11799). To date its earliest printed source is an 1880s collection of Harvard student songs (Hills 1884). For a Folkways release of early 1940s

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12. On the extant recordings the opening line is cut off: the words in brackets are an extrapolation. "Goldie" in the penultimate verse refers to Officer Alex Goldie, a particularly flashy motorcycle traffic officer for the Sydney Police who would later become Chief of Police (1973-1976) while also being a key figure in the Gaelic community as Chief of the Comunn Gaidhlig Cheap Breatumn (The Cape Breton Gaelic Society). I do not believe "big buck deer" in the third verse is employing the "buck" derogation for a First Nations man given how it sits in a clear compound form.

recordings, Charles Edward Smith described it as “an old standby of the barn dance and of the clan gathered around the upright or parlor organ” (1967: 8). It was notably included in volume three of the *Frank C. Brown Collection of North Carolina Folklore* in the chapter on “Minstrel and Negro Secular Song,” but with very little information (Belden and Hudson 1952: 538). However, Austin Fife made the observation that its inclusion in Brown forced him to re-evaluate his own collecting, and that folksong scholarship “ought to concern not musical antiquarianism at the folk level but the actual contemporaneous musical expression of the folk” (1953: 143).

It had been frequently recorded. Harry C. Browne, a singer and banjo player who popularized a number of minstrelsy songs by creating (or at least propagating) explicitly racist variants, recorded a version in 1918 (Columbia A2502); The Pied Pipers, a vocal ensemble who worked with Tommy Dorsey, did likewise in 1939 (Victor 2630); and Ray Bloch and His Orchestra released an instrumental version on V-Disc (641), produced by the Music Branch of the Special Services Division of the Army Service Forces. But perhaps nothing gave it the boost to popularity like Shirley Temple’s rendition in 1935’s “The Littlest Rebel” (Butler 1935), which ends with Temple singing an adorable version of the song to her father through his prison bars as she comes to announce how she has successfully petitioned President Lincoln for his pardon. It is only inference, but the connection of Polly Wolly Doodle to the County Jail may have been partly inspired by this scene.

The song is simple: after each more or less victimless crime, essentially nonlegal activities with a minimum of damage done to another’s property, our protagonist is continually being sent to the County Jail. Ironically that appears to be his goal, but an oddly unattainable one: the overcrowding has turned the jail into an exclusive club, echoing Josh Silburt’s “Standing Room Only” motif. The lack of food and the collapsing walls are consequences of its ‘popularity,’ not the inherent neglect in the system. Given the reality of the conditions at the jail, I have been vacillating on whether this song is in poor taste and whether reducing the issue to mere crowding is a disservice to the people incarcerated therein. But even if their presentation is superficial, our sympathies lie with them: the crimes are minor—an incredibly small theft, a hunting mishap, a speeding offence—and the inadequacy of the jail is simply ill-suited for the post-war desire for law and order. The irony is clear: a dilapidated overcrowded jail is a moral blight on a city aiming for respectability. Expressing such by employing the tune of an innocent song is not callous but strategic.

Conclusion: Silly Songs as Coded Discourse

Of the songs that survive, there is never anything particularly cruel in the Cape Breton Songs: no specific person or corporate entity is held responsible for the state of affairs, no public official is called out or vilified. It is “just the way things are.” These can be sharply contrasted with the overt protest verse written in response to labour and management clashes at the coal mines and the steel mill (MacGillivray 1991; MacKinnon 2008). However, I would not want to suggest that the absence of bile makes for weaker products. Folklorists have long spoken of the concept of coding in folk culture, wherein a group uses strategies to communicate to other members that are interpretable as something else by a larger, more powerful group. Among the coding strategies one of the most fascinating is trivialization, which

involves the employment of a form—a mode, a genre, etc.—that is considered by the dominant culture to be unimportant, innocuous, or irrelevant. [...] when a particular form is considered unthreatening, the message it carries, even if it might be threatening in another context, is likely to be discounted or over-looked. (Radner and Lanser 1987: 420-421)

I would suggest that the entries to the Cape Breton Songs contest were often opportunities for specific cultural critique that, had this generation of women expressed them outright as opinions, might have exposed them to some form of harm, whether that be only being ignored or dismissed, or something worse. By voicing them in frilly parodies of popular song, on a show that no one outside their group was paying much attention to, they gave them safe expression.

In a place like Cape Breton, which has long had as one of its central narrative motifs a sense of having been intentionally distanced from positions of off-Island power and cultural capital (Brodie 2017), the popular culture is a microcosm of a desire to communicate local worldview and aesthetics while also employing the grammar of the cosmopolitan culture of the rest of urban North America. The songs used as base texts are, with very few exceptions, not traditional Cape Breton songs. They are mostly the hit songs of the day: Frankie Laine, Bing Crosby, the Andrew Sisters, music that was being listened to in Sydney in the same way it was being listened to in Dallas and Los Angeles and Toronto. Popular culture may gloss over the local context in favour of the larger and/or more dominant one, but participation in that culture is not only willing but often joyful. Although today there may currently be both economic and, dare one say, existential

reasons for framing much of Cape Breton popular culture as Scottish, the “ethnic” Scottish identity was but one facet of the mid-twentieth century sense of self.¹³ Subsequent moments of crisis may retroactively criticize that participation, especially if it is seen as somehow damaging to local practice: one need only allude to the rhetoric surrounding 1972’s “Vanishing Cape Breton Fiddler” documentary (written by Ron MacInnis, Lloyd ‘Teo’ MacInnis’s son), how country and rock and roll, and radio and television, had pulled people away from church halls and other fiddling occasions (Thompson 2006: 14-16). But there is value in a heuristic of openness, attempting to uncover why participation is willing and joyful for reasons beyond being passive dupes of an overarching hegemon.

Which again brings us back to the songs, but not merely to the adapted melodies and song texts but to the subject matter that arises therein. The songs frequently reference the growing pains of the urban context, of the desire to participate in the larger national project and to have the amenities of a contemporary North American city, balanced by the obstacles—of governance, of resources—for these desires to come to fruition. I return to the idea of genteel protest: their concerns are not the existential needs of the industrial labourer and his family, but of the small intrusions, a body of small grievances that keep the Island from being commensurate with the rest of the North American urban imaginary.

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13. Many of the songs were inspired by the Cape Breton Gael stereotype as portrayed by Lloyd MacGinnis in his ‘Teo’ character. There was a notable selection of contest songs that were explicitly written to be sung by Teo and, furthermore, they were often adaptations of the Irish-American popular songs of the day to the Cape Breton Scot. “Angus Laid Him Low” was written to the tune of “Clancy Laid Him Low,” written by Hy Heath and Johnny Lange and made popular by Dennis Day of the “Jack Benny Radio Show” (which ran on CJCB). while “Peggy O’Neil,” a song of an incomparable Irish beauty by Harry Pease, Gilbert Dodge and Ed G. Nelson (originally from 1924 but of which eight different recordings were released in the last three months of 1947, one by Dennis Day again), was transformed into “Maggie MacNeil,” the most beautiful but also talented nurse in Sydney. The depiction of Scottish heritage in the popular culture of Cape Breton is complex, given the “tartanization” of the province initiated by Angus L. MacDonald in the late 1920s (McKay 1992). “Cotter’s Saturday Night,” CJCB’s 1930s radio situation comedy (and the first Cape Breton show to be broadcast nationally) was eventually taken off the air after protests for its “[mocking of] the accents and presumed mannerisms of Nova Scotian Gaels” (Newton 2013: 15), and although the team of Hughie and Allan appeared on such national broadcasts as “Don Messer’s Jubilee” and “The Tommy Hunter Show,” the two Sydney natives’ rural caricaturing was not appreciated by the rural Gaelic-speaking population. This line of inquiry will be considered in a future article.

Collectively, these themes—the closing post office, the poor bus service, the flooding Wash Brook, the over-capacity county jail, no fixed crossing across the Canso Strait, inadequate snow clearing, the presence and need of an underground economy—are all consequences of a rapidly expanding, urbanizing, and modernizing city lacking either the political will or the political and economic resources to fix or replace the infrastructure to properly sustain itself. Stances about these topics are artfully and humorously penned as light verse, using the models of standards and pop hits, the same music being listened to across North America. It is not too much to suggest that collectively these light protests comprise commentary on a city and an Island—for which there is undoubtedly profound love by the songwriters—nevertheless conspicuously struggling to take its place as a North American cosmopolis.

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