

The Provincial Statutes of Lower-Canada, Being the third session of the Second Provincial Parliament of Lower-Canada. Quebec: William Vondenvelden, Printer to the King's Most Excellent Majesty, 1799.

39 George III – Chapter 6

An Act to provide Houses of Correction in the several Districts of this Province. [3d June, 1799.]

Whereas for the better Regulation of the several Districts in this Province, it is necessary, that a House of Correction, should be erected in each of the said Districts, for the confinement and employment of all offenders and Persons, liable to be sent to a House of Correction; And whereas such Houses of Correction cannot be forthwith erected; Be it therefore enacted by the King's most Excellent Majesty, by and with the advice and the consent of the Legislative Council and Assembly of the Province of Lower-Canada, constituted and assembled by virtue of, and under the authority of An Act, of the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province;" and it is hereby enacted by the authority of the same, that until a House of Correction shall be erected in the said several Districts, respectively, the Common Goal, in each of the said several Districts, respectively, shall be and the same is hereby, constituted a House of Correction, and that all and every Idle and disorderly Person, or Rogues and Vagabonds and incorrigible Rogues, who may, in pursuance of the Criminal Statutes or Criminal Laws of this Province, or any or either of them, be liable to be committed to a House of Correction, shall be liable to be committed to the said Common Goals, in the said several Districts, respectively, where he, she or they, shall be detained as lawfully, and effectually, as if the same was such House of Correction, as by the said Criminal statutes and Criminal Laws or either of them, is intended.

II. And whereas by reason of the want of space, within the said Prisons, it will be expedient to limit the number of idle and disorderly persons, Rogues and Vagabonds or incorrigible Rogues to be confined therein; Be it therefore enacted by the authority aforesaid, that during the continuance of this act, not more than ten Persons shall as idle and disorderly persons, rogues and vagabonds or incorrigible Rogues, be at any one time confined in either of the Houses of Correction hereby constituted.

III. And be it further enacted by the authority aforesaid, that in all cases, where any person or persons shall, from and after the passing of this act, be convicted of any crime, for which he, she or they, shall be liable and ought, by the Criminal Statutes or Criminal Laws of this Province, or any of either of them, to be burned in the hand, it shall and may be lawful, to and for the Judge or Judges, Justice or Justices, before whom such offender or offenders shall be tried and convicted, at his or their discretion, in the place of such burning in the hand to award and give Judgment, that such offender and offenders shall be committed to

the House of Correction, constituted and provided by this Act, within the District wherein such conviction shall be had, there to remain and be kept without bail or mainprize, for such time or times as such Judge or Judges, Justices or Justices, shall then adjudge and award, not less than six months and not exceeding two years, to be accounted from the time of such conviction and entry thereof, shall be made of record, pursuant to such Judgment and award; and such offender or offenders so adjudged and awarded, to remain and be kept in such House of Correction shall be there set at work and kept at hard Labour, for and during such time, as shall be so adjudged and recorded.

IV. And be it further enacted by the authority aforesaid that from and after the passing of this Act, in all cases where any person shall be lawfully convicted of Grand or Petty Larceny or of any crime for which he or she, shall be liable by the Criminal Statutes or Criminal Laws of this Province or any or either of them, to transportation, it shall be lawful for the Court, in which any such Person shall be so convicted or any Court held for the same District, and with like authority, if such Court, shall think fit, in the place of such punishment by transportation to order and adjudge, that such person shall be sent to the House of Correction, hereby constituted and provided in such District, there to be kept to hard labour, for such term or number of years as such Court shall appoint. Provided that the same shall in no case, be less than three months, or more than two years, and such person so ordered and adjudged, to be kept in such House of Correction, shall be there set at work and kept at hard Labour, for and during such time as shall be so ordered and adjudged.

V. And be it further enacted by the authority aforesaid, that from and after the passing of this Act, in all cases, where any person shall be lawfully convicted of any Robbery or other felony for which he or she shall by Law, be liable to suffer death, without the benefit of Clergy, and His Majesty shall be, graciously pleased to extend the Royal Mercy, to any such offender, it shall and may be lawful to and for His Excellency, the Governor, Lieutenant Governor or Person administering the Government of this Province, for the time being, by warrant under his hand and seal at Arms, to notify such intention, of mercy, to the Judge or Judges, Justice or Justices, before whom such person shall be convicted or condemned, and thereby to require and command such Judge or Judges, Justice or Justices, to commit such person, to the House of Correction, hereby constituted and provided, in the District wherein such person shall be so as aforesaid convicted, there to be kept to hard labour, for such time or number of years, as such warrant shall specify, and every such Judge or Judges, Justice or Justices, upon the receipt of such warrant, shall, by warrant, under his or their hands and seals, commit such person to such House of Correction, as aforesaid there to be kept to hard labour, for the time specified in such warrant of the Governor, Lieutenant Governor or Person administering the Government of this Province, which person so committed, shall be set at work and kept at hard labour, for and during such time as shall be specified in such last mentioned Warrant, and from and after the expiration of such time, so specified in such last mentioned Warrant, such person, shall be discharged and be entitled, to every of the benefits and advantages of a pardon, upon condition of being kept to hard labour, in such House of Correction, as fully to all intents and purposes, and in like manner as if such

conditional pardon had been granted and made, under the Great Seal of this Province, any Law, Statute, usage or custom, to the contrary notwithstanding.

VI. And be it further enacted by the authority aforesaid, that every person convicted of Grand or Petty Larceny or Robbery or of any crime for which he, she or they shall be liable, by the Criminal Statutes or Criminal Laws of this Province, to be burned in the hand or to transportation, or to suffer death, without benefit of Clergy and who, by virtue of this Act, shall be sent to any House of Correction, hereby constituted and provided, shall be kept in such House of Correction, separate and apart from all other persons, who by virtue of this Act, shall be committed to such House of Correction, and that nothing in this Act contained, shall be held or construed to give power or authority, to any person or persons, to commit to the Houses of Correction hereby constituted, or to any or either of them, any person or persons, other than the persons herein before particularly mentioned and designated.

VII. And it is hereby further enacted, that it shall and may be lawful to, and for the Governor, Lieutenant Governor, or Person administering the Government of this Province for the time being, to nominate and appoint, in each of the said Districts, respectively, three Persons being Justices of the Peace, for such District, as, and for a Committee, to superintend the House of Correction hereby constituted in such District, and from time, to time to remove all or any of the persons composing such committee, and to appoint others in their stead or in the stead of such as shall die or resign; and the said Committees shall make provision for stock and materials for the use and employment of the Person or Persons confined in the said Houses of Correction, in the said Districts respectively, and shall also make orders for the regulation of the said Houses of Correction, in the said Districts, respectively, and of the respective masters of such Houses of Correction, and of the Person or Persons therein confined, and to be confined in all such cases, as are not by Law particularly provided for, which orders of regulation being approved of, confirmed and allowed by the Justices of the Courts of King's Bench, in each of the said Districts, respectively, at any criminal term of such Courts respectively, shall be carried into execution, and the said Committee shall in like manner, from time to time, as often as they shall think necessary, make any other orders of regulation, as well for repeal of such orders before made as by way of addition thereto, which before they are carried into execution, shall also be approved of, confirmed and allowed by the said Justices, in manner aforesaid, in each of the said Districts, respectively.

VIII. And it is hereby further enacted that the Keeper of the Common Goal of, and for each of the said several Districts, respectively shall be and he is hereby made Master of the said House of Correction, hereby constituted, in each of the said several districts, respectively; to all and every of the intents and purposes of this Act; subject nevertheless, to all and every the orders, which shall be made by virtue of this Act, for the regulation of the said Houses of Correction, in each of the said districts respectively, of the said respective Masters of such Houses of Correction, and of the Person and Persons therein confined and to be confined.

IX. And it is hereby further enacted, that it shall and may be lawful to and for the Governor of this Province, or the Lieutenant Governor thereof or Person administering the government of this Province for the time being, out of any unappropriated monies, in the hands of the Receiver General of this Province, to advance to the said committee in each of the said several districts respectively, a sum not exceeding the sum of one hundred Pounds, current money of this Province, for the purpose of enabling the said committee, in each of the said, several districts, respectively, to make provision of Stock and Materials, for the use and employment of the person or persons who shall or may here after be confined in the said Houses of Correction, hereby constituted, in each of the said several districts respectively.

X. And be it further enacted by the authority aforesaid that this Act shall continue and be in force for two years from the day of passing the same, and from thence to the end of the then next Session of the Provincial Parliament.