

The Provincial Statutes of Lower-Canada, Being the first session of the ninth Provincial Parliament of Lower-Canada. Quebec: P. E. Desbarats, Printer to the King's Most Excellent Majesty, 1817.

57 George III – Chapter 10

An Act to provide temporary Houses of Correction in the several Districts of this Province. (8th March, 1817.)

Whereas for confinement and employment of all Offenders, and persons liable to be sent to a House of Correction, it is necessary that temporary Houses of Correction should be provided in the several Districts of this Province, until permanent Houses of Correction shall be erected therein : Be it therefore enacted by the King's Most excellent Majesty, by and with the advice and 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 passed in 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 Houses of Correction shall be erected in the said several Districts respectively, 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, out of any unappropriated monies in the hands of the Receiver-General of this Province, which now are or shall be hereafter on the hands of the Receiver General of this Province to advance to the Committees to be appointed under and by virtue of this Act, to superintend the Houses of Correction in the said several Districts respectively, a sum not exceeding Two Hundred Pounds, current money of this Province, for the District of Quebec; a sum not exceeding Two Hundred Pounds, like current money for the District of Montreal; and a sum not exceeding One Hundred Pounds, like money for the District of Three Rivers [Trois-Rivières]; for the purposes of enabling the said Committees, or either of them, in each of the said several Districts respectively, to hire, or otherwise provide a Building, fit and proper to serve for a temporary House of Correction; and also, such accommodations for the performance of labour, as may be requisite; and also to make a stock of materials for the use and employment of the persons who shall, or may hereafter be confined in the said Houses of Correction, in each of the said several Districts respectively, as well for the purpose of allowing reasonable salaries to the Superintendant and Keepers thereof, respectively in each of the said Districts respectively, and that all and every idle and disorderly person, and vagabonds, or rogues 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 temporary Houses of Correction, in the said several Districts respectively, where he, she, or they shall be detained as lawfully and effectually, as if the same were such House of Correction, as by the said criminal laws or criminal statutes, or either of them, is intended. Provided always, that it shall and may be lawful for the Governor, Lieutenant Governor or person administering the Government of this Province for the time being, to appropriate for the purposes of a House of Correction, such part or parts of the New Common Gaols in the cities of Quebec and Montreal, as may be vacant, and which might be conveniently appropriated to that

purpose, upon the Report of the Members of the Committees, who shall be appointed to superintend Houses of Correction.

II. And be it further enacted by the authority aforesaid, that such Committee or Committees to be appointed as aforesaid, shall annually render to each branch of the Legislature, a just and true account of all such sum and sums of money which may, during the year, come into their hands, in and by virtue of this Act.

III. And be it further enacted by the authority aforesaid, 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 Districts, as and for a Committee to superintend the Houses 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 regulations being approved, confirmed and allowed, by the Justices of the Court 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 the repeal of such orders before made, as by way of addition thereto, which, before they are carried into execution, shall also be approved, confirmed, and allowed by the said Justices in manner aforesaid, in each of the said Districts respectively. Provided always, that no regulation made under the present Act, shall extend to authorize any person to whip, or cause to be whipped, any of the persons confined in the Houses of Correction.

IV. 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 or 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 or 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, Justice or Justices, shall there 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 awarded.

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 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.

VI. 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 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 at 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, or seals, commit such person to such House of Correction, as aforesaid, there to be kept at hard labour for the time specified, in such warrant of the Governor, Lieutenant Governor, or person administering the Government of this Province for the time being; 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.

VII. 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.

VIII. And be it further enacted by the authority aforesaid, that this Act shall continue and be in force until the first day of May, one thousand eight hundred and nineteen, and no longer.