

## CAP. XXX.

An Act to provide for the government and regulation of the House of Correction for the City and County of Saint John.

Passed 23d March 1839.

It be c-16  
L. 28 c-44  
5 Governor with  
advice of Council  
to appoint Com-  
missioners for the  
House of Correc-  
tion.

To be sworn.

Commissioners by  
a majority of votes  
to decide all ques-  
tions and manage  
the business, three  
constituting a quo-  
rum.

Commissioners  
empowered to  
make regulations  
for the House,  
appoint Officers,  
provide provisions,  
&c. and enforce  
their regulations.

Proviso.

Commissioners to  
make annual re-  
turns before the  
1st of March for  
the information of

I. **BE** it enacted by the Lieutenant Governor, Legislative Council and Assembly, That it shall and may be lawful to and for the Lieutenant Governor or Commander in Chief, by and with the advice of Her Majesty's Executive Council, from time to time, to appoint not less than five, nor more than nine, fit and proper persons to be Commissioners for the House of Correction for the City and County of Saint John, of whom not less than two shall be members of the Court of Sessions of the Peace in and for the said City and County, and one a member of the Common Council of the said City of Saint John, and such Commissioners or any of them to remove, and others in their places from time to time appoint as afore-said; which said Commissioners shall be sworn to the faithful discharge of their duties, before any Justice of the Peace in and for the said City and County; and the said Commissioners shall meet from time to time at such place or places within the said City and County as may be for that purpose named, and then and there by a majority of votes of those present at any appointed meeting, decide all questions and manage all business touching the said House of Correction, and any three of the said Commissioners shall form a Board for the transaction of business, except as hereinafter provided; and that the first person named as Commissioner shall be Chairman of the Commissioners, and in case of his absence from any meeting, the Commissioners met shall out of their number choose a Chairman for the time being; and that the Chairman, or in case of his sickness or absence, any two of the said Commissioners shall have full power to summon a meeting of the said Commissioners for the transaction of business, by causing a notice to be left at the usual place of abode of each of the said Commissioners of the time and place of such meeting.

II. And be it enacted, That the said Board of Commissioners shall have full power and authority, at any and at all times to make such rules, orders and regulations for the good government and management of the said House of Correction, and of the several persons from time to time confined therein, as they shall find necessary, and shall and may from time to time nominate and appoint all requisite officers, servants and keepers in and about the same, and them and any of them to remove; and also shall and may provide such provisions, materials and things as they may judge necessary, as well for the support and maintenance as for the setting to work and employing the several persons that may therein be confined and imprisoned; and also shall have full power and authority to enforce the observance of the rules, orders and regulations which they may from time to time make, for the government and management of the prisoners in the said House of Correction, by solitary confinement or other reasonable punishment: Provided always, that at any meeting of the said Commissioners, at which any rule, order or regulation for the government and management of the said House of Correction, or of the prisoners therein being, may be made, or at which any officer, keeper or servant may be appointed or removed, there shall be not less than five Commissioners present; and the said Commissioners shall cause a record of all their proceedings to be kept in a book to be provided for that purpose.

III. And be it enacted, That the said Board of Commissioners shall annually before the first day of March in each and every year, cause a full, complete and perfect statement of the said House of Correction, and all persons therein, and the

A. D. 1839.

2<sup>d</sup> VICTORIÆ.

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the mode in which each has been employed during the year, and also a just and detailed account of all receipts and expenditures for and on account of the said House of Correction, to be filed with the Clerk of the Peace in and for the said City and County, for the information of the General Sessions of the Peace, (which said account shall be audited by a Committee of the said Court of Sessions,) and also shall at the same time submit an estimate of what sum or sums of money will be needful for the maintenance, support and employment of the persons therein and therewith connected, for the year then next ensuing; which sum and sums of money shall be assessed, levied, collected and paid in such proportions and in the same manner as any other County rates for public charges are or may be assessed, levied, collected and paid under and by virtue of any Act or Acts which, at the time of making such assessments, may be in force in the Province, for the assessing, levying and collecting of rates for public charges, and shall be paid by the said Collector or Collectors to the said Commissioners.

the Sessions, and submit estimates for the ensuing year.

Money to be assessed as other County rates.

IV. And be it enacted, That the proceeds arising from any work or labour to be performed in the said House of Correction, under the direction of the said Commissioners, shall be duly accounted for by them, and shall be applied towards the support and maintenance of the said House of Correction.

Proceeds of labor to be accounted for.

V. And be it enacted, That neither of the said Commissioners shall receive any compensation or allowance, directly or indirectly for his services as such, nor shall either of them be capable of holding any office, place or employment in, about, connected with, or arising from the said House of Correction, for or by means of which any salary, fee, emolument, compensation, or perquisite can be derived, nor shall any Commissioner be engaged or interested in any way whatever, either as security or otherwise, in any contract for or on account of the said House of Correction.

Commissioners to receive no compensation nor hold any office connected with the House having emolument attached to it.

VI. And be it enacted, That it shall and may be lawful for the Mayor, Recorder and Aldermen of the said City, and all Justices of the Peace for the said City and County for the time being, or either of them, to take up and arrest, or order to be taken up and arrested, all and any rogues, vagabonds, stragglers, idle, suspicious or disorderly persons, within the said City and County, and to order such rogues, vagabonds, stragglers, idle, suspicious or disorderly persons, to be committed to the said House of Correction, there to remain and be kept to hard labour for any term not exceeding forty days.

Mayor, Recorder and Aldermen, and all Justices of the Peace may arrest rogues, &c., and commit them to the House of Correction.

VII. And be it enacted, That it shall and may be lawful for the said Justices of the Peace, in General or in Special Sessions to be for that purpose held, to cause all prisoners sentenced to imprisonment with hard labour, and all vagrants, rogues, vagabonds, stragglers, and other idle, suspicious and disorderly persons, at such time in confinement in the Common Gaol or Work House of the said City, to be removed to the said House of Correction, there to remain, and be kept to hard labour, until their several and respective terms of imprisonment shall expire.

Justices in Sessions may cause prisoners sentenced to imprisonment with hard labour to be removed to the House of Correction.

CAP. XXXI.

An Act in further amendment of the Criminal Law.

Passed 23d March 1839.

**B**E it enacted by the Lieutenant Governor, Legislative Council and Assembly, That where any person shall be charged with and convicted of any of the following offences as misdemeanors, that is to say, of any assault with intent to commit Felony, of any assault upon any Peace Officer, Officer of the Customs or Revenue

Persons guilty of certain misdemeanors may be sentenced to imprisonment with or without hard labour, and be

Repealed by 5<sup>th</sup> Vic  
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