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CAP. XLIII.

An Act further to alter and amend an Act, intituled "An Act to authorize the widening and enlarging of certain Streets in the City of Saint John, and of laying out other Streets therein."

Passed 26th March 1841.

WHEREAS from the various assessments necessary to be made on the Inhabitants of the City of Saint John for the present year, it is not deemed advisable to authorize the immediate collection from the Inhabitants of the said City, on the eastern side of the Harbour, of the whole amount of the assessment made and returned by the Report of the Commissioners, to be assessed on the said Inhabitants, under the provisions of the Act of Assembly made and passed in the third year of the Reign of Her present Majesty, intituled "An Act to authorize the widening and enlarging of certain Streets in the City of Saint John, and of laying out other Streets therein," and of a certain other Act in amendment thereof, made and passed in the same year, intituled "An Act to alter and amend an Act, intituled 'An Act to authorize the widening and enlarging of certain Streets in the City of Saint John, and of laying out other Streets therein;'"

Preamble.

3 Vict. c. 2. 1st Session.

3 Vict. c. 83. 2d Session.

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That the assessment or sum of money which, by the Report of the said Commissioners now on file in the Office of the Clerk of the Peace for the City and County of Saint John, is to be assessed on the Inhabitants of the said City of Saint John, on the eastern side of the Harbour, excluding therefrom the Lands, Tenements and Hereditaments within the District in the first recited Act mentioned, and which the Mayor, Aldermen and Commonalty of the said City, in and by the sixth section of the said first recited Act, and in and by the fourth section of the said last recited Act, were and are authorized and required to order and direct to be assessed, levied and collected on and from the Inhabitants of the said City as aforesaid, the said Mayor, Aldermen and Commonalty of the said City, in Common Council convened, shall and they are hereby authorized and required to order and direct to be assessed, levied, collected and paid upon the Inhabitants aforesaid, excluding as aforesaid, in manner following, that is to say:—one half thereof, together with the charges of assessing, levying and collecting the same, to be assessed, levied, collected and paid from and after the passing of this Act, in such proportions and in the same manner as any rates for public charges are or may be assessed, levied, collected and paid, under and by virtue of any Act or Acts made or to be made for assessing, levying and collecting rates for public charges; and the remaining half thereof, together with the charges of assessing, levying and collecting the same, to be assessed, levied, collected and paid from and after the expiration of one year from the passing of this Act, in such proportions and in the same manner as any rates for public charges are or may be assessed, levied, collected and paid as aforesaid.

Assessments ordered to be made under recited Acts to be made as herein specified.

One half after the passing of this Act, and the other half after the expiration of one year thereafter.

CAP. XLIV.

An Act to establish a Provincial House of Correction.

Passed 26th March 1841.

WHEREAS by virtue and under the authority of several Acts of the General Assembly of this Province, namely, an Act made and passed in the sixth year of the Reign of His late Majesty King William the Fourth, intituled "An Act to authorize the Justices of the Peace in and for the City and County of Saint John to erect a building in the said City for a Common Gaol and House of Correction, and to raise a sum of money for erecting and completing

Preamble.

6 W. 4, c. 50.

Amended by

5th Dec. c. 2
Dec 11 Dec c.
Returns to be laid
in the House on
5th Dec
See 2^d Dec
c. 30

7 W. 4, c. 19.

1 Vict. c. 16.

2 Vict. c. 39.

‘ completing the same;’ and also an Act made and passed in the seventh year of the
 ‘ reign of His said late Majesty, intituled “ An Act in amendment of an Act, intituled
 ‘ “ An Act to authorize the Justices of the Peace in and for the City and County
 ‘ of Saint John to erect a building in the said City for a Common Gaol and House
 ‘ of Correction, and to raise a sum of money for erecting and completing the
 ‘ same;’ ” and also an Act made and passed in the first year of the Reign of Her
 ‘ present Majesty Queen Victoria, intituled “ An Act to authorize the Justices
 ‘ of the Peace in and for the City and County of Saint John to establish a House
 ‘ of Correction for the said City and County, and to extend the provisions of two
 ‘ Acts of Assembly to the same;” and also an Act made and passed in the second
 ‘ year of the Reign of Her said Majesty, intituled “ An Act to provide for the
 ‘ government and regulation of the House of Correction for the City and County
 ‘ of Saint John,” a suitable building has been erected in the Parish of Simonds,
 ‘ in the County of Saint John, and a House of Correction is now established in
 ‘ the manner contemplated by the said recited Acts: And whereas the said esta-
 ‘ blishment in its operation is found to be highly advantageous to the interests of
 ‘ the City and County of Saint John, and it is advisable to extend the benefits
 ‘ thereof to the Province at large;’

A full statement of
 all accounts rela-
 ting to the erection
 of the House of
 Correction to be
 made up, and at-
 tested to;

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That Her Majesty’s Justices of the Peace for the said City and County of Saint John, shall, and they are hereby required, as soon as conveniently may be after the time appointed for this Act to go into operation, to cause to be prepared a full and correct statement of the accounts relating to the erection and establishment of the said House of Correction, exhibiting the various sums taken on Loan, according to the provisions of the said recited Acts or any of them, the times when and the persons from whom the said amounts were borrowed, the notes or certificates given for the same and the numbers thereof, the mode in which the said sums have been expended, the whole cost of the building, and generally, a complete statement of all the costs and charges incidental to the erection and establishment of the said House of Correction; which said statement shall be verified by the oath of the Committee who had the management of the erection of the said building, or by the oath of one of them, made before any Justice of the Peace for the said City and County.

To be forwarded
 to the Lieutenant
 Governor and ex-
 amined by Com-
 missioners.

II. And be it enacted, That when the said statement of accounts shall be prepared in manner hereinbefore stated, the said Justices shall cause the same to be forwarded to His Excellency the Lieutenant Governor or Commander in Chief for the time being, who shall thereupon by and with the advice of the Executive Council, nominate and appoint three fit and proper persons to be Commissioners to examine the said statement and all accounts connected with or relating to the said House of Correction.

On report of cor-
 rectness the Mayor
 of the City to be
 nominated and Jus-
 tices to declare the
 land &c. to be
 vested in the
 Queen.

III. And be it further enacted, That so soon as the said Commissioners shall have examined the said accounts and shall have reported to His Excellency the Lieutenant Governor or Commander in Chief for the time being, that the same are correct, the said Lieutenant Governor or Commander in Chief shall give notice thereof to the Mayor of the City of Saint John, and thereupon the said Justices of the Peace for the said City and County shall and may, and they are hereby authorized and required, so soon as may be thereafter, at any General Sessions of the Peace or at any Special Sessions to be for that purpose convened, to declare, order and direct that all the land, tenements and hereditaments held by them the said Justices for the site and purposes of the said House of Correction, shall be deemed and taken to be vested in the Queen’s Majesty, and the same shall
 forthwith

forthwith, upon the making of the said order and the entry thereof in the Minutes of the said Sessions, be vested in and held by Her said Majesty, Her Heirs and Successors for ever, without any further Act or any Deed or Conveyance whatsoever.

IV. And be it further enacted, That the said debt or sum which may be due and owing for the erection of the said House of Correction and grounds, and for which County Debentures may have been issued, shall be paid by the Treasurer, with interest that has accrued and may accrue thereon, out of the monies in the Treasury, or as payments may be made at the same, by warrant of His Excellency the Lieutenant Governor or Commander in Chief for the time being, by and with the advice and consent of Her Majesty's Executive Council; Provided always, that no greater sum of money than four thousand pounds shall be drawn from the Treasury nor any greater sum than five hundred pounds in any one year for this purpose.

Debt owing for the erection to be paid by the Province Treasurer by Warrant of the Lieutenant Governor.

Amount limited.

V. And be it further enacted, That it shall and may be lawful to and for the Lieutenant Governor or Commander in Chief, by and with the advice of the 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 said House of Correction, of whom one shall be a member 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 aforesaid; 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 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.

Commissioners for the House to be appointed.

To meet and manage all business relative to the House.

Commissioner first named to be Chairman.

Meetings, how to be called.

VI. And be it further enacted, That it shall and may be lawful for the said Board of Commissioners at any and at all times to make rules for the government of the said House of Correction, and for the care and superintendence of the Prisoners, and for the duties of the keepers and officers of the said establishment, and the said Board of Commissioners are hereby required forthwith on the making of any such rule or rules to transmit a copy thereof to the Lieutenant Governor or Commander in Chief for the time being, and it shall be lawful for the said Governor or Commander in Chief for the time being, with the advice of the Executive Council, at any time or times to amend any such rule or rules, and also to annul the same or any of them, and all such rules so made or amended shall be binding on all persons whomsoever; printed copies of which rules and regulations shall be posted up in some conspicuous place in the said House of Correction; and no rule which shall be made after the time appointed for this Act to go into operation, for any of the purposes aforesaid, shall be of any force until it shall have been approved of by the said Lieutenant Governor or Commander in Chief, and no rule for any of the purposes aforesaid which shall be annulled by the authority aforesaid shall thereafter be of any force or validity. VII.

Commissioners empowered to make rules subject to the revision of the Lieutenant Governor in Council.

Repeal by 5th 2-2

Repeal

Printed rules to be posted up.

Copies of all rules to be laid before the Legislature

*inserted by 5th sec
c. 25*

Commissioners empowered to appoint officers &c., and furnish provisions &c.

Record of proceedings to be kept and five Commissioners to be present when officers &c. are appointed.

Commissioners to appoint visitors out of their own body.

Their duty.

*inserted by 11th sec
exp 28
in order to report at intervals of not less than 3 months*

Any Commissioner may examine the House without being appointed a visitor.

VII. And be it further enacted, That a copy of all rules made, amended or annulled under the authority of this Act shall be laid before the Legislative Council and the House of Assembly, and each of them respectively, by the Lieutenant Governor or Commander in Chief, within twenty days after they shall have been so made, amended or annulled, if the Legislature shall then be sitting, or if the Legislature shall not then be sitting such copy shall be laid before the Legislative Council and the House of Assembly, and each of them respectively, within twenty days after the commencement of the then next Session of the Legislature.

VIII. And be it further enacted, That the said Board of Commissioners shall have full power and authority at any and at all times to nominate and appoint all requisite officers, other than the Commissioners appointed, servants and keepers, in and about the said House of Correction, and them and every of them to remove; and also shall and may provide and furnish all such provisions, materials and things as may be judged necessary as well for the support and maintenance as for the setting to work and employing the said Prisoners or any of them, and also shall have full power and authority to enforce and carry into effect the rules, orders and regulations which may from time to time be made as hereinbefore mentioned, for the government and management of the said establishment; Provided always, That at any meeting of the said Commissioners at which any officer, keeper or servant may be appointed or removed, there shall not be 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.

IX. And be it further enacted, That it shall be the duty of the said Board of Commissioners, and they are hereby required to nominate two or more of their own body (who shall consent thereto) to be Visitors of the said House of Correction, and one or more of the said Visiting Commissioners shall personally visit and inspect the said House of Correction at least once in each month, and oftener if occasion shall require, and shall examine into the state of the buildings, so as to form a judgment as to the repairs, additions or alterations which may appear necessary, strict regard being had to the separation, classification, inspection, instruction, employment or hard labour of the Prisoners, and shall further examine and inquire into the behaviour and conduct of the respective officers, and the treatment, behaviour and condition of the Prisoners, the means of setting them to work, the amount of their earnings, and the expenses attending the establishment, and of all abuses within the same; and at every meeting of the Board of Commissioners the Visiting Commissioners shall make a Report in writing of the state and condition of the said House of Correction, of what repairs, alterations or additions shall have been made or may be required, and of any abuse or abuses which they may have observed, or of which they may have received information, as well as of the general state of the Prisoners as to morals, discipline, employment and hard labour and observance of rules; and the said Board of Commissioners shall proceed to consider every such Report and to act forthwith as they may see occasion.

X. Provided always nevertheless, and be it further enacted, That it shall be lawful for any one of the said Commissioners at his own free will and pleasure, and without being appointed a Visitor, to enter into and examine the said House of Correction at such time or times and so often as he shall see fit, and if he shall discover any abuse or abuses therein, he is hereby required to report them in writing to the said Board of Commissioners at their next meeting.

XI. And be it further enacted, That the said Board of Commissioners shall annually

annually, before the first day of January in each and every year, cause a full, complete and perfect statement of the state and condition of the said House of Correction and all the persons therein and 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 transmitted in triplicate to the Lieutenant Governor or Commander in Chief for the time being, for his information and for the information of the Legislature, which statements and accounts shall be verified by the oath of one of the said Commissioners at least, who shall swear that the same are correct and true, according to the best of his knowledge and belief.

A statement of the condition of the building and of all accounts to be made up annually and laid before the Legislature.

XII. And be it further enacted, That all the proceeds arising from any work or labour to be performed in the said House of Correction or 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 labour performed to be accounted for.

XIII. And be it further 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 not to receive any compensation, nor hold office in the House, having emoluments attached to it.

XIV. And be it further enacted, That it shall and may be lawful for the Mayor, Recorder and the Aldermen of the said City, or either of them, and Her Majesty's Justices of the Peace for the said City and County for the time being, or either of them, to take up and arrest, or by warrant to 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 time not exceeding forty days.

Rogues, &c. may be arrested and committed to the House of Correction.

XV. And be it further enacted, That it shall and may be lawful for the Justices of the Peace in and for any County or City and County of this Province, in General Sessions or in any 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 or disorderly persons at such time in confinement in the Common Gaol or Workhouse of the said County or City and County, under and by virtue of any conviction, to be removed from such Common Gaol or Workhouse, and to be carried, conveyed and taken to the said House of Correction, and to make such necessary orders and regulations for the carrying, conveying and taking such persons, together with the necessary costs and charges of the same, as to them the said Justices may seem fit, and the Keeper of the said House of Correction shall forthwith receive such person or persons into his custody, and the said person or persons when so removed and placed in the said House of Correction shall remain there and be kept to hard labour until the several and respective terms of imprisonment shall expire.

Prisoners sentenced to hard labor in any County may be removed to the House of Correction.

*See part
5th-e-31
Act 4*

XVI. And be it further enacted, That the said recited Acts be and the same are hereby repealed, saving and excepting all penalties, forfeitures and legal liabilities created thereby.

Recited Acts repealed, except as to penalties.

XVII. And be it further enacted, That this Act shall take effect and go into operation on the first day of April which will be in the year of our Lord one thousand eight hundred and forty two.

Commencement of Act.