

CAP. XXIII.

An Act to continue the Acts relating to Highways.

Passed 29th March 1842.

BE it enacted by the Lieutenant Governor, Legislative Council and Assembly, That an Act made and passed in the fifth year of the Reign of His late Majesty King William the Fourth, intituled *An Act to repeal all the Laws now in force for regulating, laying out and repairing Highways and Roads, and for appointing Commissioners and Surveyors of Highways in the several Towns and Parishes in this Province, and to make more effectual provision for the same*, and also an Act made and passed in the sixth year of the same Reign, intituled *An Act in amendment to the Act relating to Highways*, be and the same are hereby continued and declared to be in force until the first day of April which will be in the year of our Lord one thousand eight hundred and fifty.

5 W. 4, c. 2, and

6 W. 4, c. 2, continued.

CAP. XXIV.

An Act to repeal certain parts of an Act, intituled *An Act to authorize the appointment of Commissioners to lay out a Street or Highway through the Town of Chatham, and to establish and regulate Public Landings in the said Town*, and to make other provision in lieu thereof.

4 V. c. 27.

Passed 29th March 1842.

I. BE it enacted by the Lieutenant Governor, Legislative Council and Assembly, That the second and fourth Sections of the Act, intituled *An Act to authorize the appointment of Commissioners to lay out a Street or Highway through the Town of Chatham, and to establish and regulate Public Landings in the said Town*, be and the same are hereby repealed; and in lieu thereof,

4 V. c. 27, repealed.

II. Be it enacted, That it shall be the duty of the Commissioners to be appointed under the provisions of the said Act, or the major part of them, in laying out the said Street or Highway, to adhere to the line of Road as at present used through the said Town, and commonly called Water Street, and to make the same as wide and straight as practicable, not in any case interfering with buildings or fences without the written consent of the proprietors.

Directions for laying out the street.

III. And be it further enacted, That the said Commissioners or the major part of them are hereby authorized and required to lay out or define the Landings in the Town of Chatham that have heretofore been used as Public Landings, to wit: the Landing commonly called Coalsom Landing, the Slips or Landings known as Charter's Slip, Peabody's Slip, and the Slip laid out by and on the property of the Chatham Joint Stock Company, and known as the Public Landing.

Public Landings herein specified to be defined and laid out.

CAP. XXV.

An Act to make further provision relating to the Provincial House of Correction, and to give it the name of *The Provincial Penitentiary*.

Passed 31st March 1842.

WHEREAS it is expedient to alter and amend an Act passed in the Fourth year of Her present Majesty's Reign, intituled *An Act to establish a Provincial House of Correction*;

Preamble.

4 V. c. 44.

I. Be it enacted by the Lieutenant Governor, Legislative Council and Assembly, That the sixth, seventh and eighth Sections of the said recited Act, be and the same are hereby repealed.

4 V. c. 44, in part repealed.

II. And be it further enacted, That the following Rules and Regulations shall be observed and carried into effect in the said House of Correction, so far as such Rules may be applicable or can be applied to the particular description or class of Prisoners confined in such Prison:

General Rules to be observed in the House.

First.—The Keeper of the said House of Correction shall reside therein ; he shall not be an under Sheriff or Bailiff, nor shall he be concerned in any occupation or trade whatsoever ; no such Keeper shall sell, nor shall any person in trust for him or employed by him, sell or have any benefit or advantage from the sale of any article to any Prisoner, nor shall he directly or indirectly have any interest in any contract or agreement for the supply of such Gaol.

Second.—A Matron shall be appointed for the same, who shall reside therein, and it shall be the duty of the Matron constantly to superintend the Female Prisoners.

Third.—The Keeper shall as far as may be practicable, visit every Ward and see every Prisoner, and inspect every cell once at least in every twenty four hours, and when the Keeper or any other Officer shall visit the Female Prisoners, he shall be accompanied by the Matron, or in case of her unavoidable absence, by some Female Officer of the Prison.

Fourth.—The Keeper shall keep a Journal in which he shall record all punishments inflicted by his authority or by that of the visiting Commissioner, and the day when such punishments shall have taken place, and all other occurrences within the said House of Correction, in such manner as shall be directed by the regulations to be made by this Act ; which Journal shall be produced and shewn to the Commissioners.

Fifth.—Due provision shall be made for the enforcement of hard labour ; the means of hard labour shall be provided, and the materials requisite for the employment of Prisoners shall be purchased under such regulations as shall be made for the purpose by the Commissioners. If the work to be performed by the Prisoners be of such a nature as to require previous instruction, proper persons shall be appointed to afford the same.

Sixth.—The Male and Female Prisoners shall be confined in separate parts of the Establishment so as to prevent them from conversing or holding any intercourse with each other.

Seventh.—Female Prisoners shall in all cases be attended by Female Officers.

Eighth.—Every Prisoner shall, unless prevented by sickness, be employed so many hours in every day, not exceeding ten, exclusive of the time allowed for meals, as shall be directed by the Rules and Regulations to be made under this Act, except on Sundays, Christmas Days, Good Friday and other days appointed by authority for fasting or thanksgiving.

Ninth.—Prayers to be selected from the Liturgy of the Church of England by the Chaplain, the Keeper, or by some other person, as by the Rules and Regulations shall be directed, and portions of the Scriptures shall be read to the Prisoners when assembled for instruction by the Chaplain or such person as he may appoint or authorize.

Tenth. Prisoners shall attend Divine Service on Sundays, and on all other days when such service is performed, unless prevented by illness or some other reasonable cause, to be allowed by the Keeper, or unless their attendance be dispensed with by one of the Visiting Commissioners.

Eleventh.—Every Prisoner shall be allowed a sufficient quantity of plain wholesome food to be regulated by the Commissioners ; regard being had to the nature of the labour required from or performed by such Prisoners, so that the allowance of food may be duly apportioned thereto, and it shall be lawful for the Commissioners to order for such Prisoners as are not able to work, such allowance of food as the said Commissioners may think necessary ; Prisoners under the care of the Surgeon shall be allowed such diet as he may direct.

Twelfth.—Every Prisoner shall be provided with suitable bedding, and every Male

Male Prisoner with a separate Bed, Hammock or Cot either in a separate cell, or in a cell with not less than two other Male Prisoners.

Thirteenth.—The walls and enterings of the wards, cells, rooms and passages used by Prisoners throughout the Building, shall be scraped and lime washed at least once in a year. The day rooms, work rooms, passages and sleeping cells shall be washed or cleansed once a week or oftener, if requisite.

Fourteenth.—All Prisoners shall be allowed as much air and exercise as may be deemed proper for the preservation of their health.

Fifteenth.—No Tap shall be kept in the Prison, nor shall Spirituous Liquors of any kind be admitted for the use of any of the Prisoners therein under any pretence whatever, unless by a written order of the Surgeon, specifying the quantity and for whose use. No wine, beer, cider, or other fermented liquors shall be admitted for the use of any Prisoners, except in such quantities and in such manner and at such times as shall be allowed by the Rules hereinafter to be made in pursuance of this Act.

Sixteenth.—No gaming shall be permitted, and the Keeper shall seize and destroy all dice, cards and other instruments of gaming.

Seventeenth.—No money shall be taken from any Prisoner on his or her entrance into the Building on any pretence whatsoever, or from any person on his or her account or at any other time; but the Keeper, if directed by the Rules of the Prison, shall take charge of the money and effects of every Prisoner for safe keeping and custody, to be duly returned to such Prisoner.

Eighteenth.—On the death of a Prisoner, notice shall be given by the Keeper forthwith to one of the Visiting Commissioners, as well as to the Coroner of the district, and to the nearest relative of the deceased where practicable.

Nineteenth.—No Keeper nor Officer of the Establishment, nor any person in trust for or employed by him shall let, or have any benefit or advantage from the loan or letting any article, or any dealing whatsoever to or with any Prisoner.

Twentieth.—If the Keeper shall not visit every Ward and see every Prisoner, and inspect every cell once at least in every twenty four hours, the Keeper shall state the cause of omission in his Journal.

Twenty first.—The Wards, Cells and Yards allotted to Female Prisoners, shall be locked by keys in the custody of the Matron, and secured by locks different from those securing the Wards, Cells and Yards allotted to the Male Prisoners.

Twenty second.—No Prisoner shall be employed as Turnkey, Assistant Turnkey, Wardsman, Yardsman, Overseer, Monitor or Schoolmaster, or in the discipline of the Establishment, or in the service of any Officer thereof, or in the service and instruction of any other Prisoner.

Twenty third.—Every order of the Surgeon for the admission of Spirituous Liquors or Tobacco, or other prohibited articles, shall be in writing, and shall be entered by him in his Journal as well as an account of the state of every sick Prisoner, the name of his or her disease, and a description of the medicine and diet, and any other treatment which he may order for such Prisoner.

III. And be it enacted, That it shall and may be lawful for the Board of Commissioners mentioned in the said recited Act, at any and at all times to make such further and additional Rules for the government of the said House of Correction, and for the care and superintendance of the Prisoners, and for the duties of the Keeper and Officers of the said Establishment as to them may seem expedient; and the said Board of Commissioners are hereby required forthwith, on the making of any such additional Rule or Rules, to transmit a copy thereof to the Lieutenant Governor or Commander in Chief for the time being; and it shall

Additional and further rules may be made by the Commissioners.

May be amended, added to, or annulled by the Governor in Council.

Printed copies to be posted up in the House, and no rule to be binding until a certificate be signed by the Lt. Governor.

Rules to be submitted to the Legislature.

Board of Commissioners may appoint a Keeper, Surgeon, Chaplain, Matron, and other requisite Officers.

Commissioners to furnish provisions and materials for maintenance of prisoners, and setting them to work.

Proviso.

House, &c. to be distinguished by the name of *The Provincial Penitentiary*.

A sum not exceeding £300, may be drawn from the Treasury to defray the expenses of providing food, &c.

Account to be rendered.

shall be lawful for the said Governor or Commander in Chief, with the advice of the Executive Council, at any time or times, to amend any such Rule or Rules, or to make additional Rules thereto, and also to annul the same or any of them, and to subscribe a certificate that such Rules and Regulations as submitted to him or amended or added to are proper to be enforced, and all such Rules so made or amended or added to, shall be binding upon all persons whatsoever: Provided always, that all such additional Rules and Regulations shall be consistent with and conformable to the Rules and Regulations contained in this Act, printed copies of which Rules shall be posted up in some conspicuous place within said House of Correction; and no Rule which shall be made after the time appointed for the said Act to go into operation for any of the purposes aforesaid, shall be of any force until such certificate shall have been duly made and subscribed by the said Lieutenant Governor or Commander in Chief for the time being.

IV. And be it enacted, That a copy of all such Rules made, amended, annulled or added to by the authority of this Act, or the said recited 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, annulled, amended or added to, 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 House of Assembly, and each of them respectively, within twenty days after the commencement of the next Session of the Legislature.

V. And be it enacted, That the said Board of Commissioners shall have full power and authority at any and at all times, and they are hereby required to nominate and appoint a Keeper, Surgeon, Chaplain, Matron, and all other requisite Officers, other than the Commissioners appointed, in and about the said House of Correction, and them and every of them to remove and appoint others in their place; provided that it shall not be lawful for them to take away or discontinue any of the offices of Keeper, Surgeon, Chaplain and Matron; and the said Board of Commissioners 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 House of Correction: Provided always, That at any meeting of the said Board of Commissioners at which any Keeper or other Officer or Servant may be appointed or removed, there shall not be less than five Commissioners present, and the said Board of Commissioners shall cause a Record of all their proceedings to be kept in a Book or Books to be provided for that purpose.

VI. And be it enacted, That the said House of Correction and the Buildings, Lands and Establishment appertaining thereto shall be known and distinguished by the name of *The Provincial Penitentiary*.

VII. And be it enacted, That it shall and may be lawful for the Lieutenant Governor or Commander in Chief for the time being, by and with the advice of the Executive Council, upon application being made by the Board of Commissioners of the said Penitentiary, to issue his Warrant or Warrants upon the Treasury for a sum not exceeding three hundred pounds annually, to defray the expense of providing food for the Prisoners, and materials for employing them at labour: Provided always, That the said Commissioners shall at the end of each and every year make up and render a full and detailed account of the expenditure

of such sum or sums to be laid before the Legislature within twenty days after the meeting thereof.

VIII. And be it enacted, That this Act shall take effect and go into operation at the same time with the said recited Act.

Commencement of Act.

CAP. XXVI.

An Act further to facilitate the means of supplying the City of Saint John with Water, by transferring the Water Works of the Saint John Water Company to the Mayor, Aldermen and Commonalty of the City of Saint John.

Passed 31st March 1842.

WHEREAS a Company incorporated under the authority and by virtue of several Acts of Assembly of this Province, called *The Saint John Water Company*, has been established in the City of Saint John for the purpose of supplying the said City with Water: And whereas the operations of the said Company have been found very conducive to the security of property and the interest and convenience of the Inhabitants of the said City, and it is considered that further public advantages will be derived by authorizing the said Company to relinquish their Charter of Incorporation, and to place the future operations thereof under the controul of the Mayor, Aldermen and Commonalty of the City of Saint John: And whereas a certain Act passed in the third year of the Reign of Her present Majesty, intituled *An Act to facilitate the means of supplying the City of Saint John with Water*, did not go into final operation or take effect in consequence of certain proceedings required by the said last mentioned Act not having been had and taken within the time limited by the provisions of the said last mentioned Act, but the said Act was accepted by the Stockholders of the said Water Company and by the said Mayor, Aldermen and Commonalty;

Preamble.

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That it shall and may be lawful for the President and Directors for the time being of the Saint John Water Company, or the major part of them, at any time after the passing of this Act, by public notice in two or more newspapers published in the said City, to require any Stockholder or Stockholders or the legal representative of such Stockholder or Stockholders of the said Company to pay in all the residue of the Capital Stock now remaining unpaid and not heretofore forfeited, at such time and manner as the said President and Directors shall direct; and in case default shall be made in payment of any part of such residue so to be required, all such share or shares upon which such default shall have taken place, shall be forfeited to the use of the said Company; and it shall and may be lawful to and for the said President and Directors, at any time after such default, to sell every share or shares so forfeited, giving thirty days notice of such sale in two or more public newspapers published in the said City; and the proceeds of such sale shall be applied to the service and use of the said Company.

President and Directors of the Saint John Water Company may call in the outstanding Capital Stock.

On default of payment, may proceed to recover, or forfeit the shares.

II. And be it enacted, That the said President and Directors shall as soon as conveniently may be, pay off and discharge all debts, liabilities and engagements of the said Company, of what nature or kind soever, excepting only the Loan of Five thousand pounds and the interest thereof, heretofore granted to the said Company from the Province Treasury, by virtue of an Act of Assembly passed in the eighth year of the Reign of His late Majesty King William the Fourth, intituled *An Act to grant a Loan of Five thousand pounds to the Saint John Water Company*.

To pay off all the Corporation Debts, except the Treasury Loan.

III.