

*Laws of Her Majesty's Province of Newfoundland, passed in the year 1851.*

14 Victoria – Chapter 8

**An Act for the establishment and regulation of a Penitentiary in Saint John's. (Passed 31st May, 1851.)**

Whereas the establishment of a Penitentiary in the Town of Saint John's, for the Imprisonment and Correction of Criminal Offenders, would be of great public advantage, and be eminently conducive to the reformation of such Offenders, and to the repression of Crime:

Be it therefore enacted, by the Governor, Council and Assembly, in Legislative Session convened, That the Treasurer of this Island be, and he is hereby authorized to raise on Loan, from such Person or Persons, Body or Bodies Corporate, as shall be willing to advance the same, a Sum not exceeding Seven Thousand and Five Hundred Pounds, chargeable upon and to be repaid out of the Public Funds of this Colony, together with Interest at a rate not exceeding Six per Centum per Annum, upon Debentures to be issued, signed by the Treasurer aforesaid, and countersigned by the Colonial Secretary, payable in Ten Years from the Date thereof respectively, which said Sum, or so much as may be necessary, shall be appropriated towards defraying the expenses of the Erection, Completion and Furnishing of a Building in Saint John's, or the vicinity thereof, to be called the "Colonial Penitentiary," which shall be used as a Prison for such Offenders, as hereinafter specified, as shall have been convicted or committed on a charge of Crime, and for the Confinement of Persons Imprisoned for Debt.

II. And be it enacted, That it shall be lawful for the Commissioners, to be appointed as hereinafter provided, to hold in trust any Land that maybe granted or conveyed to them for the purposes of this Act, and to enter into all necessary Contracts for the Erection and Completion of a Building as a Penitentiary aforesaid: Provided always, that Tenders for such Contracts shall be advertised for, and the same, together with all Plans, Specifications and Estimates, shall, prior to entering into any such Contract, be submitted to the Governor and Council for their approval.

III. And be it enacted, That it shall be lawful for the Governor, or Administrator of the Government for the time being, from time to time, by Warrant under His Hand and Seal, to draw upon the Treasurer for any sum or sums of Money not exceeding Seven Thousand and Five Hundred Founds as aforesaid, on the requisition of the Chairman of the said Commissioners, in favor of any Person or Persons, to be applied to the purposes of this Act.

IV. And be it enacted, That it shall be lawful for the Governor, or Administrator of the Government for the time being, by and with the advice of Her Majesty's Council, to appoint Five Commissioners to superintend the Building of the said Penitentiary as aforesaid, and for the governance thereof, and from time to time to remove all or any of the said Commissioners, and to appoint others in their stead, or instead of such as shall die or resign, or be unable by sickness or otherwise to attend, which said Commissioners shall appoint a Chairman, and shall hold Meetings, and they, or any Three of them, shall have power, from time to time, to make Rules for their Meetings, and for all matters relating thereto, and also for the government of the said Penitentiary or Prison, and for the duties and conduct

of the Superintendent and other Officers of the Penitentiary, and for the Diet, Clothing, Maintenance, Employment and Discipline of the Convicts imprisoned therein, as to the said Commissioners shall seem fit, and such Rules to alter and amend as occasion may require: Provided always, that such Rules and Regulations shall not be of any force until first approved of by the Governor and Council, and copies thereof shall be laid before the Legislature at its then next Session.

V. And be it enacted, That the said Commissioners shall have full power at any and at all times to appoint requisite Officers and Servants for the said Penitentiary, other than a Superintendent, who shall be appointed by the Governor, and the same or any of them to remove, and if they shall deem it necessary, to require any of them employed in the said Penitentiary to give Security for the faithful performance of his Duties in such sums and manner as they shall direct.

VI. And be it enacted, That the said Commissioners shall, from time to time, appoint one or more of themselves to visit the said Penitentiary, during the intervals between their Meetings, and if they shall think fit, may delegate power to such Visitors, or any of them, to make any order or give any directions in cases of pressing emergency within such Penitentiary, which might be made or given by the said Commissioners: Provided, that every such order or direction shall be in writing, and shall be reported, with the circumstances by which the same was occasioned, to the Commissioners at their next Meeting.

VII. And be it enacted, That the Commissioners of the said Penitentiary, and their Successors, shall be a Body Corporate, and shall sue and be sued by the name of the "Chairman and Commissioners of the Colonial Penitentiary," and shall be entitled to all the liberties, privileges, and rights, usually exercised by and incident to Corporations.

VIII. And be it enacted, That the Commissioners shall have power to make Contracts, by Tender, after Public Notice, with any Persons whomsoever, for the Clothing, Diet, and other necessaries, for the maintenance and support of the Convicts confined in such Penitentiary or Prison, and for the Implements or Materials for any kind of Manufacture or Trade in which Convicts confined in such Penitentiary or Prison shall be employed ; and also to carry on such Manufactures or Trade in such prison, and to Sell such Goods, Wares and Merchandize, as shall be wrought or manufactured therein.

IX. And be it enacted, That the said Commissioners shall, on or before the Tenth day of January in each Year, and oftener if required by the Governor or Administrator of the Government for the time being, make Reports in writing, under the Hands of Three or more of them, to the Governor, or Administrator of the Government, specifying the state of the Buildings—the behaviour and conduct of the Officers of the Penitentiary or Prison, and of the Criminals and Convicts—the amount of the earnings of the Criminals and Convicts, and the expense of the Penitentiary or Prison, and such other matters relating to the discipline and management of such Prison as they shall deem expedient, or as the Governor, or Administrator of the Government, shall direct; and every such Report shall be laid before the Council and House of Assembly within One Calendar Month after the receipt thereof, if the General Assembly shall be then sitting, or if not, then within One Calendar Month after the then next Meeting of the General Assembly.

X. And be it enacted, That all Persons convicted of any Crimes or Offences in the Central District, and sentenced to Imprisonment, together with all Persons committed to Prison by Her Majesty's Justices of the Peace for the said District, shall be confined in the said Penitentiary for their respective Terms of imprisonment; and it shall be lawful for the Judges of the Northern and Southern Circuit Courts respectively, to cause all Prisoners sentenced to imprisonment in the said respective Courts, to be removed from the District in which they shall have been convicted, and to be conveyed and taken to the said Penitentiary, and to make the necessary Orders and Regulations for the conveyance of such Persons; and the Superintendent of the said Penitentiary shall forthwith receive such Persons into his custody, there to remain until their several and respective terms of Imprisonment shall expire.

XI. And be it enacted, That after the delivery of any such Criminal Offender or Convict, as aforesaid, into the custody of the Superintendent of the Colonial Penitentiary, such Superintendent or other Person having the custody of such Criminals or Convicts, shall, during the term for which such Criminals or Convicts shall be ordered to remain in his custody, have the same powers over such Criminals or Convicts as are incident to the Office of Sheriff or Gaoler; and in case of any abuse of such custody, or other misbehaviour or negligence in the discharge of his Office, shall be liable to the same punishment to which a Gaoler is now liable by Law.

XII. And be it enacted, That if any Criminal or Convict in the Colonial Penitentiary shall assault the Superintendent, or any Officer or Servant employed therein, the Commissioners may order him to be prosecuted, for the said offence; and upon conviction thereof, such Criminal or Convict shall be liable to be imprisoned for any term not exceeding Two Years, in addition to the term for which, at the time of committing such offence, he was subject to be confined.

XIII. And be it enacted, That every Officer or Servant of the Colonial Penitentiary who shall bring or carry in or out, or endeavour to bring or carry in or out, or knowingly allow to be brought or carried in or out, to or from any such Criminal or Convict, any Money, Clothing, Provisions, Tobacco, Spirits, Letters, Papers, or any other articles whatsoever, not allowed by the Rules of the Penitentiary, shall be forthwith suspended from his Office by the Superintendent of the Prison, who shall report the offence to the Commissioners at their next Meeting; and the said Commissioners shall enquire thereof upon Oath, which they shall be empowered to administer, and upon proof of the offence shall dismiss such Officer or Servant, and may also, if they shall think fit, cause the Offender to be apprehended and carried before a Justice of the Peace, who shall be empowered to hear and determine any such offence in a summary way; and every such Officer or Servant, upon conviction of such offence before a Justice of the Peace, shall be liable to a Penalty not exceeding Fifty Pounds, or, in the discretion of the Justice, to be imprisoned in the Common Gaol or Penitentiary, there to be kept with or without Hard Labour, for any term not exceeding Six Calendar Months.

XIV. And be it enacted, That an Account of the Expenses of carrying this Act into execution, shall be annually laid before the Governor, Council and Assembly; and after deducting therefrom such Profit as may have arisen from the earning of the Criminals or Convicts, over and above the Expenses occasioned by their Labor, the remainder shall be provided for by such Sums as may be granted by the Assembly.

XV. And be it enacted, That any Law now in force in this Island for protecting Justices of the Peace in the execution of their Office, shall extend to the said Commissioners, and to the Superintendent of the Colonial Penitentiary aforesaid.

XVI. And be it enacted, That the Judges of the Supreme Court, Justices of the Peace, and Member of both Branches of the Legislature, shall have liberty at all seasonable times to visit the said Penitentiary.