

## CHAP. LIII.

### *AN ACT to make further provision for the Support and Regulation of the Provincial Penitentiary.*

[Passed 6th March, 1838.]

Preamble.

**WHEREAS** it is expedient to proceed with the completion of the Provincial Penitentiary, so far as may be requisite for the safe keeping of the convicts, and for the accomodation of the officers and the due enforcement of discipline; and also to provide funds for the clothing, lodging and maintenance of the convicts, and for the payment of the officers, watchmen, and other persons employed in the guarding and government and police of the said Penitentiary: May it therefore please Your Majesty that it may be enacted, *And be it enacted*, by the Queen's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, entitled, '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 by the authority of the same, That it shall and may be lawful to and for Her Majesty's Receiver General for this Province, and he is hereby required, from and out of the rates and duties now raised, levied and collected, or hereafter to be raised, levied and collected, and remaining in the hands of the said Receiver General, unappropriated, to discharge such warrant or warrants as shall from time to time be issued by the Lieutenant Governor in favour of the Board of Inspectors of the said Penitentiary, by whom the money so obtained on such warrant and warrants shall be applied in completing the Hospital, Mess-room, Kitchen and Offices therein, as may be found immediately necessary; in clothing, feeding, lodging, and furnishing employment for the convicts; and in paying the salaries and wages of the officers, keepers and watchmen of the said Penitentiary.

Advance of money to be made for purposes mentioned.

Not to exceed £5000.

II. *Provided always, and be it further enacted by the authority aforesaid*, That the said monies shall not exceed in amount Five Thousand Pounds.

III. *And be it further enacted by the authority aforesaid, That an account in detail of the expenditure which may be incurred under this Act, shall be submitted by the Lieutenant Governor at the next Session of the Legislature.*

An account in detail, of expenditure, to be submitted to Legislature.

IV. *And be it further enacted by the authority aforesaid, That the twenty first section of an Act passed in the fourth year of His late Majesty's reign, entitled, "An Act to provide for the maintenance and government of the Provincial Penitentiary, erected near Kingston, in the Midland District," so far as relates to the Warden and his Deputy being furnished with Servants from among the convicts, be and the same is hereby repealed.*

21st section of former Act, authorising Servants to Warden and Deputy, rescinded.

## CHAP. LIV.

*AN ACT to enable Her Majesty to remunerate Henry Smith, Esquire, Warden of the Provincial Penitentiary, for past services performed and disbursements made by him, and to increase the Salary of that Officer.*

[Passed 6th March, 1838.]

MOST GRACIOUS SOVEREIGN:

**WHEREAS** it appears by the petition of Henry Smith, Esquire, Warden of the Provincial Penitentiary, that the sum of Two Hundred and Eight Pounds, Fifteen Shillings and Seven Pence, is due to him for services performed and disbursements made by him, previously to the passing of the Act authorising a Salary to that Officer, it is therefore expedient to grant to Your Majesty the said sum of two hundred and eight Pounds, fifteen Shillings and seven Pence, to enable Your Majesty to pay the like sum to the said Henry Smith: *And whereas* the Salary of the said Warden is insufficient adequately to remunerate him for the performance of the arduous duties of his office, it is also expedient to grant to Your Majesty the further sum of one hundred Pounds, annually, for the purpose of augmenting the said Salary to three hundred Pounds per annum: We, Your Majesty's dutiful and loyal Subjects, the Commons of Upper Canada in Provincial Parliament assembled, therefore humbly beseech Your Majesty that it may be enacted, *And be it enacted*, by the Queen's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, entitled, 'An Act for making

Preamble.