

Laws of His Majesty's Province of Upper Canada, passed in the year 1840. York: Robert Stanton, 1840.

3 Victoria – Chapter 59

An Act to provide for the support and maintenance of the Provincial Penitentiary. Passed 10th February, 1840.

Most Gracious Sovereign:

Whereas it is expedient to provide for the clothing, lodging and maintenance of the convicts, and for the payment of the officers, watchmen, and other persons employed in the guarding, government, and Police of the Provincial 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 of 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 Governor-General, or Lieutenant Governor, in favour of the Board of Inspectors of the said Penitentiary, by whom the money so obtained on such warrant or warrants, shall be applied in clothing, feeding, lodging, securing, and furnishing employment for convicts, and in paying the salaries and wages of the officers, keepers, and watchmen of the said Penitentiary: Provided always, that the said moneys shall not exceed in amount the sum of Five Thousand Three Hundred Pounds, currency.

II. 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 to the Lieutenant Governor, to be laid before the Legislature at its next session.

III. And be it further enacted by the authority aforesaid, That the Inspectors of the said Penitentiary are hereby authorised, out of the money hereby granted, to pay such gratuity to the Deputy Warden of the said prison, on his leaving the same, as the Governor-General may be pleased to direct.

IV. And be it further enacted by the authority aforesaid, That the guards of the said Penitentiary now appointed, or hereafter to be appointed, shall severally take and subscribe, before the President of the Board of Inspectors, the following oath:—I, A. B, do promise and swear, that I will faithfully, diligently and justly, serve and perform the office and duties of guard of the Provincial Penitentiary in Upper Canada, according to the best of my abilities:—So help me God.

V. And be it further enacted by the authority aforesaid, That it shall and may be lawful, to and for the President of the Board of Inspectors, to administer all oaths required to be taken by the Warden and other officers of the said Penitentiary, any thing in the ninth section of an Act passed in the fourth year of the reign of His late Majesty, entitled, "*An Act to provide for the maintenance and government of the Provincial Penitentiary erected near Kingston, in the Midland District,*" to the contrary thereof in any wise notwithstanding.