

SECOND DIVISION.

ACTS OF THE PARLIAMENT OF THE LATE PROVINCE OF UPPER CANADA.

No.	DATE AND SUBJECT.	TITLE.	EXTENT OF REPEAL.
1	4 Geo. 4, (2nd Session), Cap. 4,..... (Trial.)	An Act to repeal an Act passed in the forty-fifth year of His late Majesty's Reign, intituled, <i>An Act to regulate the trial of controverted Elections or Returns of Members to serve in the House of Assembly</i> , and to make more effectual Provision for such Trials.....	The Whole.
2	8 Geo. 4, Cap. 5,..... (Commissions for Examination of witnesses.)	An Act to continue and amend the laws now in force for the Trial of controverted Elections.....	The Whole.
3	3 Will. 4, Cap. 10,..... (Revival and continuation.)	An Act to revive and continue a certain Act passed in the fourth year of His late Majesty's Reign, intituled, <i>An Act to repeal an Act passed in the forty-fifth year of His late Majesty's Reign, intituled, 'An Act to regulate the Trial of controverted Elections or Returns of Members to serve in the House of Assembly,' and to make more effectual provision for such Trials</i> ; and also a certain other Act passed in the eighth year of His late Majesty's Reign, intituled, <i>An Act to continue and amend the law now in force for the Trial of controverted Elections</i>	The Whole.
4	2nd Victoria, Cap. 8, (Perpetuation.)	An Act to continue and make permanent a certain Act passed in the fourth year of the Reign of King George the Fourth, intituled, <i>An Act to repeal an Act passed in the forty-fifth year of His late Majesty's Reign, intituled, 'An Act to regulate the Trial of controverted Elections or Returns of Members to serve in the House of Assembly,' and to make more effectual provision for such Trials</i> ; and also a certain other Act passed in the eighth year of the Reign of King George the Fourth, intituled, <i>An Act to continue and amend the laws now in force for the Trial of controverted Elections</i>	The Whole.

CAP. II.

An Act for the better Management of the Provincial Penitentiary.

[2d August, 1851.]

WHEREAS it is expedient to repeal the Act now in force relative to the maintenance and government of the Provincial Penitentiary of Canada, and to make better provision for the government thereof: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That upon, from and after the day when this Act shall come into force, the Act of the Parliament of this Province, passed in the ninth year of Her Majesty's Reign, and intituled, *An Act to consolidate and amend the laws relative to the Provincial Penitentiary*, and all Acts or parts of Acts inconsistent with this Act, shall be and the same are hereby repealed: Provided always, that the repeal of the said Act shall not revive any Act or part of an Act thereby repealed; and that all contracts entered into, rules and regulations made, or other things lawfully done under the said Act, shall remain in force notwithstanding such repeal, as if entered into, made or done under this Act, and nothing herein contained shall invalidate the appointment of any Officer whose office is not hereby abolished,

Preamble.

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Act 9 V. c. 4,
repealed.

Proviso: Saving of
certain contracts, ap-
pointments, &c.

abolished, but he shall continue to hold such office subject to the provisions of this Act, as if he were appointed under it, until he shall be removed; and any person may be prosecuted and punished for any offence against the said Act committed before this Act shall be in force, as if the said Act were not repealed; and this Act shall apply as fully and effectually to persons sentenced to confinement in the Provincial Penitentiary before this Act shall be in force as to persons so sentenced after that time.

Purposes of the Penitentiary.

Who shall be sent there.

6 V. c. 5.

Property vested in the Crown.
Warden to have the custody.

Convicts to be received by the Warden.

As to commutation of sentence of death.

How convicts shall be clothed, fed and employed.

Proviso: as to Roman Catholics.

Confinement at night, &c.

II. And be it enacted, That the said Provincial Penitentiary shall be maintained as a Prison for the confinement and reformation of persons, male and female, lawfully convicted of crime before the duly authorized legal Tribunals of this Province, and sentenced to confinement therein, for a term not less than two years; and whenever any offender convicted after this Act shall come into effect, shall be punishable by imprisonment, such imprisonment shall, if it be for two years or any longer term, be in the Provincial Penitentiary; any thing in the Act passed in the sixth year of Her Majesty's Reign, and intituled, *An Act for better proportioning the punishment to the offence in certain cases, and for other purposes therein mentioned*, or in any other Act or Law to the contrary notwithstanding: Provided always that nothing herein contained shall prevent the reception and imprisonment in the said Penitentiary of any prisoner or prisoners sentenced for any period of time by any Military or Militia Court Martial or Military authority under any Mutiny Act.

III. And be it enacted, That the property of the said Penitentiary, and all the property therein or thereto belonging, shall remain vested in Her Majesty, but the Warden of the Penitentiary and his Successors in Office shall have the custody thereof under the terms and conditions of this Act, and for the uses herein mentioned; and the said Penitentiary, and all the property therein or thereto belonging, shall be exempt from all taxes.

IV. And be it enacted, That the said Warden shall receive into the Penitentiary all convicts legally certified to him as sentenced to imprisonment in the said Penitentiary, and shall there detain them and those now lawfully imprisoned therein until the term for which they are sentenced be completed, or until they shall be otherwise discharged in due course of law. And it is declared and enacted that in any case wherein sentence of death has been or shall hereafter be passed upon any person by any Court of this Province, and Her Majesty's Royal pardon shall have been or shall hereafter be extended to such person, on condition that he or she be imprisoned in the Penitentiary for life, or for any term of years in such pardon mentioned, such pardon hath and shall have the same effect as the judgment of a Competent Court legally sentencing such person to such imprisonment for life or other term would have, or would have had; and on the production to him of such pardon, or a copy thereof certified by the Provincial Secretary, the said Warden shall receive and deal with the said person as if he had been legally sentenced to such imprisonment for life or other term, and such sentence had been duly certified to the said Warden.

V. And be it enacted, That any and every convict in the said Penitentiary shall, during the term of his or her confinement, be clothed at the expense of the Penitentiary in garments of coarse but comfortable materials; and shall be fed on a sufficient quantity of wholesome food; and shall be kept constantly employed at hard labour, for the benefit of the Penitentiary, during the day time of every day in the year, except Sundays, Good Friday and Christmas-day, in such manner as the Warden shall deem most advantageous for the public, consistently with the welfare of each convict, and with the other provisions of this Act; always excepting such convicts as shall be confined in solitude for misconduct while in the Penitentiary, or shall be incapable of labouring by reason of sickness or bodily infirmity: Provided always, that nothing herein contained shall be construed to oblige any convict of the Roman Catholic persuasion to labour on any of the following obligatory Holidays of the Church, that is to say: Circumcision, Epiphany, Annunciation, Ascension, Corpus Christi, Saint Peter and Saint Paul, All Saints and Conception. And it shall be the duty of the said Warden to keep each prisoner singly in a cell at night and during the day when unemployed,

unemployed, except in cases of sickness; and when the convicts are congregated in the workshops and other places of labour, it shall be the duty of the Warden to keep them as far separate as possible, and to allow as little intercourse among them as the nature of their several employments will permit, and to forbid all conversation not absolutely required in carrying on the work being done at the moment.

VI. And be it enacted, That the said Penitentiary shall be held to include all the ground and premises within the walls surrounding the establishment, and also the wharf and vacant ground outside the south and west walls within the pickets now erected to inclose the same; and the Warden shall not permit any convict to go beyond the said boundaries of the Penitentiary at any time or for any purpose; and when it shall be necessary to employ convicts on the said wharf or vacant space outside the walls, it shall be done only under the strictest supervision and care of officers appointed to that duty: Provided always, that should the Inspectors at any time be of opinion that it would be safe and advisable and for the public interest to employ a portion of the convicts on any specific work or occupation outside the limits, but upon the ground or lot attached to the Penitentiary, they may instruct the Warden so to employ a specified number of convicts at such specified labour, and no other; but they shall first make written rules for their regulation and supervision while so employed.

What the Penitentiary shall include.

Proviso.

VII. And be it enacted, That it shall be the duty of the Inspectors of the said Penitentiary, to cause to be erected within the said Penitentiary, (at as early a period as practicable, consistently with keeping the annual grant from the funds of the Province towards the support of the Penitentiary within the sum of Six Thousand Pounds in any one year) not exceeding fifty cells with a workshop attached to each cell, adapted to carry out the "separate" or "solitary" system of discipline: Provided always, that the said solitary cells shall not be used until a set of rules, regulating the manner of their employment and stated inspection, shall have been prepared by the Inspectors, and shall have been submitted to the Governor General in Council, and received his sanction.

Additions and improvements to be made to the Penitentiary.

Proviso.

VIII. And be it enacted, That all dealings and transactions on account of the said Penitentiary, and all purchases and contracts necessary for maintaining and carrying on the establishment, shall be entered into, conducted and executed by and in the name of the Warden, subject nevertheless to all the provisions of this Act, affecting the same; and the said Warden shall be capable in law of contracting, suing and being sued in all Courts and places, and in all matters concerning the said Penitentiary or the property real or personal thereto belonging by his name of office of "The Warden of the Provincial Penitentiary," and by that name the said Warden shall be and is hereby authorized to sue for and recover all sums of money that may be or may become due from any person to the Crown, on account of the said Penitentiary, and by that name he and his Successors in office shall have perpetual succession.

Contracts, &c. to be made by the Warden.

He may sue and be sued.

IX. And be it enacted, That the said Penitentiary shall be governed by two Inspectors, to be appointed by the Governor General of this Province, and to hold office during pleasure; the said Inspectors to be subject to the control of the Governor General in Council, and to obey such orders in Council as shall be from time to time made for their government in the execution of their duty. And the said Inspectors shall be responsible for the system of discipline and management pursued in the Penitentiary, and for its success and practical efficiency; but they shall have no executive power, except that of giving instructions for the conduct and management of the Institution and its affairs to the Warden, and through him to the other executive officers: and that the said responsibility of the said Inspectors may not be lessened by the incapacity, or inefficiency, or negligence of those who are to carry out their views; in the event of the existence of such detrimental incapacity, inefficiency or negligence, on the part of any officer not by this Act made removable by the said Inspectors, they are hereby empowered, and it shall be their duty to represent to the Governor in Council without delay, that such is the case, and what is the nature of their complaint against such officer, and what is the injurious effect produced upon the Institution, and

Two Inspectors to be appointed.

Their powers and duties.

to recommend, if they see fit, the removal of such officer : Provided always, that the said Inspectors shall be incapable of and disqualified from being elected or returned to be Members of the Legislative Assembly of this Province, and also shall be subject to the penalties contained in the second Section of the Provincial Statute passed in the seventh year of Her Majesty's Reign, Chapter Sixty-five, in the event of their presuming to sit or vote as such Members.

Further duties of Inspectors.

X. And be it enacted, That it shall be the duty of the said Inspectors—

Firstly. To make and amend, from time to time, all necessary rules and regulations respecting the conduct, management, discipline and police of the said Penitentiary, consistent with this Act and the Laws of this Province; which said rules and regulations the officers of the said Penitentiary and all others employed therein shall be bound to obey.

Secondly. To consider and determine the branches of employment to be prosecuted in the Penitentiary, and the manner in which the same shall be prosecuted: whether by hiring out the labour of the convicts to contractors, or by executing orders for articles under contract, as shall be found most conducive to promote the objects of the Institution and the public interest.

Thirdly. To consider and determine the terms on which agreements shall be entered into by the Warden of the said Penitentiary, with parties contracting for the labour of the convicts or the proceeds of their labour, and also with parties contracting to supply articles for the use of the Penitentiary.

Fourthly. To consider and determine the system of secular education, and the place and time of the moral and religious training and instruction to be afforded to the convicts in the said Penitentiary, and the time for religious training and instruction shall not be determined upon without the consent of the Chaplains of the Penitentiary.

Fifthly. To consider and determine what acts on the part of the convicts shall be held as punishable offences, and the several punishments to be awarded by the Warden for such offences.

Sixthly. To consider and determine the number of Overseers, Keepers and Guards to be employed in the Penitentiary, and the routine of their several duties, the hours of their attendance, and the rules by which their conduct in the Prison shall be guided.

Seventhly. To prescribe the articles of food and clothing, and the quantities and quality thereof, to be supplied to the convicts in the said Penitentiary.

Eighthly. To consider and determine from time to time the necessary repairs, alterations or additions to the buildings and other works of the said Penitentiary, and when and how such repairs, alterations or additions shall be executed.

Ninthly. To examine and enquire, at the times hereinafter named, into all matters connected with the government, discipline and police of the said Penitentiary, and into its state and condition; also as to the conduct of its officers, and whether their duty is efficiently performed, and the objects and ends of the Institution are being attained. It shall be their duty, at the times hereinafter stated, to examine and inquire into the financial and commercial affairs of the Institution, to see that the contractors have fulfilled their agreements,—that economy and diligence are practised in every branch of the establishment,—that the finances are administered faithfully, and proper vouchers and records kept of all transactions,—that the food is wholesome and sufficient,—that offences are wisely and humanely punished,—and that order and cleanliness prevail in the Prison.

Further powers to Inspectors.

XI. And be it enacted, That for the efficient discharge of their several duties by the said Inspectors, they shall be and are hereby empowered—

Firstly. To have, severally, admission at all times to the Penitentiary and to every part of it, and to the several vouchers, books and records thereof.

Secondly. To investigate the conduct of any officer or other person employed in the Penitentiary, and into all matters by the said Inspectors deemed to affect the welfare of the Institution; and for these ends, they or either of them shall have full power to issue *Subpœnas* to compel the attendance of any officer of the Penitentiary, or any other person

person or persons as a witness or witnesses, and the production of papers and writings before them; and any person who may have been duly summoned to attend and give evidence before the said Inspectors in pursuance of this Act, and shall refuse or wilfully neglect to appear in pursuance of such Summons, or to give evidence, shall, upon conviction thereof before one Justice of the Peace, not being one of the Inspectors, be liable to be fined in such sum, not exceeding Five Pounds, as to the Justice shall seem meet, and in default of payment thereof, together with the costs, a Warrant may be issued by such Justice to levy the same by distress and sale of the goods of the party offending, (the overplus if any to be returned to the owner,) and if no sufficient distress can be found, then the party convicted may be committed to the Common Gaol for any term not exceeding one month, unless payment be sooner made; Provided always, that the party so convicted shall have the same appeal as a party convicted under the law for the punishment of malicious injuries to property, and any witnesses who shall appear before the said Inspectors or either of them may be examined on oath, to be administered by either of the said Inspectors.

Thirdly. To require at any time reports in writing from the Warden, or any other Officer of the Penitentiary, in relation to any matter connected with his department of duty in the Prison.

XII. And be it enacted, for the better securing the efficient discharge of their several duties by the said Inspectors, that:

Firstly. The said Inspectors shall visit the said Penitentiary jointly as often as they see fit, but at least four times in each year, namely in February, May, August and November of each year, and shall devote not fewer than seven consecutive days at each such joint visit to a rigid inspection of the whole affairs, management and condition of the Institution; And in the event of the death or unavoidable absence of any one Inspector from any such quarterly visit and meeting of the Board, the Warden shall be invested with all the powers, and shall act as an Inspector at such meeting: Provided always, that the Warden shall not so act as Inspector at two consecutive meetings of the Board.

Secondly. One of the said Inspectors shall visit the said Penitentiary at least once in every month, and devote not fewer than two days to the inspection of its affairs; and, unless otherwise arranged between themselves, the said monthly visits shall be made by them alternately.

Thirdly. The said Inspectors shall keep regular Minutes of all their visits and proceedings, whether individual or joint. The proceedings at all joint visits shall be entered by the Clerk of the Penitentiary in a Book kept for that purpose, and the decisions recorded therein, when signed by the two Inspectors, shall be the formal action of the Board of Inspectors, and have full authority according to the provisions of this Act as such, and nothing which is not therein recorded shall have such authority; and to the said Minute Book the Warden shall have access at all times, and he shall keep himself acquainted with the contents thereof, and guide himself thereby: And the said Inspectors shall keep a Memorandum Book, in which each Inspector on his individual visits to the Prison shall enter any remarks on the state of the Prison, or on the conduct of any Officer, or any suggestions he may deem it advisable to make for the better conduct of the Institution.

Fourthly. The said Inspectors shall draw up a Code of Rules and Regulations for the government of the Prison, specifying clearly the duties of the Officers of the several grades; which Code shall be printed and placed within access of every Officer of the Institution. And there shall further be kept a Book of Record, in which the Inspectors at their joint meetings shall enter from time to time any amendments or additions they may see fit to make to such Rules and Regulations, and any instructions or admonitions they may find it necessary to communicate to the Warden, Chaplains, Physician, Deputy-Warden or Clerk of the Penitentiary, and which shall at all times be accessible to these Officers: and there shall further be kept a similar Book of Record for the guidance of the remaining Officers of the Prison; and all orders made by the Inspectors

Duties of the Inspectors in visiting the Penitentiary, &c.

in such Books of Record, consistent with this Act and the Laws of the Province, shall be followed and obeyed by the Officers of the Prison ; but no Rules or Regulations laid down by the Inspectors shall be held binding or valid unless entered therein.

Fifthly. The said Inspectors or either of them, at each monthly visit, shall examine the cash and credit transactions of the Penitentiary for the previous month, and administer the oath hereinafter provided to be taken by the Warden and Clerk to the correctness of each month's accounts, according to a Statement to be regularly furnished by the Warden and Clerk for that purpose.

Sixthly. The said Inspectors or either of them, at each monthly visit, shall inspect every cell in the Penitentiary once at least ; and they shall do so jointly at each quarterly meeting.

Seventhly. The said Inspectors at their quarterly meetings, shall require from the Warden a Statement and Balance-sheet of the affairs of the Institution for the previous three months, and shall examine and certify the correctness of the Accounts, Vouchers and Balance-sheet.

Eighthly. The said Inspectors, at the November quarterly meeting of each year, shall appoint two well qualified persons to value the property, real and personal, of the Penitentiary, according to an inventory to be prepared and furnished to them by the Warden for that purpose ; and the said valuers shall make oath to the fidelity of their said valuation, according to the best of their knowledge and belief, before any Justice of the Peace for the United Counties of Frontenac, Lennox and Addington ; and the said inventory shall be made as at the Thirty-first December of every year, and be completed, with the valuations attached, by the Twenty-fifth day of January next succeeding the date to which it is made up.

Ninthly. The said Inspectors shall require from the Warden, Chaplains and Physician, and from any other Officer they may think fit to demand it of, an annual report of the transactions and progress of their several departments in the Prison during the past year, with such details and returns as the said Inspectors may deem necessary ; which said reports shall be made up to the Thirty-first day of December of each year, and be in the possession of the Inspectors by the Twenty-fifth day of January following.

Reports to be made by
Inspectors.

Tenthly. The said Inspectors shall make an annual report to the Governor General on or before the Tenth day of February in each year, giving a complete statement of the affairs of the Institution from the First day of January to the Thirty-first day of December of the year preceding ; and the said annual report shall comprise :

- A. A copy of the Warden's report to the Inspectors.
- B. Copies of the Chaplains' reports to the Inspectors.
- C. Copy of the Physician's annual report.
- D. A return of the names, ages, country, callings and crimes of the convicts received into the Penitentiary during the year, and the Township, Parish, County, City and District from which each came.
- E. A return of the names, ages, callings and crimes of the convicts who died in the Penitentiary during the year, and the Township, Parish, County, City and District from which each came.
- F. A similar return of the convicts who had the Royal pardon extended to them during the year.
- G. A similar return of the convicts liberated during the year by the expiration of the term for which they were sentenced.
- H. A tabular statement shewing the number of prisoners in the Penitentiary at the date to which the last previous annual report was made up, the number received during the year, the number discharged, the number then in confinement, and the average number in the Prison during the year ; and the said statement shall further show these particulars separately as to the male and female prisoners, and as to the military prisoners distinguished from the civilians.
- I. A statement of the contracts for convict labour entered into during the past year, shewing the nature, the terms and the duration thereof.

J. A balance-sheet of the affairs of the Institution at the thirty-first day of December of the year reported upon, shewing the amount of cash received from the public Exchequer since the commencement of the Institution, the existing Assets of the Penitentiary, and the loss or gain accruing by its operations since the commencement.

K. A cash balance for the past year, shewing the sum on hand on the thirty-first day of December, the cash received through the year in payment of old debts, the amount received from Government towards the support of the Prison, the amount received for convict labour, the amount received for the support of military prisoners, the amount received for articles manufactured in the Prison at the risk of the Government, and the amounts received on all other accounts during the year. The said balance-sheet shall also shew separately the sums paid for food, bedding, clothing and hospital stores for the convicts—for the salaries of the Officers—fuel and light—for the erection of new buildings and repairs—for the support of the stable—and for all other items of expenditure; also the cash on hand at the close of the year.

L. A statement of all the debts due by the Institution, shewing the names of the parties to whom each sum is due; also shewing the debts due to the Institution, with the amounts and ground of each debt.

M. An abstract of the annual Inventory and valuation herein provided for, distinguishing the estimated value of the several descriptions of property.

N. An estimate of the receipts and expenditures for the current year, and of the amount of assistance likely to be required from the Provincial Exchequer.

O. A statement shewing in what manner the convicts were employed as at the thirty-first day of December of the year reported on, and the average number at each trade or occupation during the year.

And the said annual report of the Inspectors shall make a reference to the remarkable features presented in these several documents; shall shew the progression or retrogression of the Institution in its several departments, and the probable causes thereof; and shall make special reference to the moral effects of the discipline upon the convicts, and the general success of the Institution, as regard its higher aims; and it shall be the duty of the said Inspectors to bring under the notice of the Governor General any facts which may have come under their notice in regard to the working of the criminal laws and the penal system of the Province, or any injustice or inequality, which their experience may have shewn to arise therefrom, with whatever suggestions for the amelioration of the same, or generally for the prevention of crime and the reformation of the criminal they may deem necessary and expedient.

Further particulars in such Report.

XIII. And be it enacted, That besides the said Inspectors, the Officers of the said Provincial Penitentiary, shall consist of one Warden hereinbefore named, one Protestant Chaplain, one Roman Catholic Chaplain, one Physician, one Deputy-Warden, and one Clerk; all or any of whom shall be appointed by the Governor, and hold their offices during pleasure; And there shall also be the following Officers of the Penitentiary, viz: one School-master, one Store-keeper, one Clerk of the Kitchen, one Matron, one Assistant Matron, and the requisite number, as hereinafter provided for, of Overseers, Keepers and Guards; and the said School-master, Store-keeper, Clerk of the Kitchen, Matron, Assistant Matron and Overseers, shall be appointed by the Inspectors, and the Keepers and Guards by the Warden, with the consent in writing of either of the Inspectors; and any of the said Officers appointed by the Inspectors or by the Warden with the consent of an Inspector, shall be summarily removable by the Warden with the consent in writing of any one Inspector, or by the Board of Inspectors, without further charge than that of inefficiency in the discharge of their duty, in the opinion of the said Warden and an Inspector, or in that of the Board of Inspectors.

Officers of the Penitentiary how appointed, &c.

XIV. And be it enacted, That the Board of Inspectors may for misconduct summarily suspend any of the Officers appointed by the Governor, until the circumstances of the case of which the Government shall be at once notified, are submitted and decided upon by the Governor, and the said Inspectors may, until then, cause any Officer so suspended to be removed beyond the walls of the prison: and in case of the suspension, removal,

Inspectors may suspend officers.

removal, death, or lengthened necessary absence or sickness of the Warden, the Inspectors or one of them shall act in his room, until a successor to the said Warden shall have been appointed, or until the return of the said Warden to duty; and for this purpose the said Inspectors, or the one acting, shall be and is hereby invested with full power in such event to exercise all the duties and powers of the Warden while so acting in his room. And the Warden of the said Penitentiary shall be empowered summarily to suspend for misconduct the School-master, the Store-keeper, the Clerk of the Kitchen, the Matron, the Assistant Matron, and any Overseer, Keeper or Guard in the Penitentiary until he shall have made one of the Inspectors acquainted with the facts of such alleged misconduct, and obtained his advice and consent to act therein, or shall have submitted the matter to the Board of Inspectors.

Warden may suspend certain sub-officers.

Warden to be the Chief Executive Officer of the Penitentiary; his powers, &c.

XV. And be it enacted, That the Warden shall be the Chief Executive Officer of the said Penitentiary, and as such shall have the entire executive control and management of all its concerns, subject to the rules, regulations and written instructions, from time to time duly made by the Board of Inspectors; and in all cases not provided for by such rules, regulations or written instructions, during the intermissions of the Board meetings, the said Warden shall act in such manner as he may deem most advisable; and the said Warden shall be held responsible for the faithful and efficient executive administration of every department of the Prison; and he, together with the two Inspectors, shall by virtue of their respective offices of Warden and Inspectors, without any property qualification, be the Justices of the Peace for each and every district, county and city in the Province of Canada; any law or statute to the contrary notwithstanding.

His duties.

And it shall be the duty of the Warden—

Firstly. To reside in the Penitentiary (keeping his household entirely isolated from the prisoners, and forbidding communication in any shape between them), and to visit every apartment in it, and see every prisoner under his care, at least once each day.

Secondly. To have in charge the health, conduct and safe keeping of the Prisoners; to examine into and seek the success of the religious, moral and industrial appliances used for the reformation of the convicts; and to exercise over the whole establishment a close supervision and personal direction.

Thirdly. To designate the employment of each convict, having reference to the capacity and past pursuits and habits of such convict.

Fourthly. To see that justice, kindness and morality shall prevail in the administration of every department of the prison; that no gaming or profane or indecorous language shall be indulged in by any Officer or convict; that no unnecessary severity is practised; and that sick convicts have proper medical attendance, and are supplied with such food as may be directed by the Physician.

Fifthly. To give the necessary directions to the Officers under him, and to examine whether they have been careful and diligent in the discharge of their several duties.

Sixthly. To make all purchases, sales and contracts, under the advice and instructions of the Board of Inspectors, and to superintend the industrial pursuits of the prison.

Seventhly. To keep fully, faithfully, correctly and regularly all such books, records and accounts of the financial and other transactions of the prison as the Inspectors shall from time to time direct; and especially to keep therein a regular and correct account of all moneys received by him from any source whatever by virtue of his Office, including all moneys taken from convicts or received as the proceeds of property taken from them, and of all sums paid by him, and the persons to whom and the purposes for which the same were paid; also to make out monthly, and deliver to the Board of Inspectors at each monthly visit, a return of all moneys received by him on account of the Penitentiary during the preceding month, specifying from whom each sum was received, and to whom paid and on what account, and stating also the balance in his hands at the time of rendering such account; to which return an affidavit by the Warden and Clerk of the Penitentiary shall be appended and sworn to before the Inspector for that monthly visit, stating that the said Return is correct and true in every respect to the best of their knowledge and belief. Also to cause such accounts to be kept in the workshops

workshops and other departments of labour as will shew where work is being done on account and at the risk of the public, the amount of materials consumed, and the quantity of work done by each convict; and when work is being done under Contractors, such accounts as will shew the amount of labour performed by each convict; the said accounts to be closed on a certain day of each week, for the purpose of ascertaining the industry of each convict, and detecting any negligence or misconduct therein.

Eighthly. To keep a daily Journal of the proceedings of the Prison, in which he shall enter all remarkable occurrences, noting therein especially any infraction of the Rules, or any negligence or misconduct on the part of any Officer of the Prison, as reported to him or coming within his own knowledge; any escape or attempt to escape made by any convict; any well founded complaint of bad or insufficient food, want of clothing, or cruel and unjust treatment made by any convict; and any difficulty he may find in carrying out the Rules of the Prison, or any alterations or additions to the same which may suggest themselves by daily experience. And the said Journal shall at all times be open to inspection by the Inspectors or either of them, and be formally laid before the Board of Inspectors at every meeting.

Ninthly. To admit the Inspectors at all times to every part of the Prison, and to render them every facility and assistance in the discharge of their duties; also to make to the said Inspectors all the Financial and other Reports, Returns and Inventories named in this Act, and any other Reports and Returns which the said Inspectors may, in writing, request to be prepared; and also to exact from the other Officers of the Prison all such Reports from such Officers, as to their several departments, as the Inspectors may so request.

Tenthly. To receive all persons legally certified to him as legally sentenced to imprisonment in the Penitentiary, and to keep a register of such convicts, in which he shall enter, immediately on his or her admission, the name of each convict, and under appropriate columns, the date of his or her conviction, and where born, his or her age, previous occupation, complexion, stature, crime and term of sentence; also the Court before which he or she was convicted, the County, City or District from which sent, the number of previous convictions, and when discharged and how discharged; and the Warden shall be furnished by the person delivering any convict to him with a certified copy of his sentence, and shall give to such a person a certificate of the delivery of such convict: And immediately on the admission of each convict, the Warden shall make an inventory of the clothes and other property on the person of the convict at his reception, and shall enter the same in a Book to be kept for that purpose; and the said clothing and other property shall be preserved, as well as possible, during the imprisonment of the said convict, and restored on his or her discharge. It shall also be the duty of the Warden to read to each convict on his admission the laws of the Prison in regard to escapes or attempts at escape, and as to rebellious or disorderly conduct.

Eleventhly. To be present at least three times in each week in the Dining-hall while the convicts are at breakfast and dinner, and as often at the distribution of the supper rations, with the view of examining the food and ensuring that it is good and sufficient and properly cooked: he shall also superintend or cause to be superintended the convicts when attending Divine Service whenever it may be held in either of the Chapels of the Prison, and when Service is proceeding in both Chapels simultaneously, the Warden shall be in one and the Deputy-Warden in the other. He shall also, before retiring for the night, pass through the Prison every night and satisfy himself that all is safe, and that the guard for the night is set and properly discharging the duty.

XVI. And be it enacted, That the Deputy-Warden of the Penitentiary shall be the Principal Assistant and representative in his absence, not exceeding two days, of the Warden, and during such limited absence shall exercise all the powers and fulfil all the duties of the said Warden, as far as these relate to the discipline of the Prison and the safe keeping and management of the prisoners, and the control of the subordinate Officers;

Deputy Warden: his powers and duties.

Officers: Provided always, that the Warden in the event of such absence shall make an entry of such fact in his daily Journal, and shall notify the Deputy-Warden in writing of his intended absence, and that he is in full charge of the establishment.

And it shall be the duty of the said Deputy-Warden—

Firstly. To be present always at the opening and closing of the Prison, and at all meal times and Religious Services; also to be present at all times in the absence of the Warden from the Prison, night or day, for a longer or shorter period.

Secondly. To have a constant care and superintendence, under the direction of the Warden, of the internal affairs of the Prison; to see that every subordinate Officer performs his appropriate duties, and that order, industry and cleanliness are maintained throughout the establishment. Also, especially to enforce and maintain the Police and Discipline, and see that the Rules and Regulations of the Institution and the directions of the Warden are obeyed.

Thirdly. Frequently during the day to visit the Shops, Yards, Hospitals, Cells, and other apartments of the Prison, taking every precaution for the security of the Prison and Prisoners, seeing that the Overseers keep their men diligently employed during the whole time they are in the workshops, and that the guard are vigilant and attentive to their duties; reporting strictly and promptly to the Warden, in writing, every neglect of duty, or impropriety or misconduct on the part of any Officer.

Fourthly. To attend to the clothing of the convicts, and see that it is whole and in order, and properly changed. He shall see that the rations are such as are allowed and required to be delivered to the convicts, and that they are properly cooked and served. He shall, morning and night, ascertain whether any convict is missing before he dismisses the Officers or gives the safety signal.

Chaplains: their duties.

XVII. And be it enacted, That there shall be two Chaplains of the Penitentiary; one to be an ordained Clergyman of any of the Religious Denominations of Protestant Christians recognized by the Laws of this Province, and who shall have the spiritual charge and care of all the convicts in the said Penitentiary, professing to be members or adherents of any of the said denominations; and the other to be a Priest in Holy Orders of the Church of Rome, and to have the charge and care of all the convicts professing to be members or adherents of that denomination. And the duties of each of the said Chaplains shall be—

Firstly. To devote his whole time and attention to the religious instruction and moral improvement of the prisoners.

Secondly. To maintain public religious services morning and evening with the convicts under his charge, at the opening and closing of the Prison, and at other times as the rules of the Prison may direct; to celebrate Divine Service twice every Sunday; and have the care and management of a Sabbath School for the religious instruction of the convicts.

Thirdly. To see that every convict under his charge is furnished with a Bible; the Protestant convicts with the authorized English edition without note or comment, and the Roman Catholic convicts with that version which the Chaplain of that church shall designate.

Fourthly. To be diligent in seeing and conversing with the convicts at all reasonable times in the cells, or in his private room, or in the Hospital, and in administering to them such instruction and exhortations as may be calculated to promote their spiritual welfare, moral reformation and due subordination; and for this purpose, he shall have access at all times, subject to the rules of the Prison to be made for that end, to the convicts under his charge.

Fifthly. To guard carefully against encouraging the complaints of convicts as to their Officers or treatment in the Penitentiary, and against communicating to them any information or intelligence other than relating to their duty, without first advising with the Warden thereupon.

Sixthly.

Sixthly. To take charge of a Library for the use of the convicts under his care ; to select the new books purchased from time to time, and to take especial care that no book of an improper character be circulated among the convicts.

Seventhly. To visit the sick among the convicts under his charge daily.

Eighthly. To report annually to the Inspectors, or oftener when called on by them, relative to the religious and moral conduct of the convicts, the routine of duty he has followed through the year, and the fruits of his labour ; with any other information or returns which the said Inspectors may desire.

Ninthly. To keep a register containing, under separate heads, the history, so far as he can learn it, of each convict under his charge, the extent of each convict's education, his habits and disposition, the crime of which he was convicted ; and he shall add thereto, from time to time, remarks as to the conversations had with such convict, and his progress, morally and intellectually. And he shall also keep such records as will enable him to report annually the number of convicts received who could or could not read, and who could or could not write, and of those who could read as well as write ; also the number partially educated, classically educated, temperate or intemperate, married or unmarried, and such other points of useful statistical information as shall be suggested to him by the Inspectors.

XVIII. And be it enacted, That the Physician of the Penitentiary shall have full control over and charge of the hospital, subject to the rules of the Prison, and shall attend at all necessary times to the wants of the sick convicts, whether in their cells or in the hospital. And it shall be his duty—

Physician : his powers and duties.

Firstly. To attend at the Penitentiary once every day, at a stated hour to be prescribed by the Inspectors, and in cases of emergency to repair thereto as often as may be necessary ; and he shall so attend at the Penitentiary whenever he may be required so to do by the Warden, to the exclusion of all private practice.

Secondly. To keep a Register of all the sick convicts placed under his care, stating the diseases with which they are or were afflicted, distinguishing those confined in Hospital or otherwise, and the treatment adopted ; also a daily Prescription-Book, and also a Register of the deceased convicts, stating their names, ages, time and cause of death, and all other circumstances which he may deem necessary, or which the Inspectors may desire ; and the said Registers shall always remain at the Penitentiary, and be open for inspection.

Thirdly. To exercise a general surveillance over the cleanliness and ventilation of the Prison and the diet of the convicts, and to suggest to the Inspectors or Warden measures for the remedy of evils which may appear to him to exist.

Fourthly. To make a yearly Report, or oftener if required, to the Inspectors, in which all the information contained in his daily Registers shall be condensed, and any other information given which the Inspectors may require.

Fifthly. To examine convicts at their admission into the Prison, and note their bodily defects, for the direction of the Warden in assigning them employment.

XIX. And be it enacted, That it shall be the duty of the Clerk of the Penitentiary, under the instructions of the Warden—

Clerk : his duties.

Firstly. To keep all such Books, Records and Accounts as the Inspectors may direct to be kept in relation to the affairs of the Penitentiary.

Secondly. To attend constantly, during business hours, at the Penitentiary, except when performing any necessary duties of his office elsewhere.

Thirdly. To take bills for all supplies and materials for the Prison purchased by the Warden, and for all services rendered to the establishment, and to enter the same in the Books when ascertained and duly certified (as the Inspectors shall direct) to be correct.

Fourthly. To act as Clerk to the Board of Inspectors.

Fifthly. To pay all debts due by the Institution, under the special order, as to each debt, of the Warden, and take formal receipts in duplicate for the same ; all payments to be made by Cheque on the Bank, bearing the signatures of the Warden and Clerk.

School-master; his duties.

XX. And be it enacted, That the duty of the School-master of the Penitentiary shall be under the surveillance of the Chaplains, to teach such convicts as the Warden may select, reading, writing, and such other branches of secular knowledge, and at such times and hours, and under such regulations as the Inspectors may from time to time designate: Provided always, that he shall give his whole time and attention to his said duties, and shall assist in the Sunday-school if the Chaplains so desire.

Store-keeper: his duties.

XXI. And be it enacted, That it shall be the duty of the Store-keeper to receive all goods, materials and stores, excepting provisions, ordered for the use of the Penitentiary by the Warden, or under contract, and to weigh or measure the same and inspect the quality, and compare the same with the Bills of Parcels, which shall in every case be demanded and received with articles coming in for the use of the Penitentiary; and the said Store-keeper shall certify distinctly on such Bills of Parcels whether the items charged are correct or not, and if not, wherein they are not, and make any other necessary remarks on the same which he may deem necessary to a fair settlement of the Bill. And the said Store-keeper shall have the charge and care of all such Stores, Materials and Goods, and he shall keep a Stock-Book in which he shall enter, under separate heads, all such Stores, Materials and Goods, as received, and the manner and date of their expenditure as expended, so that it can be seen at once how much of any article is on hand. And the said Store-keeper shall not expend any such Stores without a regular requisition from the proper Officer as the Board of Inspectors may direct; and the said Store-keeper shall in like manner have the charge of all bedding, clothing, tools, implements and machinery made or used in the Penitentiary, and shall keep a strict check on the receipt, expenditure and employment of the same, according to the directions of the Board of Inspectors. And the said Store-keeper, when not engaged in the more immediate duties of his office, shall aid and assist the Clerk in keeping the Books and Accounts of the Penitentiary.

Clerk of the Kitchen: his duties.

XXII. And be it enacted, That it shall be the duty of the Clerk of the Kitchen, under the instructions of the Warden or Deputy Warden, to have particular charge of the victualling department; to receive the provisions if sound and in good order and according to contract; to examine and weigh or measure the same, compare the same with the bills of parcels to be invariably demanded and received with all articles so coming in, and to certify distinctly upon such bills if the charges are correct, and if not, wherein they are not; and the said Clerk of the Kitchen shall keep a book of record of all such provisions as received, and of the daily expenditure of each article, and shewing the quantities of each at any one time on hand; and the said Clerk of the Kitchen shall keep a list of the convicts each day in the Penitentiary, showing how many are on full diet, how many on the sick list, and how many under deprivation of meals as punishment on any one day; and according to such list, he shall accurately weigh out and expend the stores necessary for each meal's consumption, according to the rules of the prison, and no more, and shall enter the same as expended, at the time, in the provision stock-book. And the said Clerk of the Kitchen shall have charge of the cooking and division of the rations for the convicts, under the directions of the Warden or Deputy Warden thereon; and the said Clerk of the Kitchen shall have charge of the washing, mending and cleaning of the clothing and bedding of the convicts, and of the cleaning of the buildings, and shall be responsible for the manner in which the said duties are performed. And in the discretion of the Inspectors, the said Clerk of the Kitchen may be required to take his share of the routine duty of the prison.

Overseers: their duties.

XXIII. And be it enacted, That for every twenty-five convicts in each art, trade, or other industrial pursuit conducted in the Prison on behalf and at the risk of the Penitentiary, there shall be a Master Tradesman well skilled in such trade or other pursuit, and to be known as an "Overseer," whose duty it shall be to instruct the convicts in the business so carried on, and to act as a Foreman and Master Workman, and to direct the labour of his particular department to the greatest public advantage. And the said Overseer shall keep an accurate account of all materials expended by him and

and of the labour performed in gross, and on each article manufactured, so as to shew the labour performed by each convict weekly, and the precise cost of each article manufactured: And the said Overseers shall maintain strict silence in their several gangs, and shall insist on the performance of a reasonable quantity of work by each convict, and shall maintain subordination, and duly report to the Warden every infraction of the rules of the Prison by any convict; and the said Overseers shall remain with their gangs at all times during work hours, unless specially relieved by the Warden or Deputy Warden; and they shall aid in conducting the convicts to and from their cells, and to and from their meals, and shall perform their share, with the Keepers and Guards, as the rules and regulations may direct, of the routine duty of the Prison, and aid in carrying out the discipline thereof.

XXIV. And be it enacted, That for every fifty convicts, or for every gang containing a smaller number than fifty convicts employed under any contract in the manufacturing of articles for any party or parties, there shall be an Officer to be known as a "Keeper," who shall have the charge and management of such gang, so far as regards the maintenance of discipline, and the due observance of the rules and regulations, and the proper application of the convicts to the work in which they are employed; and it shall be the duty of such Keeper to see that silence is maintained, and that a sufficient amount of work is done and done well by each convict, and that a proper account of the same is kept; and it shall be the duty of the said Keepers to see that the rules of the Prison are strictly observed by the Contractors, their Agents and Foremen, and to report all infractions of the same to the Warden. And it shall be the duty of the said Keepers to see that the work, if any, done for the Penitentiary under contract by the convicts in their charge, shall be good and sufficient work according to the contract; and it shall be the duty of the said Keepers to remain with their gangs at all times during work hours, unless specially relieved by the Warden or Deputy Warden; and they shall aid in conducting the convicts to and from their cells, and to and from their meals, and shall perform their share with the Overseers and Guards, as the rules and regulations may direct, of the routine duty of the Prison, and aid in carrying out the discipline thereof.

Keepers: their duties.

XXV. And be it enacted, That there shall be in the Penitentiary, such number of Guards, not exceeding thirty, as the Inspectors may from time to time find needful and direct to be employed; and the said Guards shall be employed in the safe keeping of the prisoners, and in the maintenance of order and discipline.

Guards: their duties.

XXVI. And be it enacted, That the Officers of the Penitentiary shall receive the undermentioned sums annually, or in proportion thereof for such portion of any year as they shall be so employed, in full compensation for their services in their respective offices, that is to say:

Salaries of Inspectors and Officers.

The Inspectors, a sum not exceeding the sum of Four Hundred Pounds each;

The Warden, a sum not exceeding Five Hundred Pounds, with a free house and necessary fuel for domestic purposes;

The Chaplains, a sum not exceeding Two Hundred and Fifty Pounds each;

The Physician, a sum not exceeding Two Hundred Pounds;

The Deputy Warden, a sum not exceeding Two Hundred Pounds;

The Clerk, a sum not exceeding One Hundred and Seventy-five Pounds;

The School-master, a sum not exceeding One Hundred and Fifty Pounds;

The Store-Keeper, a sum not exceeding One Hundred and Twenty-five Pounds;

The Clerk of the Kitchen, a sum not exceeding One Hundred and Twenty-five Pounds;

The Matron, a sum not exceeding Seventy-five Pounds;

The Assistant-Matron, a sum not exceeding Fifty Pounds;

The Overseers, a sum not exceeding One Hundred and Twelve Pounds Ten Shillings each;

The Keepers, a sum not exceeding Ninety Pounds each;

The Guards, a sum not exceeding Sixty-five Pounds each.

What Officers may not exercise other callings.

And no person employed in any of the said Offices, excepting the Inspectors and Physician, shall be allowed to carry on any trade or calling of profit or emolument other than the said office in the Penitentiary; and no officer of the said Penitentiary shall have any further emolument, fee, perquisite or advantage from his or her situation than is herein stated; nor shall any Officer receive, buy from, or sell to or for any convict any article or thing whatsoever; nor shall any Officer take or receive for his or her own use, or for that of any other person, any fee, gratuity or emolument from any convict or visitor or other person connected with the said Penitentiary. Nor shall any Officer be directly or indirectly interested in any contract with, purchase by, or sale to the said Penitentiary. Nor shall any Officer employ any convict or convicts in working for his, the said Officer's, own personal benefit or accommodation; and all the Officers of the Penitentiary shall be exempted, during their continuance in office, from serving as Jurymen, Militiamen, or as Municipal or Parish Officers.

Certain Officers to give security;

XXVII. And be it enacted, That the Warden and Clerk shall severally execute bonds to Her Majesty with sufficient sureties, that is to say, the Warden in the penal sum of Two Thousand Pounds, and the Clerk in the penal sum of One Thousand Pounds, conditioned for the faithful performance of the duties of their respective offices according to law, which bonds shall be filed in the office of the Provincial Secretary; and the Inspectors may in like manner demand bonds with sureties from the Store-Keeper in the penal sum of Two Hundred and Fifty Pounds, and from the Clerk of the Kitchen in a like amount, and the said Warden, and all other Officers of the Penitentiary, shall severally take and subscribe before either of the said Inspectors the following oath of office; such oath to be filed in the office of the Clerk of the said Penitentiary:

And to take an oath of office.

“ I (A. B.) do promise and swear that I will faithfully, diligently and justly serve and perform the office and duties of _____ of the Provincial Penitentiary, according to the best of my abilities. I will carefully observe all the regulations of the prison, and promptly report to the Warden any infractions of them by others. So help me God.”

Inspectors may employ an Architect.

XXVIII. And be it enacted, That the said Board of Inspectors may employ some competent person as Architect and Master-Builder, who shall, under the orders of the said Inspectors, under the surveillance of the Warden, superintend the erection of the several buildings and other works necessary for the completion of the said Penitentiary, and for whose services the said Inspectors are hereby empowered to pay such remuneration as they shall consider just and reasonable.

Plans to be prepared by Inspectors.

XXIX. And be it enacted, That the said Inspectors of the Penitentiary shall, as soon as practicable, cause to be prepared, subject to the approval of the Governor General in Council, a plan and estimate of dwelling houses to be erected on the Penitentiary lot for the accommodation and suitable to the relative positions of the several Officers of the said Penitentiary; and when so prepared and approved, the said plans shall be carried out as speedily as practicable, consistent with keeping the annual grant from the public Exchequer towards the support of the Penitentiary within the sum of Six Thousand Pounds in any one year; and when completed, the said Inspectors shall have power to require the residence of the several Officers in the dwellings so erected, and to deduct from the salaries monthly, the reasonable rent of the dwellings so occupied.

Residence of Officers.

Visitors to be appointed: their powers and duties.

XXX. And be it enacted, That it shall be lawful for the Governor to appoint three persons to act as a Board of Visitors of the Penitentiary; and the said Visitors, or any two of them, shall have admittance into the Prison at any time during business hours on one day of each week, and shall have full opportunity of satisfying themselves that the discipline is maintained and humanely administered, and that no unnecessary suffering and no injustice are practised in the Prison; and the said Visitors, or any two of them, shall be at liberty to speak to any of the convicts; and in the event of their observing any irregularity or injustice prejudicial to the higher objects of the Institution, they shall in their discretion represent the same to the Warden, or to the Inspectors,

Inspectors, or to the Provincial Secretary, as the nature of the case may render expedient; and the said Visitors shall have the power of granting orders for the admission of persons to view the Penitentiary, under such rules as the Inspectors may make; and the said Visitors shall have no executive power in the Prison, and no supervision further than to see that the reformatory objects of the Institution are carried out, and that the convicts are humanely and justly treated.

XXXI. And be it enacted, That the sums necessary to pay the salaries and other expenses of the Penitentiary shall be paid by the Receiver General of the Province, out of any unappropriated moneys in his hands, forming part of the General Revenue Fund thereof, to the Warden, in discharge of such Warrant or Warrants as may be issued for that purpose by the Governor General, and shall be duly accounted for by the Warden as he may be directed.

Expenses of Penitentiary how to be paid.

XXXII. And be it enacted, That the said Penitentiary shall be supplied with provisions by contract, which contract shall be made by the Warden annually, unless the Inspectors shall otherwise direct, with such persons as may be willing to accept the lowest terms, at a fixed price per day for each ration furnished, the articles of food and the quantities of each kind to be prescribed by the Inspectors, and inserted in the contract; and for the purpose of ascertaining who will furnish supplies on the lowest terms, the Warden shall cause a notice to be published in two of the newspapers printed in the City of Kingston, one in the City of Montreal, and one in the City of Toronto; the proposals to be offered pursuant to such notice, shall specify the lowest price per ration per day, and the contracts shall be made with those persons whose terms shall be most advantageous to the Province, and who shall give satisfactory security for the performance of their contract: Provided always, that should it be deemed by the Warden that such tenders as may be offered are not satisfactory, he may, with the consent of the Inspectors, decline the same, and advertise anew.

Provisions to be supplied by contract.

Proviso.

XXXIII. And be it enacted, That whenever any controversy shall arise relative to any claim or demand which any person may have against the said Warden on account of the said Penitentiary, such controversy may be referred to the arbitration of two or more persons mutually chosen by such Warden and the person with whom such controversy may exist, or to one person mutually chosen by the arbitrators so appointed as an umpire. And it shall be the duty of the said Warden to enforce the payment of all debts due to the Institution, as soon, and with as little expence to the Province as possible; but he may, with the approbation in writing of the Inspectors, accept of such security from any debtor, on granting time, or such composition in full settlement as may be conducive to the interests of the Province.

Arbitration in certain cases.

XXXIV. And be it enacted, That all Books of Account, Registers, Letters, Returns, Bills of Parcels, and other documents and papers relating to the affairs of the Penitentiary, shall be considered as public property, and remain therein; and the Warden of the said Penitentiary shall preserve therein at least one set of copies of all Official Reports made to the Legislature respecting the same, for which purpose, and to enable the Warden to distribute such Official Reports in exchange for the like documents from other similar Institutions, he shall be furnished by the Clerk of the Legislative Assembly with fifty copies of such Reports for distribution, when such Reports shall be printed by order of the said Legislative Assembly.

Books, &c., to be public property.

XXXV. And be it enacted, That no raft, craft, boat or vessel of any description shall be allowed to moor or anchor within three hundred feet of the shore or wharf bounding the lands of the said Penitentiary, without the permission of the said Warden being first had and obtained therefor; and any person violating the provisions of this section, shall, upon conviction thereof before a Justice of the Peace, be liable to pay a penalty of Five Pounds, to be levied by distress and sale of the offender's goods and chattels, under the Warrant of such Justice, and in default of payment of the same, with the costs thereon, and if sufficient distress cannot be found, shall be imprisoned at the discretion of the said Justice, for any period not exceeding two calendar months.

Rafts, &c., not to be moored within a certain distance of the Penitentiary.

Spirits not to be sold,
nor introduced without leave.

XXXVI. And be it enacted, That no spirituous or fermented liquors shall on any pretence whatever be sold within the said Penitentiary ; nor shall any kind of spirituous or fermented liquors be brought in the Penitentiary for the use of any Officer except the Warden, or for the use of any convict confined therein. And any person giving spirituous or fermented liquors, or tobacco, or snuff, or cigars, to any convict, or conveying the same to any convict, shall forfeit and pay the sum of Ten Pounds currency to the Warden for the use of the Prison, to be recovered by the Warden in any Court of competent Jurisdiction.

Letters not to be brought to convicts without leave.

XXXVII. And be it enacted, That no person shall, without consent of the Warden, bring into or convey out of the Penitentiary any letter, writing, or other article, to or from a convict, nor shall any Officer or other person employed therein write any letter on behalf of a convict ; and whoever shall violate either of the provisions of this clause shall be deemed guilty of a misdemeanor, and he shall be liable to be fined or imprisoned, or both, at the discretion of the Court before which he or she may be convicted for the same.

Visitors ex officio.

XXXVIII. And be it enacted, That the following persons shall have authority to visit the Penitentiary at pleasure, namely : the Governor, the Members of the Executive Council, the Members of the Legislature, the Judges of the several Courts in this Province, including Circuit or County Judges, and Queen's Counsel ; but no other person shall be permitted to enter within the walls where the prisoners are confined, except by the special permission of the Warden or Visitors, and then, under such regulations as the Inspectors shall prescribe.

Proceedings when a convict shall die in the Penitentiary.

XXXIX. And be it enacted, That whenever a convict shall die in the Penitentiary, it shall be the duty of the Inspectors, the Warden, the Chaplains, the Physician, the Deputy Warden, if they or any of them shall have reason to believe that the death of such convict arose from any other than ordinary sickness, to call upon the Coroner having jurisdiction to hold an inquest upon the body of such deceased convict, and on such requisition by one or more of the Officers named, the Coroner having jurisdiction shall hold such inquest, and for that end he, and the Jury and all others necessarily attending such inquest, shall have admittance to the Prison. And it shall be the duty of the Warden to cause the body of every convict who shall die in the Penitentiary to be decently interred at the expence of the Institution, unless the body be previously claimed and taken away by the friends or relatives of the deceased ; and the forms and certificates to be observed and taken at the death and burial of each convict shall be clearly laid down by the Inspectors in the rules and regulations.

As to punishment and privations.

XL. And be it enacted, That no punishments or privations of any kind shall be awarded in the Penitentiary except by the Warden or other Officer acting for the time being in his room. And the Warden shall cause to be kept a Book of Record, which shall be written up daily, shewing all complaints against convicts for improper conduct in the Penitentiary, and shewing under separate columns the date of each complaint, the name of each convict implicated in each offence, the nature of each offence, the punishment awarded to it, the date of infliction, the signature of the Officer making the complaint, and that also of the Officer who inflicted the sentence or saw it carried out ; and there shall be a column in the said Book for the sentence, which shall be filled in by the Warden and signed by him. And no complaint by any Officer against any convict shall be entertained by the Warden until it is recorded in the said Punishment Book ; and no punishment shall be inflicted for any offence until the day after the said offence shall have been committed ; and no punishment shall be inflicted until the Warden has entered his award in the Punishment Book. Provided always, that the Warden shall have power, in the event of the refractory conduct of any convict rendering it necessary, summarily to remove such convict apart, and to place him in a cell and to keep him there until the usual hour of punishment shall have arrived. And should the Inspectors authorize corporal punishment to be inflicted in the Prison, the Warden shall have recourse to it only in extreme cases, and shall not inflict more than seventy-five lashes for any one offence ; and no corporal punishment

punishment shall be inflicted until the Physician shall have certified to the bodily fitness of the convict for such punishment; nor shall any such infliction be carried out except in the presence of the Warden and Physician, nor shall corporal punishment be inflicted in any case upon any female convict in the said Penitentiary.

XLI. And be it enacted, That the Inspectors shall draw up a form of questions to be put to each convict on his or her discharge from the Penitentiary, so framed as to shew by the answers, the views of the convicts as to the discipline and the treatment of the prisoners, and the effects produced on each; and the said formula of questions shall be put immediately before his or her discharge, to every convict by the Warden in the presence of the Chaplain of such convict, and the answers of each convict shall be correctly recorded in a book kept for that purpose, and the convict shall subscribe the same after they shall have been recorded, and the Warden and Chaplain shall sign their names to the same in attestation of the correctness thereof.

Inspectors to draw up questions to be put to convicts.

XLII. And be it enacted, That no convict shall be discharged from the Penitentiary on Sunday, but any and every sentence expiring on that day shall be held as expiring on the day previous, and the Warden shall discharge such prisoner on Saturday. And no convict shall be discharged from the Penitentiary at the termination of his or her sentence, if he or she shall then labour under any grievous illness during which he or she cannot be safely discharged—unless at the request of the said convict. And whenever any convict shall be discharged from the Penitentiary, either by pardon or expiration of sentence, it shall be the duty of the Warden to furnish such convict with the necessary clothing, ordered by the Inspectors, and with such sum of money, not exceeding Five Pounds, as the said Warden may deem proper and necessary.

Convicts not to be discharged on Sundays.

To be furnished with clothing, &c.

XLIII. And be it enacted, That no prisoner shall be compelled to leave the Penitentiary by the natural expiration of the term to which he or she was sentenced, during the months of November, December, January, February or March, and all prisoners whose sentences expire during these months shall be allowed to remain in the Penitentiary under the same discipline and control as if their sentences were still unexpired, until the first day of April following the expiration of their formal sentence. And on the said first day of April, a list shall be made of all the prisoners whose sentences expired during the five preceding months according to the date when their sentences expired, and according to such order they shall be discharged, one convict on the first April, and one on every day thereafter, until the whole have been so discharged.

Not to be discharged in winter months.

XLIV. And be it enacted, That the female prisoners shall be kept totally distinct and secluded from the males, and shall be under the charge of the Matron and Assistant Matron, subject however to all the provisions of this Act, and the rules and regulations of the Prison, so far as applicable to them.

Females to be kept separate.

XLV. And be it enacted, That the Inspectors of the Penitentiary may in their discretion prepare a separate system of discipline and employment for the military convicts, and on submitting the same for the sanction of the Governor General in Council, and receiving such sanction, they may put such system in operation as far as regards military prisoners only, notwithstanding the provisions of this Act.

Inspectors may prepare separate system for military convicts.

XLVI. And be it enacted, That whenever it shall be certified by a Board of Physicians to be appointed for the time being by the Governor in Council, such Board not to consist of less than three Physicians, that any convict confined therein is insane, and that it is desirable that such convict should be removed therefrom to the Lunatic Asylum, it shall be lawful for the Governor by Warrant under his hand directed to the Warden of the said Penitentiary to authorize him forthwith to send such convict to the Lunatic Asylum of Upper Canada, which such Warden shall accordingly do, and shall appoint some proper person to convey such convict to the said Asylum; and such convict shall be received into the said Asylum, and there safely kept, until he shall be remanded to the said Penitentiary, or his term of imprisonment therein shall have expired; and if at any time before the expiration of the said term, it shall be certified by the Physician of the said Asylum that such convict has recovered his reason, and is

Insane convicts to be removed to Lunatic Asylum, &c.

in a fit state to be remanded to the said Penitentiary, it shall be lawful for the Governor by Warrant under his hand, directed to the Warden of the said Penitentiary, to authorize him forthwith to send for such convict from the said Asylum, and to cause him or her to be re-conveyed to the said Penitentiary and kept therein, and the said Warden shall thereupon appoint a proper person to proceed to the said Asylum and receive such convict, and convey him or her to the said Penitentiary, and such convict shall by the authorities of the said Asylum be delivered to the person so appointed and re-conveyed to the said Penitentiary; and the authorities of the said Asylum and the person appointed as aforesaid to convey any convict to the said Asylum, or to re-convey him or her to the said Penitentiary, shall have the same power and authority to detain such convict or to re-take him or her in case of an escape, and to command the assistance of any persons in re-taking him or her, or in preventing such escape, as the Warden or other Officers of the Penitentiary, or any person appointed by a Sheriff to convey any convict to the Penitentiary, after being sentenced to imprisonment therein, would have in the like case, and if the term of imprisonment of any convict shall expire while he is detained in the Lunatic Asylum, he may, nevertheless, be detained therein until discharged as sane, or delivered to his friends under a Warrant from the Governor to that effect.

Operation and duration of this Act.

XLVII. And be it enacted, That this Act shall come into operation on the first day of October next, and continue in force for three years, and from thence to the end of the next ensuing Session of Parliament, and no longer.

C A P. III.

An Act to provide for the Commutation of certain Bonds required under the Emigrant Act.

[2d August, 1851.]

Preamble.

WHEREAS it is expedient to provide for the commutation of the Bonds required in certain cases under the Act hereinafter mentioned: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That whenever any vessel arriving in this Province from sea, shall have on board one or more passengers in respect of whom the Master would otherwise, under the tenth section of the Act passed in the twelfth year of Her Majesty's Reign, and intituled, *An Act to repeal certain Acts therein mentioned, and to make further provision respecting Emigrants*, be bound to enter into a Bond to Her Majesty in the manner therein provided, it shall be optional with the Master of such vessel either to enter into such Bond, jointly and severally with sufficient sureties, according to the requirements of the said Act, or to pay to the Collector or Chief Officer of the Customs, who might otherwise require such Bond, such sum of money as the Emigrant Agent at Quebec (under any general instructions he may receive from the Governor) shall have fixed in that behalf, as being just and equitable and sufficient to indemnify the Province or any Municipality, Village or City, Town or County, or Charitable Institution within the same, against the risk of expense for the care, support and maintenance of such passenger or passengers during the then next ensuing three years; and the money so paid shall form part of the Emigrant Fund.

The master of any vessel may, instead of giving bond under sec. 10 of 12 V. c. 6, pay a sum of money to be fixed by the Emigrant Agent.

Application of sum so paid.