

Legislative Council Chamber.

WEDNESDAY, 27th January, 1841.

PRESENT.

THE HON.

Mr. Chief Justice Chipman, President.

Mr. Shore.

Mr. Baillie.

Mr. Robinson.

Mr. Saunders.

Mr. Attorney General.

Mr. Lee.

Mr. Chandler.

PRAYERS.

The Honorable Mr. Saunders, by direction of His Excellency the Lieutenant Governor, lays before the House copies of certain Despatches and Documents, which were read by the Clerk as follows:—

HOUSE OF CORRECTION, SAINT JOHN.

[No. 34.]

Downing Street, 10th March, 1840.

SIR,—I have had under my consideration, an Act, (No. 1232,) passed by the Legislature of New Brunswick during their last Session, providing for the Government and Regulation of the House of Correction for the City and County of Saint John.

It is to be regretted that the Plans of this Building, which is stated to be in progress, at a great public expense, should not have been transmitted to England before the Building commenced, as it is not improbable, from the attention which is now given to the subject of Prison construction in this Country, that some improvements in those Plans might have been suggested.

The second clause of this Act confers on the Commissioners of the House of Correction, the uncontrolled power of making Rules and Regulations for the management of the House, and of the several persons confined in it. The Act of Parliament, 1 & 2 Vict. c. 67, for the better government of the Prisons in the West Indies, required that no rule should be enforced in a Prison, until it should have been approved and certified by the Governor in Council, who likewise possess the power of amending and adding to such rules; and it is desirable that this power should be vested in the Governor and Executive Council of New Brunswick.

I enclose for your information, an extract from the Act to which I refer.

I would also suggest that the Board of Commissioners should be authorized to appoint Visitors from their own Body, with powers similar to those possessed by visiting Justices of Prisons in England, under the provisions of the Act, 4 Geo. 4, c. 64, extracts from which I likewise enclose.

You will lay this Communication before the Council and Assembly, and recommend the adoption of these suggestions in an amended Act, and in the meantime Her Majesty's decision on the present Act will be suspended.

I am, &c.

(Signed)

J. RUSSELL.

Lieutenant Governor Sir JOHN HARVEY, K. C. B. &c. &c. &c.

Extract from the 1 & 2 Vict. C. 67.

"That it shall be lawful for Her Majesty, with the advice of Her Privy Council, or with respect to the Prisons of each Colony, for the Governor in Council of such Colony, to make rules for the government of the Prisons in Her Majesty's Colonies in the West Indies, and for the care and superintendence of the Prisoners, and for the duties of the Keepers and Officers of such Prisons, and also to amend or annul any such rules in force at the time of the Proclamation of this Act, or which shall be made after such Proclamation; and that all such rules so made or amended, shall be binding on all persons within such Colony; and no rule which shall be made after the Proclamation of this Act in any of the said Colonies for any of the purposes aforesaid, shall be of any force until it shall have been approved by the Governor and Council of the Colony, or by Her Majesty in Council; and no rule for any of the purposes aforesaid, which shall be annulled by the authority aforesaid, shall thereafter be of any force or validity: Provided always, That it shall be lawful for Her Majesty in Council, to amend or annul any such rule, although it may have been approved by the Governor and Council of the Colony."—Section 1.

"And be it further enacted, That whenever the Governor of any of the said Colonies shall, with the advice of his Council, make, amend, or annul any rule or rules for the government of any Prison, he shall by the earliest convenient opportunity, transmit to one of Her Majesty's Principal Secretaries of State, a copy of the rule or rules so made, amended or annulled, and a copy of all such rules shall be laid before Parliament within forty days after it shall be so received, if Parliament shall then be sitting, and a copy of all rules made, amended or annulled, under the authority of this Act, by Her Majesty in Council, shall be laid before Parliament within forty days after it shall have been so made, amended or annulled, if Parliament shall then be sitting: or in either case, if Parliament shall not be then sitting, such copy shall be laid before Parliament within forty days after the commencement of the then next Session of Parliament."—Section 2.

Substance of the Sections of the 4th Geo. 4, C. 64, which relate to the appointment and duties of Visiting Justices.

"And be it further enacted, That the said — (Board of Commissioners) shall, and they are hereby required to nominate two or more of their own body, who shall consent thereto, to be Visitors of each Gaol and House of Correction within their jurisdiction, and to report the names and places of abode of such Visitors to — (His Excellency the Governor); and one or more of the visiting — (Commissioners) so appointed, shall personally visit and inspect each Prison at least three times in each quarter of the year, and oftener if occasion shall require, and shall examine into the state of the Buildings, so as to form a judgment as to the repairs, additions or alterations which may appear necessary, strict regard being had to the separation, classification, inspection, instruction, em-