

attempting to escape, or assaulting officers, the whole remission earned may be forfeited.

Rules were prepared and approved by the Governor-General in Council, 26th November, 1898. These rules provide that the warden may deprive a convict of not more than thirty days of remission for any offence against prison rules, and that there may be forfeiture of more than thirty days, with the sanction of the Minister of Justice. Section 65 of the Statute provides for the drawing up of a list of prison offences, a copy of which is to be placed in each cell in the penitentiary.

This motion is based upon a fundamental misconception of the provisions of the statute. It is assumed that the convict is entitled as, of course, to a remission of his sentence, unless he is deprived of it for misconduct. A convict may so behave himself that he cannot be regarded as exemplary in conduct and industry, and yet not be guilty of any offence against the prison rules. In that case, he would serve the full term of his sentence, for he would have earned no remission. A convict, on the other hand, may by reason of exemplary conduct and industry earn a shortening of his sentence, but he may by specific offence forfeit that which he has earned; e.g., this convict apparently had earned some remission—I do not know how much—but on 18th October, 1910, the Minister of Justice approved of a report of the warden, dated 8th September, 1910, by which all remission then accorded was forfeited.

Another fundamental misconception underlying this application is the assertion that the applicant is not bound by the penitentiary regulations; it is said that he has not been furnished with a copy of them and that he ought not to be bound by any rules of which he has no knowledge. Apart from these rules, there is no right of remission, for the remission is by the statute to be under the regulations prescribed.

Then it is argued that the award of remission or the forfeiture of remission must be on some proceeding in the nature of a trial, so that the convict may be heard. This is clearly not what is contemplated by the Act. Some one must determine whether the conduct of the convict is exemplary. *Prima facie* the warden and officers of the prison must discharge this duty. Their conduct will be subject to