

**Hon. Mr. Hayden:** The provisions of the Penitentiary Act would apply, so in that sense it would be regarded as a federal institution.

**Hon. Mr. Leger:** The difference is that a man who is sentenced to two years or less in Newfoundland will be committed to a penitentiary, whereas in the other provinces a man sentenced to a similar term is committed to a prison, which is not the same thing at all.

**Hon. Mr. Hayden:** That is right. A man sentenced to a term of less than two years, in any province except Newfoundland, may not be confined to a penitentiary.

**Hon. Mr. Leger:** Yes.

**Hon. Mr. Hayden:** If the amendment to section 7 becomes effective, the institution maintained by the Newfoundland government will continue to be used for the confinement of prisoners whether sentenced to a term of less or more than two years. All sentences will be served in this one institution.

**Hon. Mr. Leger:** Which is a penitentiary.

**Hon. Mr. Hayden:** Yes, it is in fact a penitentiary.

**Hon. Mr. Roebuck:** In order to determine who should pay the cost, it is important to know whether it is a penitentiary or an ordinary place of detention.

**Hon. Mr. Hayden:** As the honourable senator from Newfoundland (Hon. Mr. Baird) has said, and as I see in the explanatory notes, it is sometimes referred to as a penitentiary.

**Hon. Mr. Farris:** Would these minor offenders be kept separate and apart from those who in the strict sense of the term are penitentiary prisoners?

**Hon. Mr. Hayden:** I am not in a position to answer that question.

**Hon. Mr. Baird:** The answer is no. Irrespective of whether they are serving life sentences or sentences of less than two years, the prisoners are kept more or less together.

**Hon. Mr. Roebuck:** In Ontario if a man is sentenced to serve six months' imprisonment, he is sent to a provincial institution and the province pays the per diem cost. If, on the other hand, he is sentenced to a term of more than two years, he is committed to Kingston penitentiary, and the cost is borne by the federal government. There is some confusion here. If a man is sentenced to serve six months at this institution in St. John's, which in fact is a penitentiary, will the federal government pay the cost? Or, vice versa, if he is sentenced to a term of two or more years, will the province of Newfoundland pay the cost? How is it to be worked out?

**Hon. Mr. Hayden:** This institution is now used by Newfoundland for the confinement of all prisoners, no matter what the length of their sentence may be. In order to get our criminal laws functioning in Newfoundland, it is proposed to utilize this institution in exactly the same manner as it has been used in the past.

**Hon. Mr. Roebuck:** Then the Province of Newfoundland will continue to pay the cost?

**Hon. Mr. Hayden:** I cannot answer that question. I should think that the Newfoundland legislators will be sufficiently alert to recognize that elsewhere in Canada a sentence of two years or more is served in a penitentiary; and realizing that the maintenance of a penitentiary is a federal matter, they might charge the Dominion Government for maintenance of prisoners serving two or more years. As I understand it, this amendment is purely a matter of convenience, to help facilitate the commencement of our general statute law and, particularly, the Criminal Code, as it applies to Newfoundland.

**Hon. Mr. Roebuck:** Can we not assume that this matter will be taken care of in due course by the proper authorities?

**Hon. Mr. Hayden:** Yes, I should think so. This machinery is for the purpose of facilitating the operation of the Criminal Code in Newfoundland. I think we can assume that the Government of Newfoundland will be sufficiently interested and alert, to see to it that in Newfoundland the same direction is given to matters affecting the confinement of prisoners, as is given in the other provinces of Canada.

**Hon. Mr. Crerar:** May I ask my honourable friend if the administration of this institution will remain with the province of Newfoundland?

**Hon. Mr. Hayden:** I cannot give an authoritative reply to that question, but for the present I would say that it would. However, I should think that the federal government would soon have to exercise some sort of supervision over this institution, because the statutory authority is in the hands of the federal government.

**Hon. Mr. Farris:** It is under the provisions of the Penitentiary Act.

**Hon. Mr. Hayden:** Yes.

**Hon. Mr. Fogo:** Did not the terms of agreement make some provision for that?

**Hon. Mr. Hayden:** All the agreement provides for is the bringing into force of the general statute law of Canada.

Section 8, which is the last section, is a matter of general application. Honourable