

shall submit to him a report of the circumstances of the case, to be dealt with as to him may seem meet.

Warden may appoint certain officers, guards, &c., and suspend or dismiss them.

**40.** It shall be lawful for the Warden to appoint for any penitentiary, an Assistant Deputy Matron and a clerk, and such and so many keepers and guards and other servants as by order of the Inspector may be authorized, for the proper protection and care of the Institution, and to suspend any of them for neglect of duty, for such time as he shall see fit, or dismiss them, without further charge than that of inefficiency in his opinion, but such suspension or dismissal shall be reported forthwith to the Inspector.

As to pay in case of suspension.

**41.** The pay of every officer so suspended by the Inspector or by the Warden, shall cease during the period of his suspension; but the Minister of Justice shall nevertheless have power to direct payment of the same, if he sees fit.

Fines for neglect of duty.

**42.** It shall be lawful for the Warden to impose a fine payable in money, upon any officer or servant appointed by him or the Minister of Justice, for any act of negligence or carelessness by him committed, of such reasonable amount, not exceeding one month's pay, as the said Warden under the circumstances of the case may think fit.

Warden to be the chief executive officer; his power.

**43.** The Warden of a penitentiary shall be the chief executive officer of the same; and as such shall have the entire executive control and management of all its concerns, subject to the rules and regulations duly established, and the written instructions of the Inspector authorized by the Minister of Justice; and in all cases not provided for, and where the said Inspector cannot readily be consulted, the Warden shall act in such a manner as he shall deem most advantageous for the penitentiary; and he may be held responsible for the faithful and efficient administration of the affairs of every department of the institution: he shall reside in the penitentiary; and shall receive such allowance of fuel and light as the Governor in Council may see fit to make.

To reside in penitentiary and have fuel and light.

#### DISCHARGE OF CONVICTS.

Convicts not to be discharged at certain times, except their request.

**44.** No convict shall be discharged from a penitentiary on the termination of his sentence, or otherwise, if labouring under any contagious or infectious disease; nor, unless at his own request, during the months of November, December, January, February, or March, nor if labouring under any acute or dangerous disease; but he shall be permitted to remain in the Penitentiary until he recovers from such disease, or until the first day of April following the termination of his sentence: Provided always that a convict remaining from any cause in a penitentiary after the termination of his sentence, shall be under the same discipline and control as if his sentence were still unexpired:

Proviso.