

Hon. Sir MACKENZIE BOWELL—Then is there a lunatic asylum in Kingston penitentiary? The hon. gentleman has just told us there is an asylum connected with the penitentiary.

Hon. Mr. SCOTT—Yes.

Hon. Mr. LOUGHEED—What does it mean by the lieutenant governor discharging the insane person, in line 37? It appears to me that if a convict were confined as being insane, in the provincial asylum, that upon his recovery he should be again transferred to the federal authorities at Kingston or whatever penitentiary he may have come from; but under this clause it would appear that the lieutenant governor may discharge him.

Hon. Mr. SCOTT—I think not.

Hon. Mr. LOUGHEED—Will my hon. friend look at lines 45, 46 and 47.

Hon. Mr. SCOTT—It only applies in the case of Manitoba and British Columbia. In all other cases the convict who becomes insane is still retained and goes to the Kingston penitentiary. If he recovers from his insanity he has to serve out his term. The same rule exists as regards Manitoba and British Columbia.

Hon. Mr. LOUGHEED—The insanity from which he may suffer may be but temporary. If he recovers, he should again be transferred to the custody of the Dominion authorities.

Hon. Mr. SCOTT—I think that has been done. Provision is made in subsection 3 of section 55.

Hon. Sir MACKENZIE BOWELL—The answer of the hon. Secretary of State to the question which I proposed a few moments ago does not seem to be borne out by clause 57. The question I asked was, what was done with the prisoner who became insane while he was in the penitentiary. The answer given by the hon. gentleman was that he was placed in the asylum which is under the control of the Dominion government situated in Kingston, and which is connected with the penitentiary. That interpretation is not borne out by clause 57, which reads as follows:—

57. If the surgeon certifies that the person is insane, the warden shall report the fact to

Hon. Mr. SCOTT.

the inspector; and the minister shall thereupon communicate the fact to the lieutenant governor of the province within which the person was sentenced, so that he may be removed to a place of safe keeping.

That certainly implies that if the prisoner becomes insane the government of the province is to be notified of the fact and he is to be sent to a provincial lunatic asylum.

Hon. Mr. SCOTT—That is only where they have no insane ward in the penitentiary.

Hon. Mr. LOUGHEED—It does not say so.

Hon. Mr. SCOTT—That has been the law ever since the penitentiary was established.

Hon. Sir MACKENZIE BOWELL—I do not find any provision in the law for carrying out what the hon. gentleman says.

Hon. Mr. SCOTT—I presume where the existing law has been found to work satisfactorily, they have made no change in it; that is the only explanation.

Hon. Sir MACKENZIE BOWELL—But I was discussing the question on the merits of the case, as well as the law. If the person becomes insane in the penitentiary, then one would suppose he would be sent to the lunatic asylum connected with the penitentiary. If, however, there are no asylums in connection with the penitentiaries, at Dorchester or at St. Vincent de Paul, he must be sent somewhere else.

Hon. Mr. SCOTT—He goes to Kingston from Dorchester or St. Vincent de Paul.

Hon. Sir MACKENZIE BOWELL—How does that comport with the clauses I have just read, which provides that the lieutenant governor shall be informed of the fact, and the province takes care of him?

Hon. Mr. FERGUSON—I would infer from clause 58 that there is no asylum in connection with the Kingston penitentiary and that provision must be made by the province.

Hon. Sir MACKENZIE BOWELL—But there is.

Hon. Mr. FERGUSON—What does clause 58 mean?

58. If the lieutenant governor of the province within which any such person was