

our prisoners are day after day solemnly sentenced by the courts, really means nothing. The sentence is rarely, if ever, enforced, and in most cases the prisoner hears the last of his hard labour when he has heard the words from the lips of the judge.

The term "hard labour," though so frequently used in our courts, is not, so far as I am aware, defined any where in our Statutes. In England "hard labour" in gaols is generally understood, for even there the words lack legal precision, to mean penal or unproductive labour, such as the tread-wheel, the crank, or shot-drill. Such labour is designated "hard labour," in contradistinction to ordinary industrial labour. There is not a solitary gaol in Canada in which "hard labour," in the sense of penal, unproductive labour, has been or is carried out,—cranks, tread-wheels, and shot drill being absolutely unknown in our Canadian prisons.

But taking the sentence of hard labour in the sense in which it is perhaps generally understood in Canada, as referring that is, to such ordinary industrial labour as is occasionally carried on in our Canadian gaols, as, for example, breaking stones, sawing wood or the like, it is still certain that in this acceptance of the term "hard labour," there are very few prisons in the province where the sentence could be strictly carried out, for the simple reason that there are very few prisons where it is possible to give the prisoners so sentenced constant work of any sort to do.

To introduce "hard labour," in the strict penal sense of the word, into our gaols would of course be possible, by making it compulsory to have in each gaol a tread-wheel, crank or apparatus for shot-drill; but this would involve a large outlay in the first instance, as well as a permanent addition to the staff of each gaol, for the purpose of superintending the prisoners undergoing the sentence. The cost therefore would of itself be a serious if not a fatal objection to such an attempt.

On the other hand, the proved impossibility of obtaining a constant supply of industrial occupation for the prisoners in the common gaols forbids us to hope that by resorting to the use of industrial occupation, the sentence of "hard labor" could be rigidly enforced.