

PENITENTIARIES ACT AMENDMENT.

House in committee on Bill (No. 217) respecting penitentiaries.—The Minister of Justice.

On section 42—visitors,

The MINISTER OF JUSTICE. There is a slight change there. Under section 41 of the Revised Statutes of Canada, chapter 182, in addition to the persons mentioned in this section as authorized to visit the penitentiaries were the members of any local legislature. Now, the local legislature have no authority over our penitentiaries, and I thought it right to strike them out. I did not see why they should have authority to visit institutions that are under our exclusive control.

On section 45—receiving of convicts,

The MINISTER OF JUSTICE. I thought it necessary to make the change in that respect by the addition of the words 'unless certified by the surgeon of the penitentiary to be suffering from any dangerously infectious or contagious disease.' During the prevalence of small-pox at one time at St. Vincent de Paul we received prisoners suffering from that disease, and were put to a great inconvenience for that reason. Now, if the prisoner comes to the penitentiary suffering from a contagious disease, we thought we ought to have the privilege of refusing to receive him until he is rid of the disease, otherwise all sorts of inconvenience to the penitentiary will result.

Mr. FOWLER. I think it would be better to add some words to provide that in that case the prisoner shall be taken back to the place from which he came.

The MINISTER OF JUSTICE. I see that. We had better let that section stand.

Section allowed to stand.

On section 46, subsection 2—custody of convict from time of sentence,

Mr. FOWLER. I understand that this is before he has gone to the penitentiary. I would make that the certificate of the judge and not of the clerk of the court.

The MINISTER OF JUSTICE. This is intended to allow us to remove prisoners from a penitentiary which has become congested to some other. For instance, in Stony Mountain penitentiary we have more prisoners than can properly be taken care of, and it is necessary to remove some to St. Vincent de Paul. That is now beyond our control.

Mr. FOWLER. But suppose a man in the maritime provinces sentenced to the penitentiary and, instead of being taken to Dorchester, is taken to St. Vincent de Paul or Kingston. If the certificate is given by the judge it would be better than if given by

the clerk of the court. The judge is the more responsible officer.

The MINISTER OF JUSTICE. My hon. friend (Mr. Fowler) will notice that this refers to a copy of the sentence taken from the minutes of the court and certified by the judge or by the clerk. That is the law as it now stands. I have no doubt there is a reason why it was made as it is, though I am not able to state the reason at the moment. I would not like to make a change without knowing more about it.

Progress reported.

SUPPLY—CONCURRENCE.

House proceeded to consider resolutions reported from Committee of Supply.

The MINISTER OF FINANCE. I propose to ask the House now to grant concurrence in the items of the supplementary estimates of the past year which remain undisposed of, so that we may be able to complete the Supply Bill. Not only has the year closed, but the time fixed for closing the books of the year is close at hand; it is therefore very desirable that we should give preference to this business.

Railways and Canals, chargeable to capital, Galops Rapid, deepening and widening, \$25,000.

Mr. REID (Grenville). Mr. Speaker, I would like to ask the hon. Minister of Finance (Hon. Mr. Fielding) what this \$25,000 is for. As I understand, these estimates are for expenditures that have been made between the 1st July, 1902, and the 1st July, 1903.

Hon. Mr. HAGGART. Before the hon. minister answers that I suppose my hon. friend (Mr. Reid, Grenville) will have the same opportunity of discussing this as in Committee of the Whole?

The MINISTER OF FINANCE. I have no objection. The item is to pay the Gilbert Company for work done in the Galops Rapid channel which was the subject of some discussion in the House a year ago. There appeared to be some misunderstanding as to the orders for this work. The minister stated last year that he had not authorized the doing of the work, and at the time it was held up for further consideration. However, although there was some question as to the authority for the work, and the minister stated he did not give the authority himself, it appears that the work was done, and the minister also appears to have come to the conclusion that inasmuch as the work was done and was likely to serve a useful purpose, the government should make provision for payment. Accordingly he placed that item in the estimates and had it submitted to the House. The theory upon which, I presume, my late colleague took that step was that a very large sum of money had been expended on the work, and that it was wise