

(Hon. Mr. Paterson) I take it that the purpose of this section is to make the Canadian law apply to the province of Newfoundland.

**Hon. Mr. Hayden:** Yes, but so far as section 7 is concerned, we are making an exception. Newfoundland has at the present time one penal institution, situated at the city of St. John's, where prisoners, irrespective of their term of imprisonment are confined. The purpose of the section is to permit that practice to continue. With that exception the Criminal Code and other general statute law becomes the law of Newfoundland. Without this provision prisoners could not legally be sent to that institution for a term of less than two years.

**Hon. Mr. Paterson:** But is that not the law now?

**Hon. Mr. Hayden:** No. The law of Newfoundland at the present time is that both classes of prisoners may be sent to such an institution; therefore, section 7 would perpetuate the present legal position with respect to the confinement of prisoners. This is at variance with our conception of segregation of long and short term offenders. It is also at variance with our law for the treatment of prisoners. The question is whether this measure, which is for the purpose of getting things going, is acceptable in its present form by this body, in view of the fact that our legislators and the government have shown strong evidence of a determined policy to segregate the two classes of prisoners.

**Hon. Mr. Euler:** Is this the only institution of its kind in Newfoundland?

**Hon. Mr. Hayden:** Apparently it is.

**Hon. Mr. Aseltine:** Can you tell us how long this practice has been going on?

**Hon. Mr. Hayden:** I would think ever since the institution has been in existence.

**Hon. Mr. Farris:** I should think the point raised by the honourable senator from Toronto-Trinity (Hon. Mr. Roebuck) should be given some consideration. Our powers here are largely negative; we can stop legislation, but when we make amendments we have no assurance that they will get beyond this house. I think we are obligated to continue for the present what has been the practice in Newfoundland; but I am reluctant to accept the principle that it be continued indefinitely.

**Hon. Mr. Haig:** Hear, hear.

**Hon. Mr. Farris:** I would suggest that we amend subsection (e) of section 7 by adding to it the words "This provision shall remain in force for a period of five years". If at

the end of that time there is reason for its continuation, we at least will have control of it. As it now stands we have no control.

**Hon. Mr. Roebuck:** If my friend will move an amendment, I will second it.

**Hon. Mr. Aseltine:** I think five years is too long.

**Hon. Mr. Roebuck:** Why not make it three years?

**Hon. Mr. Hayden:** I think five years is necessary if the system is to be established and new buildings are to be erected.

**Hon. Mr. Quinn:** Make it a period not exceeding five years.

**Hon. Mr. Farris:** The suggestion has been made that the amendment read as follows: "After '(e)' insert the words 'until January 1, 1954'". I would move the amendment in that form.

**Hon. Mr. Kinley:** May I ask whether this legislation will change the status of this institution, in that it will be a federal institution, a penitentiary of Canada?

**Hon. Mr. Hayden:** No: it is given the dual status of a penitentiary and a prison.

**Hon. Mr. Kinley:** That is very important. A prison is a provincial institution; a penitentiary, I take it, is a federal institution. When one applies for permission to enter, let us say, a college, or seeks admission to the United States, a question commonly asked is: "Have you ever been in a penitentiary?". Now, if one had been sent to this prison after conviction under, for example, the Liquor Act, it could be said, "This fellow has been in the penitentiary". I do not like the idea of labeling a man who was imprisoned under those circumstances as having been in a penitentiary.

**Hon. Mr. Hayden:** That situation has existed in Newfoundland for many years, and if by this legislation it is continued for the present, it is with the approval of the representatives of that province.

**Hon. Mr. Kinley:** Well, the responsibility now is ours; and for that reason I say that a period of five years is too long.

**Hon. Mr. Hayden:** It is not five years, because the date provided for is January 1, 1954.

**Hon. Mr. Kinley:** That is a pretty long time. The amendment was agreed to.

Section 7, as amended, was agreed to.

On section 8—Coming into force.

**Hon. Mr. Roebuck:** I think the indefinite postponement provided for under this section