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No. 190.

2nd Session, 6th Parliament, 22 Victoria, 1859.

BILL.

An Act to extend the provisions of an Act for the better management of the Provincial Penitentiary in respect to the application of Convict Labour.

Received and read, first time, Tuesday, 22d
March, 1859.

Second reading, Thursday, 24th March, 1859.

Hon. Mr. Atty. Genl. MACDONALD.

S. Derbishire & G. Desbarats, Queen's Printer.

An Act respecting the application of Convict Labour,
and the punishment of incorrigible offenders.

WHEREAS it is expedient to authorize the Warden of the Provincial Penitentiary to employ Convicts on the grounds of the Criminal Lunatic Asylum, at Rockwood, near Kingston, when occasion may require; And whereas it is expedient to amend the ninth Section of "The Prison Inspection Act, 1857:" Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Preamble.

1. The Warden of the Provincial Penitentiary may, from time to time, under the sanction of the Inspectors of the Provincial Penitentiary, cause to be conveyed and taken from the Penitentiary such and so many Convicts as he may think proper to the Criminal Lunatic Asylum grounds at Rockwood, near the City of Kingston, and there to retain them so long as he may think proper, under such sanction, and cause them to be returned to the Provincial Penitentiary.

Convicts may be taken to Criminal Lunatic Asylum at Rockwood.

2. Such Convicts shall proceed or be conveyed to such Lunatic Asylum grounds and from thence be reconveyed to the Provincial Penitentiary by land or water, as to the said Warden may appear most prudent and desirable, in such manner and under such regulations as shall be provided by the Inspectors of the Provincial Penitentiary; and their conveyance to and fro, and also their employment in and upon the said grounds at Rockwood, shall be done only under the strictest supervision and care of officers appointed to that duty, and under and subject to such written rules and regulations for the transport, regulation and supervision of the Convicts whilst so employed, to be made by the Inspectors of the Provincial Penitentiary, as may be approved by the Governor in Council.

How the conveyance of such convicts to and fro, shall be conducted.

3. The said Penitentiary shall be held to include the carriages, waggons, vehicles, boats, scows or other vessel or vessels of carriage by which the Convicts may be so, from time to time, conveyed, and also any wharf at which the said Convicts may be landed or embarked, and the houses, buildings and erections, and also all and every the grounds at Rockwood, upon which, or any part of which, the said Convicts may be so engaged in labour as aforesaid.

Penitentiary to include Rockwood and the carriages, &c., used for conveying convicts.

4. All and every the provisions of the Act passed in the session held in the fourteenth and fifteenth years of Her Majesty's Reign, and intituled, *An Act for the better management of the Provincial*

Provisions of 14, 15 V. c. 2, extended to

cases, &c., under this Act. *Penitentiary*, so far as the same shall be consistent with the purposes of the preceding sections of this Act, shall be applicable to the Convicts whilst so being conveyed or employed as aforesaid, and to the limits of the Provincial Penitentiary, as extended by the third section of this Act. 5

Sect. 9, of 20 V. c. 28, repealed. **5.** The ninth section of "The Prison Inspection Act, 1857," is hereby repealed, and the following section shall be substituted for such repealed section, and shall be read as part of the said Act:

New Section substituted. "It shall be lawful for the Governor at any time, on report 10 of the Inspectors, in his discretion, to order any offender sentenced under the fifth section of this Act, or any Convict transferred to either of the Reformatory Prisons of this Province, under the seventh section of this Act, to be removed from 15 either of the said Reformatory Prisons, as incorrigible, and in every such case the offender or Convict shall be liable to be confined in the Provincial Penitentiary for the remainder of the term of imprisonment for which he shall have been originally sentenced in such Reformatory Prison or in the Provincial Penitentiary. 20