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No. 189.

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3d Session, 3d Parliament, 13 & 14 Vict. 1850.

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## BILL.

An Act to provide for a better system of discipline, and for a more economical management of Gaols, and for the erection and maintenance of a House of Correction for Juvenile Offenders.

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Received and Read a first time, Wednesday, 17th  
July, 1850.

Second Reading, Friday, 19th July, 1850.

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Hon. Mr. PRICE.

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## BILL.

An Act to provide for a better system of discipline, and for a more economical management of Gaols, and for the erection and maintenance of a House of Correction for Juvenile Offenders.

**WHEREAS** the management of the Gaols of this Province has been unsatisfactory, irregular and unnecessarily expensive, and it is desirable that a uniform system of discipline and management should be devised for their administration, and that juvenile offenders should be placed in a separate place of confinement from older and more hardened offenders and under an influence suited to their years ; Be it, therefore, enacted, &c.

Preamble.

That it shall be the duty of the Inspectors of the Provincial Penitentiary, to visit and inspect, either separately or jointly, at least once in each year, all the gaols or other prisons and houses of detention in the Province, and at each such visit, they or he shall examine and inquire into all matters connected with the government, discipline and police of each prison, and into its state and condition ; as to the conduct of its officers, and whether their duty is efficiently performed, and as to the treatment of the prisoners, and the effect of the discipline upon them : It shall be their duty to examine and inquire into the financial and industrial affairs, and to see that economy and diligence are practised, and proper vouchers and accounts kept of all transactions ; that the food is wholesome and sufficient, that offences are wisely and humanely punished, and that order and cleanliness prevail in the prison.

Inspectors of Penitentiary made Visitors of all gaols, &amp;c. : their duties.

II. And be it enacted, That it shall be the duty of the said Inspectors, once in every year, to consider and adopt a uniform system of discipline and management, not inconsistent with the laws of this Province, for the government of all the said prisons and for the modification and improvement of the structures thereof ; and the said code of regulations shall be transmitted by the said Inspectors immediately after its adoption, to the Provincial Secretary, for the formal approval and sanction of the Governor in Council, and on the receipt of such approval the said Inspectors shall transmit copies of the regulations, certified under their hands and seals, to the County Judge, Sheriff, and Clerk of the Peace of each District and County, and to the Keeper, Gaoler or other chief authority of each gaol in this Province ; and the said regula-

Inspectors to prepare a code of regulations.

tions shall be immediately put in force by the said authorities, and be held to be the only rules and regulations in force in the respective prisons.

Sheriff's, &c.,  
to admit the  
Inspectors and  
give them all  
information.

III. And be it enacted, That it shall be the duty of the Sheriff or Keeper of each gaol or other house of detention to admit the said Inspectors, or either of them, into every part of such prison; and to exhibit to them all books, papers, documents and accounts pertaining to such prison or to the detention of persons therein, and to render them every assistance and facility in his power, to enable them to discharge the duties hereîn contemplated, and to obtain all necessary information. 5 10

Inspectors to  
have powers of  
inquiry; to  
examine per-  
sons on oath,  
&c.

IV. And be it enacted, That the said Inspectors or either of them, shall have power to inquire into any abuse or irregularity alleged to exist in the management of any prison; and for this end and for the more certain obtaining of desirable information, the said Inspectors shall have power to examine on oath, to be administered by either of them, the gaoler of the said prison or any other person; and any one neglecting or refusing to appear or to testify when duly summoned before either of the said Inspectors for such purpose, shall be liable to prosecution and summary conviction before any Justice of the Peace for so neglecting or refusing and be subject to a penalty not exceeding five pounds in the discretion of the Justice, to be levied by distress and sale of his goods and chattels in case of non payment, to the use of Her Majesty. 15 20 25

Gaolers and  
others having  
charge of pri-  
sons to report  
to the Inspec-  
tors, at least  
once a year.

V. And be it enacted, That the said Inspectors or either of them may at any time, but shall at least once every year, demand and receive written reports upon the state of each gaol or other prison in the Province, from the gaoler or other chief officer thereof; and it shall be the duty of the gaoler or other chief officer of every prison on or before the twentieth day of January in each year to furnish the said Inspectors with an annual report of the affairs of the prison under his charge for the year ending the thirty-first day of December preceding, and the said report shall state clearly and correctly the number of prisoners confined in the prison during the year and their offences, distinguishing those committed for detention as witnesses—for detention on charge of crime—for contempt of Court—on civil process—for trial—and after conviction: It shall also show how the prison has been sustained during the year and what the cost of its maintenance has been; also the amount of moral and religious instruction afforded the prisoners, and all other points of information and returns which the said Inspectors may require. 30 35 40 45

Contents of  
Report.

Inspectors to  
report to the  
Governor.

VI. And be it enacted, That it shall be the duty of the said Inspectors to prepare, from the said reports of the several gaol authorities and from their own knowledge 50

acquired by their personal visits of inspection, an annual Report to the Head of the Government on the state of affairs of the prisons of the whole Province; and the said Report shall be transmitted to the Provincial Secretary on or before the 10th day February in each year: And it shall be the duty of the said Inspectors to compile and attach to such Report statistical returns showing the state of crime in the Province and its progress or diminution from year to year, and to suggest for the consideration of the Government, such amendments or additions to the penal laws or prison system of the Province as their experience may induce them to think advisable.

VII. And be it enacted, That the Governor in Council may cause to be established within the Province two Institutions for the reformation of juvenile delinquents; and the said institutions shall be established, one in such part of Lower Canada and the other in such part of Upper Canada as the Governor in Council may determine, and shall be severally entitled, "*The House of Correction for Lower Canada,*" and "*for Upper Canada:*" And the said Houses of Correction shall be places of detention and instruction for males under sixteen years of age; and each shall have two departments, one for lads convicted of crime, and the other for lads committed in the manner hereinafter provided for habitual vagrancy, or at the request of their parents or guardians for incorrigible conduct, and also for lads whose parents or guardians, by vagrancy or vicious conduct, are incapable or unwilling to exercise proper care over them; and the two departments shall be kept separate and distinct, and the inmates of either shall have no communication or intercourse with the other.

Institutions for the reformation of juvenile offenders to be established.

Each to consist of two departments.

VIII. And be it enacted, That the said Houses of Correction and all the property, real and personal, thereto belonging shall be vested in Her Majesty, and that all sums necessary for their support shall be paid out of the Consolidated Revenue Fund to the Masters respectively of the said Houses of Correction, on warrant of the Governor and shall be duly accounted for by the said Masters.

Expenses to be borne by the Province.

IX. And be it enacted, That the said Houses of Correction shall be under the control and direction of the Inspectors of the Provincial Penitentiary, subject to the instructions of the Governor in Council; and it shall be their duty to prepare and submit for the consideration and sanction of the Governor in Council, a system of discipline and management for the said Houses, and rules and regulations for the moral, religious and industrial instruction of the inmates,—which, when so sanctioned, shall form the system of management in the said Houses of Correction, and be obeyed by the Officers thereof. And the said Inspectors may, from time to time, with

Inspectors to have control of the said Institutions, and to make Rules for the government thereof.

such sanction as aforesaid, amend the same as they find necessary.

How long youths shall remain in such Institutions.

X. And be it enacted, That all lads committed to the said Houses of Correction shall be, and remain under the control and direction of the Officers thereof, from the day they are received therein until they attain the age of eighteen years, and the Inspectors thereof shall have power to place the youths committed to their care at such employments, and cause them to be instructed in such branches of useful knowledge as may be suitable to their years and capacities; and they shall have power in their discretion to bind out the said youths as apprentices while so committed to their care, to such persons and at such places, to learn such proper trades and employments, as in their judgment will be most conducive to their reformation and amendment, and will tend to the future benefit and advantage of such youths. 5 10 15

Power of Inspectors to apprentice them, &c.

Who shall be received into the penal department.

XI. And be it enacted, That the Masters of the said Houses of Correction, respectively, shall receive into the penal department thereof, all males under sixteen years of age convicted before any Criminal Court of this Province, of any offence punishable under the existing laws of the Province, by imprisonment in the Penitentiary, and deemed by the Judge, Recorder, Mayor, or other presiding Judge, proper objects for the House of Correction: and youths so sent to the House of Correction shall be detained therein during the term of their sentence, as they might have been in the Penitentiary; and each of the said Masters shall receive into the corrective department of the House of Correction under his charge,— 25 30

And who into the Correction Department.

1st. Lads under sixteen years of age, committed upon any criminal charge for which if found guilty, they would be sentenced to imprisonment in the County or City Gaol, and deemed by the Judge or other presiding Magistrate, proper objects for the House of Correction; Provided always, that the Parent, Guardian or next friend of each such lad, shall consent thereto. 35

2nd. Lads under sixteen, committed by any County Judge, Mayor, County Warden, Recorder, Police Magistrate or Justice of the Peace, on the complaint and due proof made to him by the parent, guardian or next friend, of any such lad, that by reason of incorrigible or vicious conduct, he has rendered his control beyond the power of such parent, guardian or next friend, and made it manifestly requisite that from regard for the morals and future welfare of such lad, he should be placed in the House of Correction. 40 45

3rd. Lads under sixteen years of age committed by any authority last named, on complaint and due proof in each

case, that the lad is a proper subject for the House of Correction in consequence of vagrancy, or incorrigible or vicious conduct, and that from the moral depravity, or otherwise, of his parent, guardian or next friend, in whose custody he is, such parent, guardian or next friend is incapable or unwilling to exercise proper care and discipline over such incorrigible or vicious lad.

And it shall be the duty of the functionary committing any lad to either of the departments of either House of Correction to state in writing, fully and clearly, the ground on which he is committed, and the names and residences of the parties on whose evidence he acted, and the substance of each witness's testimony; and without such statement is appended to it no commitment will be valid, and the Master shall not receive the lad named therein.

Reasons of  
commitment to  
be stated in  
writing.

XII. And be it enacted, That the Sheriff or other Officer directed to convey any person to either of such Houses of Correction, shall have full power so to do by himself or by his Deputy, and to detain such person in custody or re-take him if he escape, and to command the assistance of others in re-taking him, in each and every District, County or other locality through which he shall have to pass, as well as in the District, County or locality in which the order was made, and by virtue of such order, without its being indorsed or countersigned by any functionary whatever.

Powers to per-  
sons convey-  
ing youths to  
the Houses of  
Correction.

XIII. And be it enacted, That the whole executive management and control of each of the said Houses of Correction shall, under the written instructions of the Inspectors, be vested in the Master of such House, and all transactions and dealings on account of the said House of Correction, shall be conducted by and in his name, and he shall be capable, in law, of contracting, suing and being sued in all Courts and places, and in all matters concerning the said House of Correction, by his name of office of "*The Master of the House of Correction for Upper (or Lower) Canada,*" as the case may be, and by that name the said Master shall be, and is hereby authorized to sue for any recover all sums of money that may be or become due from any person in the Province on account of such House of Correction, and by that name he and his successors in office shall have perpetual succession; and each such Master shall be appointed by the Governor General of this Province, during pleasure, with a salary not exceeding £ per annum, with a free house and fuel; and the said Masters may be suspended for cause by either of the Inspectors, until the pleasure of the Governor shall be known.

Executive  
control vested  
in Masters,  
subject to in-  
structions of  
Inspectors.

XIV. And be it enacted, That the said Inspectors may appoint such other officers inferior to the Master as may

Inferior Offi-  
cers.

be found necessary, with such reasonable salaries as their duties entitle them to; and the said officers may be suspended by the Master, at any time, until action is taken on the ground thereof by the Inspectors; and the Master and either of the Inspectors, or the Inspectors jointly, may remove any such officers, when they deem that the interests of the Institution demand it. 5

Inspectors required to visit Houses of Correction, &c.

XV. And be it enacted, That one or both of the said Inspectors shall visit the said Houses of Correction at least once in each month, and shall on such occasions thoroughly inspect the whole affairs and workings thereof, and it shall be their duty to call for and receive from each Master, on or before the 20th January of each year, a Report on the state and operations, educational, industrial and financial of his House, for the year ending the 31st December preceding, and such other returns as the said Inspectors shall designate. And the said Inspectors shall prepare and transmit on or before the 10th of February following the receipt of such Report of the said Masters, an Annual Report to the Governor upon the condition of the said Houses, and the moral and industrial progress of the inmates thereof. 10 15 20

And to report.