

Provincial Legislature.

EXTRACTS FROM THE JOURNALS OF THE HOUSE OF ASSEMBLY, JANUARY 31.

The Honorable Mr. Johnston, by command of His Excellency the Lieutenant Governor, delivered the following Message:—

"New Brunswick.

"Message to the House of Assembly, 29th January, 1842.

"W. M. G. COLEBROOKE, Lt. Governor.

"The Lieutenant Governor lays before the House of Assembly, copies of two Despatches from the Secretary of State for the Colonies, containing Reports from the Inspectors of Prisons in England, upon the state of the Prisons in this Province, and the Act for establishing a House of Correction; also a Despatch containing a Schedule of the Acts which were passed in the last Session of the Legislature, which are reserved for consideration."

"W. M. G. C."

The several documents communicated by the foregoing Message, being severally read at the Clerk's Table, are as follow:—

DESPATCH RELATIVE TO STATE OF PRISONS.

(Copy.)—No. 7.

Downing Street, 1st October, 1841.

SIR,—I have to acknowledge the receipt by my predecessor of your Despatch, No. 46, of the 11th of August last, with its enclosures, relative to the state of the Prisons of the Province of New Brunswick.

Having referred this subject for the consideration of the Commissioners of Prison Discipline in this Country, I now transmit for your information and His Excellency's guidance, a Copy of their Report, and of the Rules and Regulations to which it refers.

I have, &c. &c. &c.

(Signed) STANLEY.

Sir W. COLEBROOKE, &c. &c. &c.

N. B.—4 and 5 Reports will be sent next Mail.

REPORT FROM INSPECTORS OF PRISONS IN ENGLAND.

(Copy.)

Raymond Buildings, 23d September, 1841.

SIR,—We beg to acknowledge the receipt of your Letter, dated the 4th instant, transmitting, by direction of Secretary Sir James Graham, for our report and observations thereon, a Copy of a Despatch from the Lieutenant Governor of New Brunswick, together with the several enclosures, on the state of the Prisons and Prison discipline in that Province.

In reply, we beg to state that we have carefully examined these several Documents, and we enclose a memorandum containing a summary of the defects which are stated to exist in the Prisons in New Brunswick, and which the Lieutenant Governor is so anxious to remedy. It appears, however, from his Despatch, No. 46, dated the 11th August last, that further Legislative powers are necessary to remove the evils complained of in the County Prisons, and to effect an entire revision in their management. We submit that the Act which will be required for this purpose should contain provisions to the following effect:—

1st. To raise and appropriate Funds for the building, rebuilding, repair, alteration, support, and management of Prisons.

2d. To appoint visiting Justices, and to prescribe their Duties.

3d. To enact certain statutory Rules to be observed in all Prisons.

4th. To give powers to make additional Rules, to be submitted to the Lieutenant Governor, and to be altered, added to, and certified by him.

5th. To appoint Keeper, Chaplain, Surgeon, Matron and Subordinate Officers.

These points comprise the principal subjects for enactment, and we submit, that in order to assist the authorities in framing the Act, it will be desirable to transmit to the Lieutenant Governor Copies of the Acts for the regulation of Gaols in this Country, viz:—4th Geo. IV. c. 64—5th Geo. IV. c. 35—5th and 6th Wm. IV. c. 38—and 2d and 3d Viet. c. 56.

We concur in the opinion expressed by the Lieutenant Governor, that Inspectors of Prisons should be appointed.

As considerable advantage may result from the transmittal to this Country of Plans for the erection of new Prisons before they are determined upon, we beg to suggest whether instructions may not be given to this effect.

We would further recommend, that Copies of the official code of Rules for the Government of Prisons, be sent to the Lieutenant Governor, together with "Extracts" from the 2d, 3d, 4th and 5th Reports of the Home Inspectors of Prisons, which contain Plans and information on the subject of Prison construction.

We herewith return the several enclosures of your Letter.

We have, &c. &c. &c.

(Signed)

WILLIAM CRAWFORD,

WHITWORTH RUSSELL,

Inspectors of Prisons.

S. M. PHILLIPS, Esquire, &c. &c. &c.

Summary of the Reports on the County Gaols, in the Province of New Brunswick, transmitted by the Lieutenant Governor in his Despatch (46) dated the 11th August, 1841.

County Gaol, Gloucester—Building decayed—affords no security for safe keeping of Prisoners—Debtors experience extreme suffering from heat in summer—want of space—no yard—no established Rules—no attendance of Chaplain—no Bibles nor Prayer Books—no labour or employment—no fixed Diet—no exercise in the open air—no restriction on convicted Prisoners receiving communication from friends—Fee of ten shillings for every Debtor.

County Gaol, Carleton—No female Officer—money allowance instead of a fixed Diet—no allowance of Clothing or Bedding—no labour or employment—no attendance of a Chaplain—no Bibles nor Prayer Books—no apartment for the sick—an insane Prisoner in confinement—convicted Prisoners not prohibited from receiving Visits or Letters—a Fee of seven shillings and sixpence for each Debtor.

County Gaol, Kent—No allowance of Bedding or Clothing—a money allowance instead of a fixed Diet—no yard—no labour or employment—no attendance of a Chaplain—no Bibles nor Prayer Books—Dissenting Ministers not allowed access to the Prisoners—convicted Prisoners not prohibited from receiving Visits or Letters—a Fee of ten shillings for each Debtor.

County Gaol, Sunbury—No allowance of Clothing or Bedding—no labour or employment—no attendance of Chaplain—no Religious Instruction—no Bibles nor Prayer Books—a Fee of eight shillings for each Debtor.

County Gaol, Northumberland—No female Officer—no allowance of Clothing or Bedding—no attendance of Clergymen—no Religious Instruction—no Bibles or Prayer Books—no separate apartment for the sick.

County Gaol, York—No airing yard—no labour or employment—no attendance of Chaplain—no Religious Instruction—no Bibles nor Prayer Books—convicted Prisoners not prohibited from receiving Visits—a Fee of seven shillings and sixpence for each Debtor.

City and County Gaol, Saint John—No allowance of Clothing or Bedding—no yard—no stated attendance of Clergymen—no Bibles nor Prayer Books—no place set apart for the sick—convicted Prisoners not prohibited from receiving visits—a Fee of five shillings for each Debtor—Rooms in basement damp and very injurious to health—The principal Story—Rooms not properly ventilated, considered injurious in summer to the health of the Prisoners, when confined for any length of time. The dilapidation of the Building great.

County Gaol, Queen's County—Female Prisoners not necessarily attended by females—no allowance of Bedding or Clothing—communications with convicted Prisoners not prohibited.

County Gaol, Queen's County—no yard—a money allowance instead of a fixed Diet—no allowance of Bedding or Clothing—no labour or employment—no attendance of Chaplain—no Religious Instruction—no Bibles nor Prayer Books—communications with convicted Prisoners not prohibited.

County Gaol, Charlotte County—No Clothing or Bedding—no systematic instruction—no labour or employment—communication with convicted Prisoners not prohibited—a Fee of five shillings for each Debtor.

County Gaol, Westmorland—No female Officer—two Rooms only for Criminals and Debtors—no labour or employment—no attendance of a Chaplain—no Religious Instruction—no Bibles nor Prayer Books—no apartment for the sick—communications with convicted Prisoners not prohibited—money allowance instead of fixed Diet.

DESPATCH RELATING TO HOUSE OF CORRECTION, SAINT JOHN.

Downing Street, 2d October, 1841.

(Copy.)—[No. 8.]

SIR,—I have to acknowledge the receipt by my predecessor, of your Despatch, No. 38, of 26th of July last, transmitting an Act, (No. 1385) entitled "An Act to establish a Provincial House of Correction."

Having referred this Act for the consideration of the Inspectors of Prisons in this Country, I now transmit for your information, a copy of their Report, and I have to instruct you to bring under the consideration of the Council and Assembly, the suggestions of the Inspectors, in whatever form you may consider such communication can be most properly and conveniently made.

In the mean time Her Majesty's decision on this Act will be suspended.

I have, &c. &c.

(Signed)

STANLEY.

His Excellency Sir W. M. G. COLEBROOKE.

REPORT FROM INSPECTORS OF PRISONS IN ENGLAND, RELATIVE TO HOUSE OF CORRECTION, SAINT JOHN.

Raymond Buildings, 22d September, 1841.

(Copy.)

SIR,—We beg to acknowledge the receipt of your letter dated 14th instant, transmitting, by directions of Secretary Sir James Graham, for our report and observations thereon, a copy of an Act passed by the Legislature of New Brunswick, No. 1385, to establish a Provincial House of Correction.

In return we beg to observe, by the 6th clause of this Act power is given to certain Commissioners to make Rules and Regulations for the government of the Prison, subject to the revision of the Lieutenant Governor in Council. In framing the Gaol Act in England, the Legislature considered it indispensable that certain Rules, from their importance and general application, should be made statutory. We therefore submit that the same course should be adopted with reference to the Act for the establishment of a Provincial House of Correction at New Brunswick, and that a clause should be introduced, preceding clause VI. to the following effect:—

"And be it further enacted, That the following Rules and Regulations shall be observed and carried into effect in the said House of Correction, so far as such Rules may be applicable or can be applied to the particular description or class of prisoners confined in such Prison;" and the Rules contained in the 4th Geo. IV. c. 64, s. 10, should be inserted in the above clause, with such modifications as local circumstances may render necessary.

We further submit that the 6th clause should be so amended as to enable the Commissioners to make such additional Rules as they may deem expedient, with similar powers to those conferred on Courts of Quarter Sessions in this Country, for which purpose we submit that the clause should be altered in the following manner:—

"And be it further enacted, That it shall and may be lawful for the said Board of Commissioners at any and at all times, to make such further and additional Rules for the government of the said House of Correction, and for the care and superintendence of the Prisoners, and for the duties of the Keepers and Officers of the said Establishment, as to them may seem expedient: and the said Board of Commissioners are hereby required forthwith on the making of any such additional Rule or Rules, to transmit a copy thereof to the Lieutenant Governor or Commander in Chief for the time being, and it shall be lawful for the said Governor or Commander in Chief for the time being, with the advice of the Executive Council, at any time or times to amend any such Rule or Rules, or to make additional Rules thereto, and also to annul the same or any of them; and to subscribe a certificate that such Rules and Regulations as submitted to him, or amended or added to, shall be binding upon all persons whomsoever; provided always, that all such additional Rules and Regulations shall be consistent with, and conformable to the Rules and Regulations contained in this Act; printed Copies of which Rules shall be posted up in some conspicuous place in the said House of Correction, and no Rule which shall be made after the time appointed for this Act to go into operation, for any of the purposes aforesaid, shall be of any force until a certificate shall have been duly subscribed by the said Lieutenant Governor, &c."

With reference to the 7th clause, we submit that the words "added to" be inserted after the word "amended," in the third line.

With reference to the 8th clause, we beg to suggest that it shall be amended so as to render the appointment of a Keeper, Chaplain, Surgeon, and Matron indispensable, and that it shall not be lawful to dispense with any of those Officers. For which purpose we submit that the 8th Clause should be altered in the following manner:—

"And be it further enacted, That the said Board of Commissioners shall have full power and authority at any and at all times, and they are hereby required to nominate and appoint a Keeper, Chaplain, Surgeon, Matron, and other requisite Officers, other than the Commissioners appointed, in and about the said House of Correction, and them and every of them to remove; provided that it shall not be lawful for them to take away or discontinue any of the Offices of Keeper, Chaplain, Surgeon, and Matron; and the said Board also shall and may, &c."

We submit, whether it may not be advisable, in order to assist the Colonial Government in framing Rules for the Provincial Prison, to transmit some Copies of the official code of Prison Rules to the Lieutenant Governor of New Brunswick.

We return the enclosure of your Letter.

We are, &c.

(Signed)

WILLIAM CRAWFORD,

WHITWORTH RUSSELL,

Inspectors of Prisons.

S. M. PHILLIPS, Esquire, &c. &c. &c.

FEBRUARY 1.

The Honorable Mr. Johnston, by command of His Excellency the Lieutenant Governor, delivered the following Messages:—

"New Brunswick.

"Message to the House of Assembly, 1st February, 1842.

"W. M. G. COLEBROOKE, Lt. Governor.

"The Lieutenant Governor lays before the Assembly, the copy of a Communication he received from the Mayor and Common Council of Saint John, representing the severe distress occasioned in the City after the late Fires, and the difficulty at a period of commercial embarrassment of providing for the relief of the Poor who were thrown out of employment, in consequence of which he made temporary advances to the Corporation of £3250, to be reimbursed from Monies due to them by the Public.

"The Lieutenant Governor also informs the House, that an advance of £250 has been made to the Magistrates of Portland, to aid the employment of the destitute in that Parish.

"The Lieutenant Governor communicates to the House, papers relative to a new Settlement on the Road to Saint Andrews, which has led to the formation of other Associations with the same object,—also the Reports he has received from the Surveyor General on the subject, and having authorized an advance of £200 to open a Communication to the first Settlement, he recommends to the House, in anticipation of any general measures for the execution of such works, that similar advances may be sanctioned to facilitate the opening of the necessary communications to the various locations which are about to be occupied.

"Having found it necessary to sanction a temporary advance to defray the expenses of the Officers appointed by him to visit the Indian Settlements, and whose Reports will be laid before the House, he recommends that such further advances as may be required to carry into effect arrangements for the formation of Villages, and the settlement of the Reserves, may be sanctioned."

"W. M. G. C."

"New Brunswick.

"Message to the House of Assembly, 1st February, 1842.

"W. M. G. COLEBROOKE, Lt. Governor.

"The Lieutenant Governor lays before the Assembly, an Account rendered by the Sheriff of Restigouche, of certain expenses incurred in providing for the protection of the Gaol, and Police of the County, in consequence of a serious disturbance of the Public Peace which occurred in the last year.

"W. M. G. C."