

1902a

BILL.

AN ACT RESPECTING THE ALBERTA ~~REFORMATORY~~
FOR BOYS.

(Assented to

HIS MAJESTY, by and with the advice and consent
of the Legislative Assembly of the Province of Alberta,
enacts as follows:4

SHORT TITLE.

Short title, 1. This Act may be cited as "The Reformatory Act."

INTERPRETATION.

Interpretation. 2. In this Act, unless the context otherwise
requires,-

"Sentence," (a). The expression "sentence" includes any order
made by lawful authority for the confinement of any boy
in the reformatory hereinafter mentioned;

"Sentenced," (b). The expression "sentenced" includes the making
of such order;

(c) The expression "~~reformatory~~" means "The Alberta
~~Reformatory~~ for Boys

"Minister." (d). The expression "Minister" means the Attorney
General of Alberta.

ESTABLISHMENT OF REFORMATORY.

Name and estab- 3. There shall be an institution in this Province
lishment of ^{School} to be known as "The Alberta ~~Reformatory~~ for Boys," and
~~reformatory~~
~~prison.~~ the said institution shall be a reformatory prison within
the meaning of any present or future Act of the Legis-
lature of Alberta or of the Parliament of Canada relative
to reformatory prisons.

Situation of
~~reformatory.~~

4. Until otherwise provided, by Act of this Legislature or by order of the Lieutenant Governor in Council, the said institution shall be situated at such place as shall be designated by the Lieutenant Governor in Council

Object of
~~reformatory.~~

5. The ~~reformatory~~ shall have for its objects the custody and detention, with a view to their education, industrial training and moral reclamation, of such boys as shall be lawfully sentenced to confinement therein.

Officers,

6. The Lieutenant Governor in Council may, from time to time, appoint for the ~~reformatory~~ a superintendent, a storekeeper and steward, a matron, one or more schoolmasters, a surgeon and such trade-instructors, overseers, and other officers and servants as the efficient management of the said ~~reformatory~~ may require, and may fix and determine their respective salaries.

Commitment of
boy to ~~reform-~~
~~atory.~~

7. The constable to whom a warrant of Commitment of any boy, sentenced to confinement in the said ~~reformatory~~, is entrusted, or any officer or person authorized or appointed for that purpose by the Judge or magistrate who imposed such sentence, shall, with all convenient speed, convey and deliver up such boy, together with such warrant, into the custody of the superintendent of the ~~reformatory~~, or such other person as may for the time being be in charge thereof, and the superintendent or other person in charge shall give a receipt in writing for every boy so received into his custody to the constable or other officer or person as his discharge; and such boy shall be kept in custody in the ~~reformatory~~, or other lawful place to which he may be removed, until the termination of his sentence, or until his pardon, release or discharge by law, or until he is removed therefrom by competent authority.

His removal
there,

Period of
his detent-
ion,

Powers of constable.

8. The constable or such other officer or person may secure and convey such boy through any district through which he may have to pass; and until such boy shall have been delivered to the superintendent of the ~~reformatory~~, or other person for the time being in charge thereof, or to the keeper of any place to which such boy may lawfully be removed from the ~~reformatory~~, the constable or such other officer or person shall have, in every part of this Province through which it may be necessary to convey such boy, full and absolute jurisdiction, power and authority over and with regard to such boy, and to command the assistance of any person to prevent his escape and to recapture him in case of his escape.

GENERAL REGULATIONS.

Contracts, how to be made,

9. All dealings and transactions on account of the ~~reformatory~~, and all contracts for goods, wares or merchandise necessary for the maintaining and carrying on of the industrial operations of the said institution, or for the sale of goods prepared or manufactured therein or for the hire, labor or employment of any boy therein, confined, either within or without the limits of the ~~reformatory~~, shall be entered into and carried out in the name of the Minister of Public Works of Alberta on behalf of His Majesty.

Lieutenant Governor in Council may make rules,

10. The Lieutenant Governor in Council may make rules and regulations for the management, interior economy and discipline of the ~~reformatory~~, and for fixing and prescribing the duties and conduct of the superintendent and every other officer and servant employed therein, and for the clothing, maintenance, education, employment, industrial instruction, classification, discipline, correction, punishment, reward and

and general oversight and care of all boys sent to the ~~reformatory~~, and may repeal and amend the same from time to time.

Minister may
suspend
officers,

11. The Minister shall have power summarily to suspend any of the officers or servants of the ~~reformatory~~ for misconduct or other cause in his opinion warranting such action, until the circumstances of the case shall have been reported to and decided by the Lieutenant Governor in Council; and the Minister may, in the meantime, cause any officer or servant so suspended to be removed beyond the precincts of the ~~reformatory~~; and it shall be the duty of the Minister to recommend the removal of any officer or servant whom he finds incapable, inefficient or negligent in the execution and performance of his duty, or whose presence in the ~~reformatory~~ he may deem injurious to the interests thereof; and the pay of every officer or servant so suspended shall cease during the period of such suspension.

Inspection of
~~reformatory~~
by Minister,

12. The Minister shall have power, at all times, to enter into the ~~reformatory~~ and have access to every part thereof, and to examine all papers, documents, vouchers, records, books and other things belonging thereto, and to investigate the conduct of any officer or servant employed in and about the ~~reformatory~~, or of any person found within the precincts thereof; and may summon any person before him, by order under his hand, and examine such person under oath touching any matter relating to any breach of the rules of the ~~reformatory~~, or any matter affecting the interests of the institution, and may, by the same or like order, compel the production of books, papers and writings before him; and any person having been duly served with a copy of such order, who shall

May summon
witnesses and
compel product-
ion of books,
&c.

shall neglect or refuse to appear at the time and place specified therein, or shall refuse to give evidence or to produce the books, papers or writings demanded of him, may, by virtue of a warrant under the hand of the Minister, be taken into custody and imprisoned in the common gaol, as for contempt of Court, for a period not exceeding fourteen days.

SUPERINTENDENT.

Powers and duties of superintendent,

13. The superintendent of the ~~reformatory~~ shall reside in or near the ~~reformatory~~ building, and shall be the chief executive officer thereof, under the direction of the Minister, and as such shall have the entire execution, control and management of all its affairs, subject to the rules and regulations made as aforesaid, and shall be held responsible for the faithful and efficient administration of the offices of every department of the institution.

Superintendent to receive and detain boys sentenced to ~~reformatory~~.

14. The superintendent shall receive into the ~~reformatory~~ every boy legally certified to him as sentenced to confinement therein, and shall there detain him, subject to all the rules, regulations and discipline thereof, until the time to which he has been sentenced shall be completed, or until he shall be otherwise lawfully discharged.

Superintendent to notify parents. &c.

15. The superintendent shall, upon the reception of any boy into the ~~reformatory~~, ascertain the address of the parents, guardians or other person with whom such boy has been living, and shall send by mail, registered, a notice that such boy has been committed to the ~~reformatory~~.

OATHS OF OFFICIALS.

Oaths to be taken by officials of ~~reformatory~~

16. Every superintendent, officer and servant employed permanently in the said ~~reformatory~~ shall severally take and subscribe, in a book to be kept for that purpose by the superintendent at his office, the oath of allegiance to His Majesty and the following oath of office, that is to say:—

I, A.B., do promise and swear that I will faithfully, diligently and justly perform the duties of in the Alberta ~~Reformatory~~ for Boys to the best of my ability, and that I will carefully observe and carry out all the rules and regulations of the said ~~reformatory~~. So help me God.

Who shall administer oaths,

17. Such oaths may be administered by a justice of the peace to the superintendent, and to any of the other officers or servants by the superintendent.

SENTENCES OF CONFINEMENT.

Persons sentenced under criminal law held as required by law of Canada

18. Any person who shall be sentenced under the criminal law or other law of Canada to confinement in the ~~reformatory~~ may be confined therein and shall be held and treated as required by the law of Canada, but in other respects shall be subject to the law, rules and regulations governing the ~~reformatory~~. Nothing in this Act shall be deemed as intended to be inconsistent with the laws of Canada governing the case of such person, or as intended to affect the punishment lawfully imposed upon any such person.

Boys between ten and 13 years of age may be sent to ~~reformatory~~ upon proof that they are so incorrigible

19. Upon complaint and due proof made to the Judge of any District Court, or any police magistrate in this Province, by the parent or guardian of any boy between the ages of ten and thirteen years, that, by reason of incorrigible

or vicious
as to be
beyond control,

incorrigible or vicious conduct, such boy is beyond the control of such parent or guardian, and that a due regard for the material and moral welfare of such child manifestly requires that he should be committed to the ~~reformatory~~, the Judge or police magistrate may order such boy to be confined in the ~~reformatory~~ for an undefined period not to exceed five years.

Time of confinement in ~~reformatory~~.

20. Any Court, Judge or police magistrate, who, under and by virtue of any Act of the Legislature of this Province, has or shall have power to sentence any boy to be confined in the ~~reformatory~~ for any stated period, may sentence such boy to be confined therein for an undefined period; and such boy shall thereupon be detained in the ~~reformatory~~ until he be reformed or otherwise fit to be apprenticed or bound out, or be probationally or permanently discharged, as hereinafter provided:

Proviso,

Provided that such boy shall not be detained for a longer time than the maximum term of ~~the~~ confinement for which he might have been sentenced for the offence of which he was convicted, and that no boy shall be sentenced under this section who cannot be imprisoned for two years or over.

Warrant of detention in gaol of persons sentenced to ~~reformatory~~.

21. In case a boy is sentenced to confinement in the ~~reformatory~~, a copy of the sentence of the Court duly certified as aforesaid, or the warrant or order of the Judge or police magistrate by whom such boy is sentenced, shall be a sufficient authority for the person having the lawful custody of such boy, who may be directed so to do (which direction may be verbal), to convey such boy to the gaol of the judicial district or any guard room of the Royal North-West Mounted Police in

in the judicial district in which such sentence is pronounced, and for the gaoler of such gaol to receive and detain the said boy until the constable or other person entrusted with the warrant of the Minister shall require the delivery of such boy for removal to the ~~reformatory~~.

Detention in gaol when boy cannot be safely or conveniently removed to ~~reformatory~~.

22. In case any boy sentenced to be confined in the ~~reformatory~~ is in such a weak state of health that he cannot safely or conveniently be removed to the reformatory, he may be detained at the gaol of the judicial district or guard room or other place of confinement in which he may be, until he is sufficiently recovered to be safely and conveniently removed to the ~~reformatory~~; but any time during which such boy is so detained shall be reckoned in computing the time to be served by such boy in the ~~reformatory~~.

Record to be kept with a view to mitigation of sentence.

23. In order to encourage good behaviour and industry among the boys in the said ~~reformatory~~, and with a view to permitting every boy to earn a remission of a portion of the term for which he was sentenced to the said ~~reformatory~~, it shall be lawful for the Minister to make rules, so that a correct record of the conduct of every boy may be made, under the mark system.

Discharge of boy when reformed,

24. When, under the rules in that behalf, a boy shall have obtained the requisite number of good marks, based upon good conduct, proficiency in school and industrious habits, and shall, in addition thereto, have given satisfactory evidence of being reformed, it shall be the duty of the superintendent to transmit to the Minister a certificate to that effect, whereupon the Minister, if he considers it requisite, shall make further inquiry into the facts and, having satisfied

himself

himself that the boy has earned his discharge, shall forthwith take steps to have the remaining portion of the sentence of such boy remitted, or to have such boy discharged on probation for a stated period:

Proviso.

(a) Provided that no action shall be taken under this section in respect of any boy who has not been at least one year in the ~~reformatory~~;

(b) Provided, also, that the Judge of any District Court or any police magistrate, upon satisfactory proof that any boy who was sentenced under the provisions of any Act of the Legislature of Alberta, and who has been discharged on probation has violated the conditions of his discharge, may order such boy to be re-committed to the ~~reformatory~~, there to be confined for the residue of the term for which he was originally sentenced.

DISCHARGE FROM REFORMATORY.

25. In case any respectable and trustworthy person is willing to undertake the charge of any boy committed to the ~~reformatory~~, when such boy is over the age of twelve years, as an apprentice to the trade or calling of such person, or for the purpose of domestic service, and such boy is confined in the ~~reformatory~~ by virtue of a sentence pronounced under the authority of any Statute of this Province, the superintendent may, with the consent and in the name of the Minister, bind the said boy to such person for any term, not to extend beyond the term of five years from the commencement of his imprisonment without his consent, and the Minister shall thereupon order that such boy shall be discharged from said ~~reformatory~~, and he shall be discharged accordingly:

Proviso, Provided that any wages reserved in any indenture of apprenticeship made under this section shall be payable to the said boy or to some other person for his benefit.

Boys not to be discharged on Sunday, 26. Whenever the time of any boy's sentence in the ~~Reformatory~~, under any law within the legislative jurisdiction of this Province, shall expire on a Sunday, he shall be discharged on the previous Saturday, unless he desires to remain until the Monday following.

Boys not to be discharged if laboring under certain diseases, 27. No boy shall be discharged from the ~~reformatory~~ at the termination of his sentence, if then laboring under any contagious or infectious disease, or under any acute or dangerous illness, but he shall be permitted to remain in the ~~reformatory~~ until he recovers from such disease or illness:

Proviso, Provided, however, that any boy remaining in the ~~reformatory~~ from any such cause shall be under the same discipline and control as if his sentence were still unexpired.

ANNUAL REPORT.

Superintendent's annual report, 28. On or before the ~~thirteenth~~ ^{fifteenth} day of January in each year, the superintendent of the ~~reformatory~~ shall furnish the Minister with a statement of the names and numbers of the boys sentenced and confined during the year ending on the thirty-first day of December immediately preceding, the date of admission, the cause, the cost of maintenance, the date of discharge and any other information he may deem advisable or that the Minister may require.

PRESERVATION OF ORDER.

Officials of ~~school~~ 29.
~~reformatory~~
constables
for certain
purposes,

The superintendent, officers and employees of the ~~reformatory~~ are hereby constituted police officers for the ~~reformatory~~ and for the grounds connected with and belonging to the same, and are empowered to proceed against or summarily arrest all persons within said ~~reformatory~~ and grounds who shall be guilty of any offence therein against the laws of Canada or ^{of} the Province or the rules and regulations of the ~~reformatory~~, and to arrest any vagrants or idle persons who shall refuse to leave said ~~reformatory~~ premises when requested so to do by any of said officers, and to take any such before any Court of competent jurisdiction, and to cause proper complaint to be made against such offender; and for such purpose said superintendent, officers and employees shall possess all the powers and authority of police officers and constables.

Penalty for
disorderly
conduct with-
in precincts
of, ~~reformatory~~

30. Any person who shall be guilty of any noisy, boisterous or disorderly conduct, fighting, immoderate drinking or drunkenness, indecent exposure of the person, lewd, wanton or obscene conduct, or vulgar or obscene language, or of any offence against the laws of Canada or of the Province or the rules and regulations of the ~~reformatory~~, within said ~~reformatory~~ or the grounds thereof, may be proceeded against or summarily arrested by said officers or employees, or any of them, and on conviction shall be liable to a fine of not less than one dollar nor more than fifty dollars.

PROTECTION OF INMATES.

Penalty for
abuse of ~~school~~
~~reformatory~~
boys by
officials
thereof.

31. Any officer or other person in charge of or employed in the ~~reformatory~~, who shall abuse, neglect or ill-treat any boy confined therein, shall, on conviction, be punished by a fine not exceeding one hundred dollars or by such other punishment as may be prescribed for such offence by any law or ^ostatute in force in this Province.

PROSECUTIONS.

Prosecutions,

32. All prosecutions under this Act may be brought and heard before any police magistrate or justice of the peace, and any police magistrate or justice of the peace shall have power to award payment of costs in addition to the penalty. The penalty, when recovered, shall be paid over by such justice or police magistrate to the Provincial Treasurer; and, in default of payment, the offender shall, by warrant signed and sealed by the police magistrate or justice of the peace, be imprisoned for a period of not less than one day nor more than one year, at the discretion of such justice or police magistrate, unless the penalty and costs be sooner paid.

Imprisonment
in default
of payment of
penalty.

ESCAPES.

Re-capture
of boy escap-
ing from the
institution,

33. In case any boy or boys confined in the ~~reformatory~~ escape therefrom, it shall be lawful for the superintendent or any of the officers of the ~~reformatory~~, or for any other person or persons at his or their request, or any of them, within one year thereafter to retake such escaped boy or boys and return him or them to the ~~reformatory~~ from whence he or they escaped; and he or they shall

remain

Punish-
ment for
escape,

remain in custody therein, under the authority by virtue of which he or they was or were detained prior to the escape, and any such boy shall be subject to such further punishment for the escape as may be imposed by law or in virtue of any regulations in force in such ~~reformatory~~ for the government of persons confined therein.

VISITORS.

Visitors,

34. Any Judge of the Supreme Court or of the District Courts, any police magistrate and any member of the Legislative Assembly of Alberta, shall at any time be admitted as a visitor to the ~~reformatory~~.

SCHEDULE.

The following is the schedule referred to in this Act:—

SCHEDULE A. (Section 8.)

Return with
reference to
boy liable to
transfer to
~~reformatory.~~

RETURN WITH REFERENCE TO BOY LIABLE TO TRANSFER TO
~~REFORMATORY.~~

(A separate return to be made with each boy.)

1. Name in full.
2. Age.
3. From what Court sentenced.
4. Date of sentence.
5. Period of nature and sentence.
6. Place of residence.
7. Place of birth.
8. Name and post office address of parents, guardian,
or other person with whom boy has been living.
9. Trade, occupation or calling of boy, if any.
10. Temperate or intemperate.
11. If married, state the fact.
12. Religious denomination.
13. Degree of education.
14. Offence.
15. Fine, if any.
16. Opinion of person in whose custody boy is, as to
physical and mental condition of boy and his fitness to
perform ordinary work.

Dated this day of , 19 .

(Signature of person in whose custody
boy is.)

22d Session

First Legislature of EDWARD VII.
1908.

B I L L.

An Act respecting the Alberta
Reformatory for Boys.

Received and read the

First time
Second time
Third time

Mr.

EDMONTON:

J. H. BISHOP, KING'S PRINTER.

A. D. 1908.