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c 134 Female Refuges Act

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CHAPTER 134

The Female Refuges Act

1. In this Act,

Interpretation.

- (a) "industrial refuge" means an institution for the care of females, designated by the Lieutenant-Governor in Council as an institution to which females may be committed under this Act;
- (b) "inspector" means inspector appointed under *The Penal and Reform Institutions Inspection Act*, who is designated to inspect institutions under this Act; Rev. Stat. c. 273.
- (c) "judge" means judge of the Supreme Court, judge of a county or district court, judge of a juvenile court, or magistrate;
- (d) "Minister" means Minister of Reform Institutions;
- (e) "superintendent" means matron or other person in charge of an industrial refuge. R.S.O. 1937, c. 384, s. 1; 1948, c. 30, s. 1.

2.—(1) Any female between the ages of fifteen and thirty-five years, sentenced or liable to be sentenced to imprisonment in a common jail by a judge, may be committed to an industrial refuge for an indefinite period not exceeding two years. Commitment of females to industrial refuges. R.S.O. 1937, c. 384, s. 2 (1).

(2) An inmate of a training school for girls may be transferred on warrant signed by the inspector to an industrial refuge, there to be detained for the unexpired portion of the term of imprisonment to which she was sentenced or committed. Commitment of inmates of industrial schools. R.S.O. 1937, c. 384, s. 2 (2); 1942, c. 34, s. 13 (1).

(3) No Protestant female shall be committed or transferred under this Act to a Roman Catholic institution and no Roman Catholic female shall be committed or transferred to a Protestant institution. Religion of inmates. R.S.O. 1937, c. 384, s. 2 (3).

3.—(1) The inspector may at any time order the release on parole of any inmate of an industrial refuge upon such conditions as may be deemed proper. Release of inmates on parole.

Re-taking inmates on breach of conditions of parole.

(2) Every parole granted to an inmate shall be conditional whether so expressed or not and a person who fails to observe the conditions of parole may be taken into custody on warrant signed by the inspector and may be returned to the industrial refuge.

Record of conduct.

(3) A correct record of the conduct of the inmates of the industrial refuge shall be kept with a view to permitting any inmate to be released on parole by the inspector. R.S.O. 1937, c. 384, s. 3.

Discharge by order of Lieutenant-Governor.

4. The Lieutenant-Governor may at any time order that any person who has been committed or transferred to an industrial refuge shall be discharged. R.S.O. 1937, c. 384, s. 4.

Transfer to jail or reformatory.

5. The inspector may direct the removal of any inmate from an industrial refuge to a common jail or to the Andrew Mercer Ontario Reformatory for Females. R.S.O. 1937, c. 384, s. 5; 1939, c. 47, s. 12.

Female bailiff to make transfer.

6. Any female bailiff to whom the warrant of the judge or the inspector is directed may convey to the industrial refuge named in the warrant the person named therein and deliver her to the superintendent. R.S.O. 1937, c. 384, s. 6.

Recapture of escaped inmates.

7. An inmate who escapes from an industrial refuge may be again arrested without any warrant by any constable or other police officer and returned to the refuge. R.S.O. 1937, c. 384, s. 7.

Examination of persons in custody.

8.—(1) A legally qualified medical practitioner having the care of the health of the inmates of an industrial refuge shall examine all inmates within three days after their admission to the refuge and every six months thereafter.

Certificate to be forwarded to inspector.

(2) The superintendent shall forward to the inspector the medical practitioner's reports of every inmate within three days after the examination prescribed by subsection 1. R.S.O. 1937, c. 384, s. 8.

Appointment of a board.

9.—(1) The Lieutenant-Governor in Council may appoint a board composed of three persons, namely, the inspector and two legally qualified medical practitioners.

Powers of the board.

(2) The board shall review findings of the medical practitioner as provided for in section 8 and for such purposes may examine inmates and shall have access to all institutional records pertaining to the inmates brought before them.

(3) The board may make such recommendations to the inspector with respect to all inmates examined as aforesaid as may be deemed proper. Board may make recommendations.

(4) The inspector upon recommendation of the board may direct the removal of any feeble-minded inmate to the Ontario Hospital School, Orillia. Transfer of patient to hospital school.

(5) The inspector upon recommendation of the board may direct the removal of any inmate who is suffering from venereal disease to a hospital for proper treatment. Transfer of patient to hospital.

(6) The corporation of the municipality in which an inmate transferred to an hospital receiving aid was at the time of commitment resident, shall be liable for the maintenance of the inmate and the provisions of *The Public Hospitals Act* with respect to maintenance shall be applicable thereto. Maintenance. Rev. Stat., c. 307.

10.—(1) No inmate shall be discharged from an industrial refuge if she has syphilitic or other venereal disease or is suffering from any contagious or infectious disease or has any acute or dangerous illness, but she shall remain in the industrial refuge until a legally qualified medical practitioner on the staff of the refuge gives a written certificate that such inmate has sufficiently recovered from the disease or illness to be discharged, and any inmate remaining from any such cause in the industrial refuge shall continue to be under its discipline and control. Detention of inmates with certain diseases.

(2) The superintendent shall forward to the inspector the medical practitioner's reports of all persons detained, as provided for in subsection 1, once every thirty days. Report to be forwarded to the inspector. R.S.O. 1937, c. 384, s. 10.

11. The superintendent shall forward to the inspector every warrant providing for the admission of any inmate within three days of such admission. Warrants to be forwarded to inspector. R.S.O. 1937, c. 384, s. 11.

12. No person shall be admitted to an industrial refuge except on warrant signed by a judge or transfer warrant signed by the inspector. No one to be admitted except on warrant. R.S.O. 1937, c. 384, s. 12.

13. Every industrial refuge shall be a house of correction for the purpose of the *Prisons and Reformatories Act* (Canada). Refuges to be houses of correction. R.S.C. 1927, c. 163. R.S.O. 1937, c. 384, s. 13.

14. All by-laws or regulations of the trustees or other governing body having the control or management of an Regulations.

industrial refuge for the government, management and discipline of such institution or as to maintenance, employment, classification, instruction, correction, punishment and reward of persons detained therein shall be in writing and no such by-law shall have force or effect until approved by the Lieutenant-Governor in Council upon the report of the inspector. R.S.O. 1937, c. 384, s. 14.

Who may
be com-
mitted.

15.—(1) Any person may bring before a judge any female under the age of thirty-five years who,

(a) is found begging or receiving alms or being in any street or public place for the purpose of begging or receiving alms;

(b) is an habitual drunkard or by reason of other vices is leading an idle and dissolute life.

Inquiry to
be made.

(2) No formal information shall be requisite, but the judge shall have the person brought before him and shall in the presence of such person take evidence in writing under oath, of the facts charged and shall make reasonable inquiry into the truth thereof.

Hearings
in private.

(3) The judge shall hear all cases coming before him under this section in private.

Committal
to industrial
refuge.

(4) If the judge is satisfied on inquiry that it is expedient to deal with such person under this Act instead of committing her to a jail or reformatory, he may commit such person to an industrial refuge for an indefinite term of not more than two years. R.S.O. 1937, c. 384, s. 15.

Appeal to
Court
of Appeal.

(5) Any order made under this Act shall be subject to an appeal to the Court of Appeal.

Rev. Stat.,
c. 379 to
apply.

(6) Except as otherwise provided herein, *The Summary Convictions Act* shall apply to proceedings under this Act. 1942, c. 34, s. 13 (2).

Copy of
depositions
to be
forwarded.

16. The judge shall deliver to the person having the execution of the warrant the depositions taken by him or a certified copy thereof, which depositions or copy shall be delivered to the superintendent or officer receiving such person into the industrial refuge. R.S.O. 1937, c. 384, s. 16.

Parents or
guardians
may bring
charge be-
fore judge.

17. Any parent or guardian may bring before a judge any female under the age of twenty-one years who proves unmanageable or incorrigible and the judge may proceed as provided in sections 15 and 16. R.S.O. 1937, c. 384, s. 17.

18. All commitments made under this Act shall be reported by the judge to the secretary of the Board of Parole within three days from the making of the order and it shall be the duty of the Board to investigate the case of every person confined under this Act and if deemed proper the Board may recommend to the inspector the granting of parole to any such person. R.S.O. 1937, c. 384, s. 18.

Report and
investiga-
tion of cases
by Parole
Board.

19. The Lieutenant-Governor in Council may make regulations providing for the amount payable by a municipality to an industrial refuge for the maintenance of females belonging to any such municipality committed to such industrial refuge and providing for the manner of determining to which municipality any female belongs. R.S.O. 1937, c. 384, s. 19.

Mainten-
ance.
