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## c 178 Industrial Farms Act

Ontario

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## CHAPTER 178

## The Industrial Farms Act

1.—(1) The council of a county or of a city having a population of not less than 50,000 as shown by the last census taken under the authority of the Parliament of Canada, may pass by-laws for establishing, equipping and maintaining one or more industrial farms which in the case of a city may be established within or without the limits of the city, and for acquiring the lands necessary for that purpose. R.S.O. 1937, c. 387, s. 1 (1).

(2) One or more industrial farms may be established anywhere in Ontario by the Lieutenant-Governor in Council. R.S.O. 1937, c. 387, s. 1 (2); 1946, c. 41, s. 1.

2. An industrial farm shall not be established until the site and plans for the buildings to be erected thereon have been approved by the Lieutenant-Governor in Council on the report of an officer authorized by the Lieutenant-Governor in that behalf, or an officer designated under subsection 1 of section 9 of *The Penal and Reform Institutions Inspection Act*. R.S.O. 1937, c. 387, s. 2.

3.—(1) The Lieutenant-Governor in Council may order that from a day to be named in the order an industrial farm shall be the common jail within the meaning of *The Jails Act* of any counties or provisional judicial districts, or of any combination of counties and provisional judicial districts.

(2) No such order shall be made until an officer designated under subsection 1 of section 9 of *The Penal and Reform Institutions Inspection Act* has reported that a sufficient lock-up for the safe custody of prisoners held or committed for trial or on remand in each county or district named in the order or in custody prior to the committal for trial, or pending their removal to the industrial farm, reformatory for Ontario, or penitentiary, has been provided in or near the county or district town.

(3) The lock-up may be the building formerly used as the common jail of the county or provisional judicial district or part thereof, or some other building approved by an officer mentioned in subsection 2, and shall be established, equipped and maintained without cost to the Province. 1946, c. 41, s. 2.

Joint action by two or more municipal corporations.

Rev. Stat., c. 273.

4. In lieu of establishing separate industrial farms the councils of two or more counties or cities may, with the approval in writing of an officer authorized by the Lieutenant-Governor in that behalf, or an officer designated under subsection 1 of section 9 of *The Penal and Reform Institutions Inspection Act*, enter into an agreement for the establishment, equipment and maintenance of, and may establish, equip and maintain an industrial farm. R.S.O. 1937, c. 387, s. 3.

Transfer from jail to industrial farm.

5.—(1) Prisoners who are convicted of offences against any Act of the Legislature or against a municipal by-law, or who may be lawfully committed for offences against the criminal law, may be transferred on a warrant of an officer authorized by the Lieutenant-Governor in that behalf, or an officer designated under subsection 1 of section 9 of *The Penal and Reform Institutions Inspection Act*, from any common or district jail, or from any other place of legal custody, to an industrial farm.

Transfer of prisoners.

(2) A male prisoner in an industrial farm whose sentence has not expired may be transferred to an Ontario reformatory or to the jail of the county or district in which he was sentenced, or to any other industrial farm or jail, upon the warrant of an officer mentioned in subsection 1, and any such officer may also direct the removal of any female prisoner in an industrial farm to the Andrew Mercer Reformatory for Females or to an industrial refuge for females or to the jail of the county or district in which she was sentenced. R.S.O. 1937, c. 387, s. 4.

Appointment of superintendent, etc.

Rev. Stat., c. 273.

6. The superintendents, guards, clerks, accountants, engineers and all other officers and employees of industrial farms shall be appointed by the Lieutenant-Governor in Council upon the report of an officer designated under subsection 1 of section 9 of *The Penal and Reform Institutions Inspection Act*, and shall be paid such salaries by the county or city or authority establishing and maintaining such farms as shall be prescribed from time to time by the Lieutenant-Governor in Council, provided that in any industrial farm for male prisoners established and equipped by the corporation of a city of over 100,000 persons, the corporation of the city may appoint one engineer and one steward, but if such appointments are made, the engineer and the steward shall be subject to the same discipline and the same rules and regulations as any other officer or employee of such farm. R.S.O. 1937, c. 387, s. 5.

Agreements for extending sewerage system to industrial farm.

7.—(1) The council of a county or city which has established an industrial farm or industrial farms may from time to time enter into an agreement or agreements for

connecting the industrial farm or industrial farms with the sewerage system of any municipal corporation and may pass all by-laws and do all things necessary to carry the agreement or agreements into effect.

(2) Such council of a county or city may contract with The Hydro-Electric Power Commission of Ontario or with any municipal corporation, company, firm or individual, owning or operating a waterworks system or works for the production and supply of electricity for light, heat or power, for the supply of water for domestic purposes and for fire protection, or for the supply of electricity for light, heat or power purposes at the industrial farm or industrial farms.

Contracts for supplying water, light and power.

(3) For the purpose of connecting the industrial farm or industrial farms with a sewerage or waterworks system or electrical works, the corporation of the county or city, its officers, servants, agents or workmen may enter upon and pass over any lands or highways lying between the industrial farm or industrial farms and the points of connection, and may dig up the lands and highways and construct sewers and lay down pipes and place all necessary poles, wires and appliances and do all necessary work in or upon the lands and highways, making due compensation to the owners as provided by *The Municipal Act*.

Power to carry necessary works over intervening lands.

Rev. Stat., c. 243.

(4) Where two or more such counties or cities have established a joint industrial farm or industrial farms, they shall have in respect to the industrial farm or industrial farms, all the powers conferred upon the council of a county or city by this section. R.S.O. 1937, c. 387, s. 6.

Powers of corporations establishing a joint industrial farm.

8. It shall not be necessary to obtain the assent of the electors to a by-law for raising such moneys as may be required for the establishment, equipment and maintenance of an industrial farm or for the acquiring of lands required for that purpose. R.S.O. 1937, c. 387, s. 7.

Assent of electors not required to by-law establishing industrial farm.

9. The Lieutenant-Governor in Council upon the recommendation of an officer designated under subsection 1 of section 9 of *The Penal and Reform Institutions Inspection Act*, may make rules and regulations for the management, discipline, government and control of industrial farms and prescribing the requirements to be observed in keeping the buildings, plants and machinery in repair. R.S.O. 1937, c. 387, s. 8.

Rules and regulations.

Rev. Stat., c. 273.

10. Rules and regulations made under this Act may provide for requiring every prisoner committed to an industrial farm to perform such work or services at such time, for such hours and at such trade or labour as may be deemed

Work of prisoners.

advisable, and for buying material therefor, and for selling or otherwise disposing of the articles manufactured or produced therefrom. R.S.O. 1937, c. 387, s. 9.

Employment beyond the precincts.

**11.**—(1) The Lieutenant-Governor in Council may authorize, direct or sanction the employment of any prisoner upon any specific work or duty beyond the limits of the industrial farm.

Conditions of employment.

(2) Every such prisoner during such employment shall be subject to this Act and the regulations and the discipline of the industrial farm. 1948, c. 46, s. 1.

Cost of maintenance of industrial farm.

**12.**—(1) Except where otherwise provided by agreement the cost of the maintenance of an industrial farm, as referred to in subsection 1 of section 1, including the salaries of the superintendent and the officers and employees thereof, and of the persons committed or transferred to it, and all other expenses incidental thereto, shall be borne and paid in the same manner and by the same county or city and the Province in the same proportion as if the industrial farm were a common jail under *The Administration of Justice Expenses Act*.

Rev. Stat., c. 5.

In case of joint farms.

(2) In the case of a joint industrial farm, the counties or cities by which it is established shall provide, by agreement, the proportions in which the costs and expenses mentioned in subsection 1 shall be borne by them respectively, and by which of them such costs and expenses shall be paid in the first instance, and the terms of the agreement may be varied from time to time as occasion may require, and if the corporations are unable to agree as to the variation, the same shall be determined by arbitration under *The Municipal Act*, but no such variation, except by agreement, shall be made more often than once in every five years. R.S.O. 1937, c. 387, s. 10 (1, 2).

Rev. Stat., c. 243.

Cost of maintenance.

(3) The cost of the establishment, equipment and maintenance of an industrial farm referred to in subsection 2 of section 1 shall be borne and paid by the Province. R.S.O. 1937, c. 387, s. 10 (3); 1946, c. 41, s. 3.

Monthly reports by superintendent. Rev. Stat., c. 273.

**13.** The superintendent of every industrial farm shall, during the first week of each calendar month, transmit by registered post to an officer designated under subsection 1 of section 9 of *The Penal and Reform Institutions Inspection Act*, a report showing the number of prisoners admitted, discharged, paroled and deceased in the industrial farm during the preceding month, on the form prescribed by such officer, together with such other particulars as he may require. R.S.O. 1937, c. 387, s. 11.