

this matter very careful consideration, which resulted in the appointment of a Committee to proceed to Ottawa to confer with the Government of the Dominion with regard to the matter. The report of this delegation is as follows:—

*To the Mayor and Justices of the Peace in and for the City and County of Saint John in General Quarter Sessions, conceived:—*

The Committee appointed to proceed to Ottawa on matters connected with the Penitentiary, respectfully submit:—

That in compliance with a Resolution passed at a special Sessions held in January last, referring to the Penitentiary in this County, they proceeded to Ottawa and arrived there on the 3rd February last, and were called upon by the Honble. S. L. Tilley, the representative of this City in the Dominion Parliament and one of the Justices of the City and County of Saint John, who anticipating their arrival, had made arrangements to secure an early interview with the Honorable the Minister of Justice. On the next day, accompanied by the Hon. Mr. Tilley, your Committee had the honor to lay before the Minister of Justice in the fullest manner the claims and money interest which the City and County of Saint John had in the Penitentiary, supported by the Laws of the Province of New Brunswick, in existence prior to the Confederation of these Provinces, in reference to the same and to the rights therein conserved to us of sending criminals for minor offences there. Whereupon the Hon. the Minister of Justice admitted we had claims, and requested your Committee to confer with the representatives of the Province of Nova Scotia and New Brunswick having seats in the Dominion Council and urge them to concur in some scheme that would place both Provinces in a position to be finally treated by the Dominion. Your Committee succeeded in interviewing the respective representatives named, and were assured that a recommendation to the Dominion Council would be proposed to build a Penitentiary for the two Provinces, as suggested in the Report of the Inspector of Penitentiaries in 1868, and to treat with the Sessions of this City and County with reference to our Penitentiary. The result of the proceeding in Council was communicated to your Committee on the 13th February by the Hon. Mr. Tilley, who informed them that the Council had unanimously agreed to the same as recommended and that a memo would be forwarded to us through the Dominion Minister of Justice, which has not yet come to hand.

Your Committee having no authority or instruction to treat for the transfer of the buildings and property to this City and County, could take no further action in the matter.

Respectfully submitted,

(Signed)

W. H. A. KEANS,  
JAMES A. HARDING, } Committee.

St. John N. B., March 1871.

At a special meeting of the Saint John Magistrates, held in the Court House, in March 1871, the above report was received and oral explanations were made, from which the Justices informally learned that the Government of Canada recognized the vested rights of the City and County of St. John as well as of the other Counties of the Province in the Institution, and that it would not be unwilling to transfer, in the near future, the "St. John Penitentiary with its equipment" for a discharge of the Bond and Mortgage now held by the above named Counties. At first blush this offer appeared most reasonable; but upon full debate being had, the writer (Mr. Marshall) and other Magistrates present, in strong language, asserted that to accept this informal offer would be to take from Canada an "Institution" which would prove an "Elephant" on the hands of our rate payers. So there the matter ended at that time; the "Sessions" almost unanimously holding the view of the matter indicated by the foregoing statements.

Subsequently, say in October 1871, the Provincial Government through its "Better Terms Delegation," took ground very similar to that already taken by the Sessions in the premises, as will more fully appear by reference to the report of the Delegation, published in the Journals of the Province of New Brunswick.

In January, 1875, Sheriff Harding and the writer, were a Delegation to Ottawa, in reference to the matter, and on their return made the following report to the General Committee of the General Quarter Sessions; which had been appointed, with almost plenary powers with regard to the adjustment of this important matter, viz:—

St. John, N. B. 30th Jan., 1875.

Gentlemen:—The Memorial of the Sessions of the City and County of Saint John to His Excellency the Governor General, and other papers relating to the Saint John Penitentiary under cover from the Clerk of the Peace, were received by us on the evening of the 22nd