

and subject to which the said lands and buildings were originally transferred to the Provincial Government."

"That, as your memorialists conceive it is a matter of public faith that the rights reserved to the said city and county should have been specially regarded and maintained by the Dominion Legislature and Government, as they doubtless would have been by the Assembly and Government of New Brunswick had Confederation not taken place."

The memorial then prays: "That Your Excellency will cause the subject matters of this memorial to be enquired into, and if the statements therein set forth and contained, be found correct and true—and your memorialists believe they cannot be gained or disputed—direct such steps to be taken as will ensure to your memorialists and the said city and county of St. John, the continuation in perpetuity of the rights so reserved as aforesaid, or that such other provisions for dealing with the class of convicts which, under the existing law, will shortly be shut out from the said penitentiary, may be made in the premises as will relieve this city and county from the great loss and detriment to which it would be subject, and will also prevent the violation of the terms upon which the institution and premises aforesaid passed out of the said sessions, and subsequently became the property of the Dominion of Canada."

Enquiry was made from the Warden with reference to the allegations of the memorialists as to the arrangements upon which they relied.

He reports that he made enquiry of Mr. Weldon, Q.C. (then Agent of the Minister of Justice at St. John); Mr. Harding, Sheriff; Mr. Frith, Clerk of the Peace; Mr. Keans, M.P.P., and Mr. Wedderburn, M.P.P., several of whom had been delegates to Ottawa on the subject; and he adds that all these gentlemen state that they had no written agreement on the subject in their possession, but that whatever documents there are in writing, are in the offices of the Honorable Premier and the Honorable the Minister of Justice at Ottawa.

No trace of any such documents can be found in the Department of Justice, and the Secretary of the Department of Public Works reports the same result as to that Department.

The Warden states, further, that all these gentlemen say that an agreement was made, or that there was an understanding, that the short-term prisoners should be sent from the City and County of St. John to the Penitentiary.

Mr. Weldon's report to the Warden refers to the Act. He states that subsequent enactments in the different Police Acts of St. John and Portland empowered the respective Police Magistrates to commit from these courts. He adds that there does not appear to be any special agreement except that when the Province assumed the charge, and it became a Provincial Institution, it was tacitly agreed that it should still continue a House of Correction for this City and County.

Mr. Sheriff Harding's letter refers to the revised Statutes as shewing that in lieu of the interest of the City and County in the institution, the special powers referred to were given to the Justices.

Mr. Frith, Clerk of the Peace, says that it was *part of the consideration of the transfer* that the City and County should always have the right of sending petty criminals and offenders thereto, either by direct sentence or by order of the Sessions, from gaol. He also referred to the revised Statute as containing the right.

A despatch was sent to the Lieutenant-Governor of New Brunswick for information upon the payments in respect of the erection of this building.

A reply to this despatch was received, inclosing a statement prepared by Mr. H. W. Frith, the Clerk of the Peace of the City and County of St. John, informing the Secretary of State that an accurate statement of the expenditure could only be obtained from that source, and that the payments made by the Province on account of this expenditure appear to be accurately stated.

The letter of the Clerk of the Peace to the Mayor of St. John, dated February 8th, 1876, is as follows:—

"In compliance with your request to be furnished with information as to the settlement of accounts between the Sessions of the City and County of St. John and