

That, although the said Province assumed control of the said House of Correction in the year A. D. 1842, it did not secure full, complete and absolute control legally until the year A. D. 1844.

That one of the terms of transfer was, that in perpetuity short term prisoners, as well as convicts, were to be cared for at the sole expense of the said Province of New Brunswick, as far as the City and County of Saint John were concerned.

That this privilege, viz.—that short term prisoners, as well as convicts, were to be cared for in perpetuity by the said Province of New Brunswick, at the sole expense of said Province,—was subsequently extended to all parts of the Province without any reservation of any nature or kind soever.

That in the year A. D. 1852, the City and County of Saint John was obliged to ask the Legislature of New Brunswick for authority to assess and collect from the ratepayers of the said City and County of Saint John the sum of eight thousand dollars, being a balance still due for expenditure in connection with the said House of Correction above and beyond the amount received by former assessment upon the ratepayers of the said City and County, as well as above and beyond the amount received from the said Province of New Brunswick under the arrangement for the transfer of said Institution as aforesaid.

That up to the year A. D. 1868, the rights reserved to the said City and County of Saint John, as well as to the respective Counties throughout the Province, were never questioned, but were on the contrary fully recognized and maintained in the year A. D. 1854 by the Government and Legislature of New Brunswick, as will appear by reference to the Revised Statutes of the Province passed in that year.

That The British North America Act of 1867, Cap. 3, intituled "An Act for the Union of Canada, Nova Scotia and New Brunswick, and for the government thereof, and for purposes connected therewith," provided amongst other matters and things, that the establishment, maintenance and management of Penitentiaries, shall devolve exclusively upon the Parliament of Canada.

That in the year A. D. 1869, the Parliament of Canada enacted, that imprisonment for any term short of two years, should be in a Common Gaol, or Some Prison or place other than the Penitentiary; but the Province of New Brunswick was exempted from the operation of this Statute.

That the fifth annual report of the Directors of Penitentiaries of the Dominion of Canada for the year 1872, made the following recommendation, viz:—"If it be decided to continue the Penitentiary at Saint John, the Directors beg leave most earnestly to advise that the committal of vagrants and prisoners under short sentences, should be discontinued. This practice is subversive of discipline, and greatly impedes the reformation of the convicts, by their unavoidable intercourse with those who are so frequently convicted for petty offences." Your committee beg to submit, that the arguments of these Directors, although from their stand-point reasonable, do not offer any good reason why the Parliament of Canada, in contravention of existing rights, as hereinbefore fully stated, and without fair and reasonable indemnity, transfer the great burden and expense of caring for these short term prisoners, from the Central Government to the Local Government of the Province of New Brunswick.

That the legislation had in Canada in the year A. D. 1870, as well as in subsequent years, with a view to the transfer of short term prisoners from Dominion Penitentiaries to local places of imprisonment, is unfair to the tax-payers of the Province of New Brunswick, and at variance with the spirit and the letter of The British North America Act of 1867.

That a reference to the respective annual Reports of the Directors of Penitentiaries of the Dominion of Canada, for the several years since the Confederation of these Provinces, will exhibit the relative proportions of