

such necessary orders and regulations for the carrying and taking such persons together with the necessary costs and charges of the same as to them the said Justices may seem fit, and the keeper of the said House of Correction shall forthwith receive such person or persons into his custody, and the said person or persons where so removed and placed in the said House of Correction shall remain there and be kept to hard labor until the several and respective terms of punishment shall expire."

6. That up to the time of Confederation of the said Provinces, the rights thus reserved and secured to the said City and County were never questioned, but on the contrary were fully recognized and maintained in the year 1854 by the Government and Legislature of the Province, as will appear by reference to the revised Statutes of the Province passed in that year, Cap. 91, sections 12, 13 and 14.

7. That under and by virtue of the British North America Act of 1867, and a subsequent Act of the Dominion Parliament, namely, 31 Vic. Cap. LXXV., the institution and premises above mentioned passed over to the Dominion of Canada, and, inadvertently, as your memorialists conceive, without any reference to the vested rights of the said Justices and of the said City and County of Saint John therein.

8. That in 1869, by 32-33 Vic., Cap. XXIX., it was 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 by sec. 96 of the same chapter, the Provinces of Nova Scotia and New Brunswick were exempted from the operation of this Statute.

9. That in 1870, by 33 Vic., Cap. XXX., this exemption was repealed, subject to the provision that such repeal should not take effect in the case of one-year convicts prior to the 1st May, 1873, and of two-years convicts prior to the 1st May, 1874.

10. That in 1873, by 36 Vic., Cap. LII., the periods last above named were further extended, that is to say: In the case of one-year convicts to 1st May, 1875, and in that of two-years convicts to 1st May, 1876.

11. That all the above-cited Statutes apply equally to the Provinces of Nova Scotia and New Brunswick, and that in none of them are recognized in any way the clear and inalienable rights of the said City and County of Saint John, reserved as above mentioned by the said Acts of Assembly, and subject to which the said lands and buildings were originally transferred to the Provincial Government.

12. That a reference to the statistics of the said Penitentiary from its establishment will show that fully ninety per cent. of all the convicts sent thereto are from the City and County of St. John, and that, of these, above ninety-five per cent. are under two-years convicts.

13. That as your Memorialists conceive, it is a matter of public faith that the rights reserved to the said City and County, should be 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.

Your Memorialists therefore pray that Your Excellency will cause the subject-matter 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 gainsaid or disputed, will direct such steps to be taken as will ensure to your memorialists and the said City and County of Saint John, the continuation in perpetuity of the rights so reserved as aforesaid, or that such other provision for dealing with the class of convicts which, under the existing law, will shortly be shut out from the said Penitentiary, 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.

And as in duty bound your Memorialists will ever pray.