

forced to do, that a claim did lie as regards the City of St. John, against the Institution, by virtue of its implied Bond and Mortgage: but arguing that this liability of the Province of New Brunswick, if it had been considered at the Quebec Conference would naturally have increased the debt of the Province, and that as this had not been done we cannot now open up the matter. A greater fallacy could not have been advanced, as it is well known that the relative value of the Penitentiary properties of each Province was not at all considered by the Delegates: but that the Central Government accepted the several Penitentiaries of Canada and they were, under the terms of Union, to be respectively administered and maintained at the expense of the Dominion. This contention is fortified by the following letter from one of the delegates of that day, the Right Hon. Sir John A. Macdonald:—

Toronto, 18th May, 1878.

Sir,—In answer to your favor of the 9th inst., I have to state that at the Quebec Conference the Penitentiaries in each Province were agreed to be handed over to the Dominion Government and to be maintained at the expense of the Dominion. No valuation of the properties was made at the time, so far as my recollection serves me.

I am, yours very obediently,

JOHN A. MACDONALD.

ROBERT MARSHALL, Esq., M. P. P., St. John, N. B.

I may further add that I have seen another of the Delegates who verbally said to me that my contention in this regard was correct.

Learning incidentally a few days ago, that it is the intention to remove the Convicts or Prisoners sentenced for over two years to the Dorchester Penitentiary this fall, I have felt constrained, although at considerable inconvenience, to collate this information, so that our tax-payers may each, for himself, have an opportunity to consider the matter in all its bearings.

This question is not a party or political matter, and should, I opine, be fairly considered and equitably adjusted on its merits alone. To offer the premises now known as the St. John Penitentiary over, either to the City and County of St. John, or to the Province, as an equivalent for our vested rights, would be to hand us over an Elephant which would cost the people of the Province at least **\$22,000.00** a year, and of this sum the now overburdened rate payers of St. John would be called upon, unjustly, to pay about **\$10,000.00** annually.

During the past year I have sent to the officers of Penitentiaries and Houses of Correction of the New England States, as well as to officers of the Penitentiaries and Houses of Correction of other States in that commonwealth, and have received many valuable reports, which I have carefully examined and the result has been to convince me that we have only very moderately stated our case, in the arguments which have been made, from time to time, with regard to this important and vexatious matter.

The maintenance and management of the St. John Penitentiary should still be a Dominion and neither a Provincial nor County charge, and I do hope that such a decided stand will be taken by parties on both sides of politics, and without reference at all to other public issues, that our just rights may be considered and protected.

I have the honor to be gentlemen,

Faithfully your obedient servant,

ROBERT MARSHALL.