

proper tribunals, the Legislature would hesitate to attempt it, or to make appropriations towards subjects which in law they have no power to deal with.

It has been the desire of the Government of New Brunswick, since the subject has been under discussion, that the liability as between the Dominion on the one hand, and the Provincial Government and local authorities on the other, for the maintenance of the class of prisoners above referred to as "Short-Term," convicted under the Criminal Laws of Canada, and the maintenance of prisons for their confinement, should be determined by the Supreme Court of Canada, and that a case should be referred to that Court for that purpose, and the contention thereby set at rest. After some negotiations it was agreed that a case should be so referred, but upon the proposed case being submitted to the Provincial Government and their Council it was found and objected that the case proposed would not raise the points actually in issue, and an endeavor was made to have it amended or considered and argued as involving the point, which, however, was objected to by the Deputy Minister of Justice, Mr. Lash, and in that respect not submitted; the result of which necessarily was, that the Court could not, and did not, deal with or determine the real contention between the Governments. This will abundantly appear by reference to the letters and memorandum of Mr. King, acting for New Brunswick, and other, the papers submitted herewith. It is submitted that the question in difference is one of law depending on the construction of the British North America Act, and admitted circumstances and Statutes existing before, and at the time of Confederation. The issues are very important to the Province of New Brunswick, and as we believe, to the administration of the Criminal Law of Canada in that Province, and have been some years in dispute between the Governments. We therefore would again most strenuously urge, that a case be submitted to the Supreme Court that will fairly and fully raise for argument and determination before and by that Court (in the nature of advice to the Crown or otherwise) the important issues involved; that upon its being finally determined such legislation as may be necessary shall be had to carry into effect what may thus be determined to be the obligations of either Government.

In conclusion, it may be advisable, though probably not necessary, to again express our hope that the proposition we now renew will be agreed to; but that should it not, and should the Provincial and local authorities be compelled to incur expenses and meet burthens in this matter, which we contend and believe are not properly upon us, any such expenditure and responsibility must be considered to be compelled under our most earnest protest, and claim to be recouped when the points now in dispute are legally decided, as we believe they must ultimately be.

We have the honor to be your obedient servants,

D. L. HANNINGTON,  
P. A. LANDRY,  
E. McLEOD.

DEPARTMENT OF JUSTICE, OTTAWA, 21st February, 1883.

SIR,—I have the honor, by direction of the Minister of Justice, to acknowledge the receipt of a communication from yourself, the Provincial Secretary, and the Attorney-General of New Brunswick, regarding the question of the maintenance of short term prisoners.

In reply, I beg to say that the matter shall receive early and full consideration.

I am, Sir, your obedient servant,

GEO. W. BURBIDGE, *Deputy Minister of Justice.*

Hon. D. L. HANNINGTON, Premier, Dorchester, N.B.

MUNICIPALITY OF THE CITY AND COUNTY OF ST. JOHN,  
OFFICE OF THE SECRETARY, ST. JOHN, N.B., 9th February, 1883.

SIR,—By direction of the Council of the municipality of the City and County of St. John, I have the honor to enclose herewith the Joint Memorial of the said