

fully settled and determined without delay. We submit that the administration in our Province of the criminal laws of the Dominion demands that it shall not longer remain as heretofore, but that every proper means available shall be used to have it determined, in order that if the burthen properly rests upon our Province such provisions may be made by legislation and otherwise as shall secure the maintenance of the prisoners at less cost to the local authorities than at present, and with less risk to the public health, as well as that of the prisoners, than can be secured under existing circumstances and present prison accommodation. It can, we apprehend, be readily perceived that the Provincial Government must hesitate to assume a heavy responsibility and large burthens upon their already limited revenue until that responsibility under the British North America Act is determined. However much we regret the unfortunate condition of offenders in the often overcrowded gaols, and all the resulting risks and expenses to the individual communities now as we believe improperly compelled to bear the burthens, yet it has been, and still is, felt that the responsibility is not rightly put upon us, and to assume and deal with it as if our liability was established would not be just to the Province nor consistent with a proper discharge of duty. When that obligation is legally determined to be ours it will not be shirked, but will be met and dealt with by every means in our power.

While we do not in this contend that it is not the duty of the Provincial Crown officers to prosecute those charged with offences under the criminal laws of Canada, we do submit that it is not our duty to execute the judgment of the Court on those convicted under those laws, and to maintain them in prisons or penitentiaries while undergoing sentence; this hitherto, has, notwithstanding continued protests, been forced upon our local authorities, and to such an extent, that in some counties, and especially the city and county of St. John, the gaols are so crowded that at times from six to eight persons are necessarily confined in one cell; this not only involving great expense to the local authorities, but risk to the local as well as general health, as will appear by memorials from time to time pressed upon the consideration of both Governments.

As an additional reason why the responsibility of the Governments respectively should be legally determined, we submit that, while under the British North America Act it is provided that the Provincial Legislature may make laws in relation to the establishment, "maintenance and management of public and reformatory prisons in and for the Province"; we would contend that this power is simply intended to provide for the punishment of offenders under our local legislation and municipal regulations, as provided by sub-section 15, of section 92 of that Act, and does not apply to offences or offenders under the criminal laws of Canada, but only to such subjects as our Legislature can "exclusively" deal with, and not such as the Dominion Parliament have power to legislate upon, or in respect to. These provisions of that sub-section cannot, we submit, be held to extend our obligations to the complete providing and maintenance of a place of confinement wherein the Parliament of Canada can enact, that convicts for less than two years (and if that power can specify that term, they can as well define five, ten or twenty years as the limit) shall be confined. If Parliament can establish a Provincial prison, erected by the Province for offenders against merely local laws, as a place of imprisonment for offenders under the criminal laws of Canada, and how long prisoners can be kept therein, they certainly can define in what way they shall be kept, and at what, if any employment, and all other the internal regulations for such prisoners; thereby practically negating and ignoring the word "Exclusively" used in section 92, as defining the powers of Provincial legislation, in respect to the subject enumerated in the several sub-sections of that section. If our contention in this respect is correct, and there seem to be other reasons which can be advanced to sustain it, it is at least a very doubtful question whether the Provincial Legislature have any power to enact laws, and thereby establish burthens upon municipalities and local authorities, and make provisions and regulations for the confinement, support and management of persons convicted under the Criminal Laws of Canada, and until the matter is decided by the