

prisoners in the St. John Penitentiary, sentenced to a term of less than two years, I have the honor to transmit to you, herewith, for the information of your Government, a copy of the opinion of the Supreme Court of Canada in reference to the question.

I have at the same time to request that, as the contemplated removal from St. John to the Penitentiary at Dorchester will take place not later than the 15th instant, your Government will, before that date, make the necessary provisions for the imprisonment and charge of prisoners whose sentences are, or may be, less than two years.

I have the honor to be, Sir, your obedient servant,

J. C. AIKINS, *Secretary of State.*

His Honor Lieutenant Governor of New Brunswick, Fredericton.

(Received at Fredericton 13th July, 1880).

OTTAWA, 21st June, 1880.

Hon. J. J. FRASER, Fredericton :—

Opinion of Court in special case just received; it upholds contention of this Government; we expect to remove to Dorchester first July.

JAS. McDONALD.

OTTAWA, 14th July, 1880.

I am directed by the Minister of Justice to inform you that the Warden of the St. John Penitentiary has been instructed not to receive in that penitentiary prisoners whose sentences are less than two years; to prevent misarrangement of justice, I would suggest your notifying Judges and Magistrates accordingly, in order that they may not sentence prisoners to that penitentiary.

Z. A. LASH, *Deputy Minister Justice.*

Attorney-General, Fredericton.

FREDERICTON, 16th July, 1880.

Think our Government without legislative provision or power in the premises, but will meet you in St. John next week, and discuss the matter. If the Minister of Justice opens the doors of St. John Penitentiary by proclamation or otherwise, the responsibility must be his, he cannot make it that of the Local Government. The Deputy Minister was informed by me, that we had not legislated for reasons stated; would regret premature action and its consequences.

I have the honor to be, Sir, your obedient servant,

JNO. JAS. FRASER.

Hon. S. L. TILLEY, St. Andrews.

*From Government of New Brunswick.*

OTTAWA, 7th February, 1883.

SIR,—It becomes our duty again, on behalf of the Province of New Brunswick, to bring under your consideration, and through your Department, to the consideration of His Excellency the Governor-General in Council, the unsatisfactory state, from a Provincial stand-point, of the question of maintenance of short-term prisoners so called, or, in other words, those convicted and sentenced to imprisonment under two years, under the Criminal Laws of Canada.

This subject is one that has for some years engaged the attention of both Governments, and the practically serious results of the present position render it most important that the relative duties of the respective Governments should be