

South 48° East twelve chains, passing the corner of Elliott's House to the Northwest side of Carleton Street; thence South 47° East one chain and one link to the Southeastern side of same Street; thence South 42° East four chains and forty links to the front line of the Officers' Barracks; prolonged thence South 30° East four chains and sixty links to the Northwest side of Regent Street, and more particularly marked and described on this Plan of Survey heretofore annexed. The said Street hereby recorded to be four rods in width throughout in front or on the River side of the course above given.

Dated at Fredericton, the 13th day of January, 1831.
(Signed) D. LUDLOW ROBINSON,
GEORGE E. KETCHUM,
Commissioners of Highways.

The above is a true copy of the original Record filed in my Office.
(Signed) GEO. J. DIBBLEE,
Clerk of the Peace, York.
Fredericton, 20th December, 1842.

(Copy)
[No. 82.] Fredericton, N. B., August 29, 1842.
My Lord.—Referring to your Lordship's Despatch, Military, No. 7, dated July 15th, I have now the honour to enclose to your Lordship copies of the correspondence of this Government with the Commanding Engineer on the proposed exchange with the Ordnance Department of certain plots of ground in Fredericton.

It is to be regretted that the Grounds originally reserved for the Military, and on which permanent Barracks have been erected, should not have been granted; and as Colonel Holloway is coming from Montreal with instructions to confer with me on the subject of the Military Reserve at the Grand Falls, I wish the opportunity could be taken of a final settlement also of the Reserve in Fredericton.

From the enclosed correspondence, elucidated by the Plan No. 1, your Lordship will perceive that the Street and Public Landings, being established by Acts of the Provincial Legislature, and the Inhabitants being prepared to oppose the closing of these thoroughfares, the Government has been precluded from bringing forward a proposal for the exchange desired by the Ordnance Department.

The Inhabitants claim the six Lots, red in the Town Plot, and also the whole of the ground marked yellow, situated along the North side of the Military Plan marked A and B, which are coloured blue; and as the Military Buildings extend over this ground, which is not included in the Reserve, and the disposal of it, and of the space marked yellow between the Landings on the River, would be extremely inconvenient to the Military, it would be desirable if these Grounds were to be included in the Reserve, even though the closing of the Streets should not be assented to, and the six Lots marked red, being from that situation comparatively unimportant to the Military, even if their claim to them were not disputed, the exchange, though less favourable than if the Streets were included, would still be advantageous. On the other hand, the concession proposed by the Ordnance Department of the six Lots, (blue), into the Fuel Yard, would be regarded as so prejudicial to the adjoining property of the Inhabitants in the centre of the Town, from the consequences to be apprehended in the case of fire, that strong remonstrances would be made to such an arrangement.

How far the old Hospital Lots, marked red, which are not let on rent by the Ordnance, could be made available for a Fuel Yard, I do not undertake to determine. The object, however, for this purpose, the removal of the Wood from the present yard in Lot A, (blue), might be effected by the addition of the vacant ground, (marked yellow), to the Reserve.

I have, &c.
(Signed) W. M. G. COLEBROOKE.
The Right Honourable Lord Stanley, &c. &c. &c.

(Copy)
[No. 56.] Fredericton, N. B., 11th July, 1844.
Sir,—I have the honour to enclose to your Lordship, copy of a letter received from the Commanding Officer of Engineers, respecting the Lands claimed by the Ordnance Department in the Town of Fredericton, and of the answer which I have directed to be made to it, with copies of the proceedings in the Assembly in the Session of 1843, to whom I referred the correspondence.

I regret that there is little prospect of inducing the Assembly to agree to the terms of adjustment proposed by the Ordnance, as the Inhabitants of the Town consider it would be prejudicial to the interests of property that the Street should be closed leading through the Ordnance allotments to the River; and equally so that the Ordnance should make a Fuel Yard as contemplated on the six lots, which they hold on a disputed title, in the heart of the Town.

I think that the terms of a reasonable accommodation might be adjusted to the advantage of all parties, and that the Ordnance allotments would be improved by the grant to them of the Bank of the River, without closing the thoroughfares, which would not be done without an Act of the Assembly.

I have, &c.
(Signed) W. M. G. COLEBROOKE.
The Right Honourable Lord Stanley.

(Copy)
Secretary's Office, Fredericton, 10th July, 1844.

Sir,—I have the honour to acknowledge the receipt of your letter of the 3d inst. on the subject of the proposed exchange with the Ordnance Department of Lands in Fredericton, and in answer, to state to you that the Lieut. Governor on the 14th February 1843, submitted to the Assembly the whole of the correspondence on the subject, by which body it was on the 7th of March following, referred to a select Committee to report. The Report, of which I have the honour to enclose you a copy, was made on the first of April, and accepted by the House, since which time no action has been taken.

I have, &c.
(Signed) W. M. F. ODELL.
Lt. Col. Calder, Royal Engineers.

(Copy)
Military.—[No. 15.]

Doubling Street, 2d November, 1844.
Sir,—I have to acknowledge the receipt of your Despatch, No. 56, of the 11th of July last, with its enclosures, relating to the question now pending between the Ordnance Department and the Inhabitants of Fredericton. You intimate that the closing of the public thoroughfare which passes the Ordnance allotments would be considered by the Inhabitants as prejudicial to the interests of property, and that such an arrangement could not be effected without an Act of the Assembly; but you are of opinion that the terms of a reasonable accommodation might be adjusted to the satisfaction of all parties, and that the Ordnance property would be much improved, by the addition of the River frontage.

I shall be glad to receive from you an explanation of the terms on which you consider that these conflicting claims might be satisfactorily adjusted; but although it is very apparent that the Master General and Board shall be advised to accede to the arrangements therein proposed, if the Local Legislature, whose concurrence is required in closing a public thoroughfare, should be induced to sanction it, I defer again to report to your Lordship, until I should be apprized of the result of this reference. I propose to lay the correspondence before the two Houses in the ensuing Session, and will not delay to inform your Lordship if they are disposed to concur in the arrangement as alluded to in Mr. Byham's Letter of the 27th of October.

I have, &c.
(Signed) W. M. G. COLEBROOKE.
The Right Honourable Lord Stanley.

transmit to me, with a view to an adjustment, may be accompanied by a Ground Plan.

I have, &c.
(Signed) LORD STANLEY.

Lieut. Governor Sir Wm. Colebrooke, K. H. &c. &c. &c.
EXTRACT OF A DESPATCH FROM SIR WILLIAM COLEBROOKE TO THE RIGHT HONORABLE LORD STANLEY, DATED FREDERICTON, N. B., FEBRUARY 10TH, 1845.

My Lord.—On the receipt of your Lordship's Despatch, No. 15, Military, of Nov. 2d, I referred to the Surveyor General for his Report on the subject of the exchange of certain lots of land in Fredericton, claimed respectively by the Town's people and the Ordnance Department; but the arrival of Mr. Elliott, the Ordnance Commissioner, from Canada, with instructions to arrange for the Grants of all Lands required by the Ordnance, has enabled him to obtain such precise information of the question at issue, as will facilitate their final settlement; and as an Act has been this day passed to incorporate the Board of Ordnance in the Province, no time will be lost in completing the necessary Grants, when the Commanding Engineer, on receiving Mr. Elliott's, the Commissioner's, Report, shall have obtained the concurrence of the Board in the definition of the limits he may be prepared to recommend.

The Right Honourable Lord Stanley, &c. &c. &c.
(Copy)

Military.—[No. 17.]

Doubling Street, 24th March, 1845.
Sir,—I have to acknowledge the receipt of your Despatch, No. 4, of the 10th of February last.

I shall be glad to learn that the questions now pending between the Ordnance Department and the Inhabitants of Fredericton have been settled to the satisfaction of all parties. At all events, you will not fail to apprise me of the issue of Mr. Elliott's proceedings on the subject.

I have, &c.
(Signed) LORD STANLEY.

Lieut. Governor Sir W. M. G. Colebrooke, &c. &c. &c.

(Copy)

Military.—[No. 19.]

Doubling Street, 6th November, 1845.

Sir,—Having received no further communication from you relating to the Land Questions pending between the Inhabitants of Fredericton, and the Ordnance Department, since your Despatch, No. 4, of the 10th of February last, I am under the necessity of sending you copies of the enclosed letter, and of its enclosure of the Board of Ordnance, and of calling your immediate attention to the subject.

I have, &c.
(Signed) LORD STANLEY.

Lieut. Governor Sir Wm. Colebrooke, &c. &c. &c.

(Copy)

Office of Ordnance, 27th October, 1845.

Sir,—With reference to your letter dated the 28th August, 1844, enclosing the copy of a Despatch from the Lieut. Governor of New Brunswick, suggesting the expediency of the Master General and Board of Ordnance assenting to an "amicable and equitable arrangement" of the Land questions pending between the Inhabitants of Fredericton and the Ordnance Department—

I have the honor, by desire of the Master General and Board, to transmit to you, for Lord Stanley's information, the accompanying copy of a letter from the Commanding Engineer in New Brunswick, to the Inspector General of Fortifications, dated 30th August last, as to the most advisable mode of concluding such an arrangement; and I am to request you will state to His Lordship, that the Master General and Board are still ready to carry out the exchange assented to in their letter of the 23d January, 1839, E-11, provided the Colonial Authorities and Legislature are prepared to assent to the concentration of the Military Establishment, and to the possession of the River Frontage by this Department.

I have, &c.
(Signed) R. BYHAM.

James Stephen, Esq., &c. &c. &c., Colonial Office.

(Copy)

Royal Engineer Office, Halifax, 30th August, 1845.

Sir,—I have the honor to acquaint you, with reference to the Board's Letter under date the 23d October, 1844, E-153, forwarded with your Minute, No. 702, that when at Fredericton, on my annual inspection, I had some conversation with the Lieut. Governor of New Brunswick, relative to the exchange of ground so long pending at that station, which induced His Excellency to consult the Law Officers of the Crown on the best means of carrying out the measure, which he considers as desirable for the Inhabitants generally, as for the Military; and having received the opinion of these Gentlemen, through the Lieut. Governor's Secretary, to the following effect, viz:—

"We think the present difficulties to effecting the object, in view, might be removed, provided the case was properly explained to the Government by the Legislature, at its 'next meeting'."

"That if Lieutenant Colonel Calder would address an official letter, pointing out the necessity of this additional Land being granted to the Government to provide for the better accommodation of the Military Establishment here, and offering to relinquish the claim of the Ordnance to the Hospital Lot, and the other Lots mentioned and proposed 'to be given in exchange, pointing out that the ground between the Barracks and the River, cannot be built upon, as it is within the limits prescribed by the Ordnance, and that if this arrangement is not effected so as to enable the Military Establishment to be perfected, it may ultimately lead to the necessity of quartering a part of the Troops in Garrison on the Inhabitants; such letter being laid before the Legislature by special Message, by His Excellency, with a Bill properly prepared as a Government measure, 'we are of opinion the Legislature would then see the propriety of passing the same; and this course we recommend.'"

May I therefore solicit the Master General and Board's authority to make such a proposition to the Lieut. Governor, with the understanding that should the course recommended fail, the negotiations so long pending shall at once end, and that the Board will then cause the six Town Lots to be enclosed and appropriated as a Fuel Yard as formerly proposed.

I have, &c.
(Signed) J. D. CALDER, Lt. Col.
Commanding Royal Engineers.

(Copy)

[No. 111.] Fredericton, N. B., 30th December, 1845.

My Lord.—I have had the honor to receive Your Lordship's Despatch, Military, No. 19, dated the 6th of November last, on the subject of the proposed exchange with the Ordnance Department of certain Lands in the City of Fredericton.

Having communicated to Lieutenant Colonel Calder, when at this place, the Report of the Attorney General, alluded to in his letter of the 30th of August, in which it was recommended that the Master General and Board shall be advised to accede to the arrangements therein proposed, if the Local Legislature, whose concurrence is required in closing a public thoroughfare, should be induced to sanction it, I defer again to report to your Lordship, until I should be apprized of the result of this reference. I propose to lay the correspondence before the two Houses in the ensuing Session, and will not delay to inform your Lordship if they are disposed to concur in the arrangement as alluded to in Mr. Byham's Letter of the 27th of October.

I have, &c.
(Signed) W. M. G. COLEBROOKE.
The Right Honourable Lord Stanley.

(Copy) Fredericton, 29th July, 1845.

Sir,—We have the honor to return the communication of Colonel Calder, referred to me by His Excellency's command, for our opinion on the different points raised by him, viz:—

First.—"The ground lying between the Barracks and the River, having been granted by an Order of Council, 'for Military purposes in 1829, in consideration of the contemplated exchange, could the Commissioners of Highways legally lay out the Street, called Campbell Street.'"

Secondly.—"Is the simple record of such Street by the 'Commissioners of Highways legal without the approval of the Assembly.'"

Thirdly.—"As the ground is ungranted, may not the Crown, under the Act of the Province, require to be reinstated in it according to law, for the better accommodation of the Troops sent into the Province for its defence, and as it belongs neither to a body corporate or a private individual, (being reserved for public use,) without compensation?"

As respects the first question—Colonel Calder is under a mistake in supposing the Minute of Council, made the 29th February, 1829, in the nature of a Grant from the Crown. The object of that Minute of Council was merely to express the consent of that body to transfer, the Land described therein to the Crown, if the contemplated exchange should be carried into effect, which exchange was prevented, in consequence of not obtaining the sanction of the Legislature to an Act necessary to carry the same into effect, of which the tenor of the subsequent Order in Council, dated 2d December, 1842, is full evidence.

As to the second question—The Commissioners of Highways having laid out and caused the Road to be recorded agreeably to the provisions of the Act of Assembly in such case provided, is final and binding without the approval of the Assembly.

As to the third question—The Land referred to in our opinion does not come within the provisions of the Acts of Assembly of the Province, 43 and 53 George the 3d, relating to the Crown reserving itself in the title to Lands required for Military purposes.

But we think the present difficulties to effecting the object in view, might be removed, provided the case was properly explained by the Government to the Legislature at its next meeting. That is, if Colonel Calder would address an official Letter to His Excellency, pointing out the necessity of this additional Land being granted to the Government, to provide for the accommodation of the Military Establishment here, and offering in exchange to relinquish the claim of the Ordnance to the Hospital Lot, and the other Lots mentioned and proposed to be given in exchange; and also pointing out the probable consequence of this arrangement not being effected; such Letter to be laid before the Legislature by special Message from His Excellency, with a Bill properly prepared, as a Government measure, we are of opinion the Legislature would then see the propriety of passing the same, which is the course we recommend.

We have, &c.
(Signed) CHARLES J. PETERS, Atty. Genl.

"NEW-BRUNSWICK."

"Message to the House of Assembly, 9th February, 1845."

"W. M. G. COLEBROOKE, Lieut. Governor."

"The Lieutenant Governor lays before the House, the copy of a Despatch from the Secretary of State for the Colonies, communicating the answer which the Queen has commanded to be returned to the Joint Address of the Legislative Council and Assembly, on the subject of the Post Office."

"W. M. G. C."

The Documents communicated by the foregoing Message, being read at the Clerk's Table, are as follows:—

POST OFFICE.

(Copy) Doubling Street, 1st October, 1845.

Sir,—I have received your Despatch of the 26th April, No. 27, enclosing a Joint Address from the Legislative Council and Assembly of New-Brunswick, together with a Report of the Select Committee of the latter House, on the subject of the Post Office of that Province. I have laid this Address before the Queen, and I have received Her Majesty's commands to instruct you to return the following answer to the two Houses of the local Legislature on the subject to which that address refers.

It appears from the enquiries which have been instituted into the allegations contained in the Address, that some misapprehension exists in regard to the high rate of Postage established by the Treasury Warrant of October, 1843; the fact being, that, with the exception of the introduction of the system of weight, instead of enclosures, and in those cases in which a reduction of charge has been effected, the rates are the same as those previously existing in British North America.

I am informed by the Postmaster General that there is also some mistake respecting the expense of managing the Provincial Post Office, the increase for that service since January, 1842, not being by any means so great as the Address represents.

I enclose herewith an extract from a Report made to the Lords Commissioners of the Treasury by the Postmaster General, which will explain with exactness the instances in which there has been an increase or decrease in the Salaries of the Department, together with the grounds for the same.

The Address in the next place complains of diminished accommodation afforded by the Post Office Department, and that owing to the recent abandonment of some of the lines, many of the oldest and most cultivated Districts of the Province are now left without any Post Office accommodation. Upon this point, the Postmaster General has made observations which I could not abridge with advantage. I therefore transmit a copy of them to you, in order that they may be communicated to the two Houses of the Legislature.

The Address concludes with certain proposals for the reduction of the rates of Postage; the remission of the Postage on Printed Votes and Newspapers, and for the establishment of additional lines of communication. Upon these points, I am to state, first, that I learn from the Postmaster General, that the principal objection to the reduction of the Postage rates in New-Brunswick, arises from the fear that the Revenue of the Department would not be sufficient to meet the expenditure. But, at the same time, His Lordship has observed that the offer made by the Legislature of guaranteeing for a term of years such additional sums as might be required to defray the current charges of the Department, would meet this objection, and appears to be a fair and reasonable proposition. There would, however, be considerable inconvenience in the establishment of a totally different scale of Postage in New-Brunswick from that prevailing in Nova Scotia and Canada.

Her Majesty's Government cannot consent to the abolition of the Postage on printed Votes and Newspapers as prayed for in the Address, considering that the Newspapers in New-Brunswick are not liable to Stamp Duty, and that the cost of Mail conveyance is exceedingly heavy in that Province; but the establishment of such additional lines of Post Communication as may be suggested by the Provincial Legislature will be authorized by the Postmaster General, when the necessary funds are provided, it being understood that those Posts shall be set up by the Postmaster General, in order that the rates of Postage may be levied according to Law, and that they shall be subject to His Lordship's control, and to the general official regulations adopted throughout the Empire.

There will be no objection whatever to a detailed Return of the Revenue and Expenditure of the Post Office Department being annually submitted to you by the Deputy Postmaster General, for the purpose of being laid before the Provincial Legislature; and Her Majesty's Government will be ready to sanction any appropriation of the Surplus Revenue of the Post Office in New-Brunswick, either for the extension of the Posts and Postal Communication, or to the Public Service of the Province in any manner that may be consistent with the provisions of the Law.

I have, &c.
(Signed) LORD STANLEY.
Lieutenant Governor Sir William Colebrooke.

tension of the Posts and Postal Communication, or to the Public Service of the Province in any manner that may be consistent with the provisions of the Law.

I have, &c.
(Signed) LORD STANLEY.

Lieutenant Governor Sir William Colebrooke.

Extract of a Report from the Earl of Londsdale to the Lords Commissioners of Her Majesty's Treasury, dated General Post Office, 14th August, 1845.

"According to the statement of the Accountant General of this Department, it appears that by the Books of this Office the amount actually paid from the Revenue under the head of Salaries for the years mentioned was as follows:—

Years ending Sterling Currency.

5th January, 1842, £1,111 19 5 £1,334 7 8

5th January, 1843, 1,217 11 2 1,461 1 6

5th January, 1845, 1,625 14 10 1,950 17 9

For the two former years however in addition to the expenditure here set down for Salaries the whole of the Postmasters enjoyed the Franchising Privilege, and the emoluments of the present Deputy Postmaster General, (then merely Postmaster of St. John, from the Newspaper perquisite and other sources, averaged about £42 Currency per annum; while the Postmaster of St. Andrews derived in the year ended the 5th January 1842, £281 17 8, and in the succeeding year £263 16 6 from Commission allowed by the United States Post Office for the collection of its Postage in New Brunswick. This Commission, as well as the Postage on Postmaster's private correspondence, (all of which is now subject to charge,) and the Postage on Newspapers is now carried to the Revenue, and there is reason to believe that the produce from these sources at present exceeds the compensations awarded, which amounted during the last year to £373 15s. Sterling, but which are constantly falling in from death or resignation of the parties to whom they were granted.

From the foregoing statement, Your Lordship will see that the increased expenditure for Salaries in New Brunswick, is much less than is stated in the Address, and the actual increase can be readily accounted for in a satisfactory manner.

In the first place there are few additional Officers brought into the Accounts of New Brunswick for the past year, which were formerly included in the charge of the Deputy Postmaster General of Canada. The Salaries of these Officers have added £70 16 4 Currency to the expenditure of New Brunswick; but on the other hand, the Revenue collected from them has increased the amount of the Gross Receipt in New Brunswick, a fact which has not been taken notice of.

The Deputy Postmaster General, although with decidedly an increased responsibility, actually receives, under his present fixed Salary of £600 Currency per annum, £4 5 6 Currency less than he derived from the Commission of 20 per cent. upon his Collection in the year ended the 5th July 1842, and only £4 13s. Currency per annum more than the average of official Income for the three years ended on that day.

The increased expense at St. John for Salaries since January 1843, has been occasioned by the appointment of two additional Clerks and a Surveyor.

The Salary of the first Clerk has also been raised from £60 to \$100 Sterling. This last measure was only an act of justice to the individual filling the office, who has now been fourteen years in the service, and who was fairly entitled to increased remuneration.

The appointment of a second Clerk was reported by Mr. Page when he visited St. John in September 1742, as being urgently required for the ordinary duties of St. John Office, while he stated that a third would be indispensable if St. John were made the Head Quarters of a Deputy Postmaster General, which was shortly afterwards decided upon.

With respect to the Surveyor, this appointment was strongly recommended by the Commissioners of Post Office Enquiry in British North America; and there can be no doubt of the great benefit which is derived from the active and personal superintendence of such an Officer. In fact it would be impossible for the Deputy Postmaster General to carry on the service throughout the Province in an effectual manner without the assistance of a Surveyor.

Since the appointment has been made, and mainly owing to enquiries instituted through this Office, several of the Riding Wagon Contract in different parts of the Province have been put up to public competition, by which a considerable saving has been or will be shortly effected in the expenditure of the department.

The only remaining increase in the Salaries of the New Brunswick Establishment since January 1843, is in the case of the Postmaster of Dorchester, the frontier town on the Nova Scotia side, to whom a fixed Salary of £80 Sterling has been granted in lieu of the Commission of 20 per cent., which in 1842 produced about £27 a year.

The advantage, however, which in consideration of this Salary, has been gained by making Dorchester a Forward Office for the English mails to and from Miramichi and the other towns in that section of the Province, is very considerable, as a delay of no less than seven days would have been experienced by sending the correspondence for those towns in the General Mail for St. John.

I think the foregoing remarks will show your Lordships that there has been no unnecessary increase of Expenditure in the Post Office of New Brunswick on account of Salaries, and that the Assembly could not have all the facts before them when this Address was drawn up."

Extract of a Report from the Earl of Londsdale to the Lords Commissioners of Her Majesty's Treasury, dated General Post Office, 14th August, 1845.

"I now proceed to the complaint of diminished accommodation afforded by the Department, respecting which it is stated in the Address, that by the recent abandonment of some of the lines, many of the oldest and most cultivated Districts of the Province are now left without any Post Office accommodation."

There can be no doubt that the observations are intended to refer to the route from a point called the Finger Board to Fredericton, and to one from Fredericton to Saint Andrews, from both of which routes the Couriers have been withdrawn since January 1843.

I am not aware that Posts established by this Department have been withdrawn on any other lines in New Brunswick.

With respect to the first of these lines, I must explain to Your Lordships, that its discontinuance was occasioned by the refusal of the House of Assembly in the Spring of 1843, to vote the sum which they had for some years granted to James who ferried the Mails across the Washademoac and Jersey Lakes, in consequence of which, the passage of the Mails was refused, until the sum which the Ferryman conceived to be due to them was paid.

It is right also to state, that there was but one Way Office throughout the line, and that the correspondence delivered or taken up by the Courier was very inconvenient, although the expense was £300 a year.

The Courier between Fredericton and Saint Andrews was discontinued in April last year, (when the funds of the Department were in a very low state,) upon my attention being very properly directed, by my Officer in New Brunswick, to the fact, that the line was scarcely necessary, as there was a communication between Fredericton and the United States five times a week, viz:—Woodstock, and opportunities of forwarding correspondence to and from Saint Andrews three times a week, viz: Saint John. It further appeared that there was but one settlement of any extent on the route, the weekly average number of Letters for which did not exceed four.

Under these circumstances I conceived myself justified in the course I adopted.

The expense saved was £80 per annum."