

1865. Chevallier, E. "Naval reserves in New Brunswick, Report on the Naval reserves in New Brunswick, by Mr. Chevallier, and Lieutenant Locock, R.E." Journal of the House of Assembly of the Province of New Brunswick from the Twenty Seventh April to the Eighth of June, 1865, Being the First Session of the Twentieth General Assembly. Fredericton: G.E. Fenety, 1865. Appendix. Pp. 16.

APPENDIX XIX.

NAVAL RESERVES IN NEW BRUNSWICK.

Report on the Naval Reserves in New Brunswick, by Mr. Chevallier, and Lieutenant Locock, R. E.

In reporting on the Naval Reserves in New Brunswick, it will be advisable to divide them into two classes, considering each description in its turn—First, the Inland Reserves,—Secondly, the Sea Coast Reserves.

With regard to the former class, we beg to refer to Mr. Chevallier's letter of 10th October, to Vice Admiral Sir Houston Stewart, and to his reply, which authorized the abandonment of the strict and careful survey and inspection of these Reserves which had been ordered by their Lordships' Instructions, dated 7th March, 1859.

The reasons which induced us to recommend such a measure were, Firstly—That the timber for which these tracts were originally reserved, has been nearly all cut off: Secondly—That such large grants have been made on them as to leave but little, and the least valuable portion, to reclaim: Thirdly—That as the result of the survey and inspection could be only a recommendation to abandon all claim to any of the lands in question, the expense in money and time of the Survey would be uselessly incurred: and finally, our opinion that no reservation of land for the purpose of cutting timber from it for the use of the Navy can be made under the present circumstances of the country, so as to obtain timber at a cheaper or even at so low a rate as it can be procured by contract. We should very much doubt that it would be possible to preserve any timber at all on such lands from the depredations of the lumberers.

Before giving in detail the information we have gathered concerning these Inland Reserves, we beg to refer to the appended copy of a Despatch from Earl Bathurst, which will shew that an application was made to His late Majesty's Government for leave to grant away the Timber Reserves, and that the application was refused.

What authority Mr. Baillie, the late Commissioner of Crown Lands, conceived that this refusal gave him to place the Reserves "under the control" of His Excellency the Lieutenant Governor, we are unable to discover, but we presume there must have been some further correspondence, as we find that His Excellency acted upon Mr. Baillie's suggestion.

The first grant was rapidly followed by the alienation of other Reserves; nearly the whole of the grants having been made before the transfer of the Casual and Territorial Revenue to the Provincial Government in 1837 were made by or under the authority of Mr. Baillie, at that time Commissioner of Crown Lands for New Brunswick, who repudiated any efficient Provincial control, and professed to act under the authority of the Secretary of

State, who thus would seem to have either authorized or permitted the grants.

The Plans appended, give the fullest information that we can procure, as to the extent and present condition of these Inland Reserves, and we beg to refer to them, and to the List or Schedule of the Reserves also appended.

PASSAMAQUODDY.

Reserve No. 1, originally containing 23,200 acres, now entirely granted, and settled on, the first grant having passed in 1827, in conformity with Mr. Baillie's suggestion. Reserves Nos. 2 and 3, originally No. 2, 22,560 acres, and No. 3, 250 acres, also alienated in 1827 by Mr. Baillie. Reserve No. 4, 200 acres, granted in 1831, without any authority that can now be found.

RIVER SAINT JOHN.

Reserve No. 4, of 4,800 acres. A portion of this Reserve is still Crown Land, but on the ungranted part there is no timber, and it is of no value but for agriculture. Reserve No. 5, of 2,400 acres, was broken into in 1827 by one grant, and the remaining part subsequently included in the grant to the New Brunswick Land Company. Reserve No. 6, containing 12,750 acres, still partly ungranted, but denuded of all timber, and of no value to the Navy. Reserve No. 7, of 655 acres, cannot be identified; it is not marked on any of the old Plans in the Crown Land Office, and there is not enough in the description to fix the locality. Reserve No. 8, of 5,760 acres, is entirely granted and occupied.

MIRAMICHI.

The Reserves at Miramichi appear to have been made subsequently to those on Passamaquoddy Bay and the River Saint John, as the list of them is dated 22d August, 1789, the latter having been made in 1785.

Reserve No. 2, of 4,640 acres. All that portion of the Reserve which fronts on the River has been granted; the less valuable remainder has, since the settlement of the place, been a resource to the settlers for firewood. Reserve No. 3, of 35,684 acres, all the water-front of which is also granted, a comparatively small part remaining. Reserve No. 4, of 38,400 acres, of which about one-fifth is granted, but we do not see that the remainder could be turned to any advantageous use by the Admiralty.

The whole of these Reserves we would recommend should be given up to be dealt with by the Provincial Government.

The Coast Reserves are of very much higher importance, and require a more detailed and careful Report. They consist of—

PASSAMAQUODDY BAY.

- No. 5. Chamcook Island.
6. Adjoining the Town of Saint Andrews.
7. Saint Andrews Island.
8. In L'Etang Harbour.
9. Peninsula between L'Etang Harbour and Black Bay.

No. 10. Watering place at L'Etang.

11. Between Deadman's Bay and Beaver Harbour.

Also McCann's Island,

" Flea Island,

" Man of War Island.

} In L'Etang Harbour.

RIVER SAINT JOHN.

No. 1. Mast Pond at Carleton.

2. Partridge Island.

3. Navy Island.

MIRAMICHI RIVER.

No. 1. Portage Island.

Reserve No. 5, Chamcook Island, was granted 26th August, 1785, to a Captain Osborne, and is therefore past recovery.

Reserve No. 6, a piece of ground west of the Town Plot of Saint Andrews, containing 100 acres. The northern portion was granted to Saint Andrews Church in 1815, and nearly the whole of the remainder to Colin Campbell.

A small portion of the sea-front of the original Reserve, on which a Block House and Battery was erected during the last American War, is in the hands of the War Department, and is leased by them, their tenant occupying the Block House, which is in a very decayed state. The guns still remain in the Battery, but carriages are wanting, and the platforms decayed and worthless.

Reserve No. 7, Saint Andrews Island. The portion of this Island which is colored red in the Map, has been leased to the Rector and Church Wardens of Saint Andrews Parish, by the Provincial Government; "for so long a time as the said Island shall not be wanted for Her Majesty's service," and then until after the expiring of twelve month's notice from the Lieutenant Governor; a copy of the lease is appended. The northern end of the Island is occupied by Colin Campbell, the southern end by J. Stinson.

The Rector and Church Wardens informed us that their portion of the Island was occupied by squatters, who having had possession more than twenty years, could not be disturbed by the Church. The squatters could not, however, hold against the Crown (for which sixty years possession is required by the Laws of this Province,) should it be deemed advisable to give the stipulated warning to the Rector and Church Wardens, and to take possession of the Island. We do not, however, regard these Reserves as of sufficient importance to repay the trouble and expense of re-acquiring possession. The small portion of the Reserve No. 6 in the hands of the War Department would probably be quite sufficient for all requirements of the public service at Saint Andrews and its neighbourhood.

Reserve No. 8, in L'Etang Harbour, adjoining the Town Plot of Saint George, has not been encroached on. It, as well as the adjoining War De-

partment Reserve, has been under the care of an old man named James Ray, who was placed in charge by the late Admiral Owen, when he surveyed the Harbour. This man took great care of the Reserve, and erected a fence on the boundary line between it and the adjoining property of Mr. Randall; he is now dead, but his three sons are in occupation of the house, which he had built on the ground.

Reserve No. 9, the Peninsula between L'Etang and Black Bay, was entirely granted in 1834, and is therefore beyond recovery, except by purchase. This Reserve is perhaps the most valuable portion in L'Etang Harbour, containing, as it does, "Little Sturgeon Cove," where, at a comparatively small cost, a dock of large dimensions could be formed.

Reserve No. 10, the watering place at the head of L'Etang Harbour, was granted in 1835. This Reserve is comparatively of very little importance; an abundant supply of water can be obtained in many parts of the Harbour, and this place is so far from the main Harbour as to entail much boat work in watering a ship.

Reserve No. 11, between Deadman's Bay and Beaver Harbour. This Reserve is of minor importance, as it would not be available in any great degree, either for Naval stations or for defences, in the event of L'Etang being used by the Navy. It is granted with the exception of a small triangular piece at its eastern end, which is of no value for Naval purposes.

McCann's Island, Flea Island, and Man of War Island, in L'Etang Harbor, are not included in the schedule of 1785 and 1789, they are, however, shewn as Reserves in some of the Plans in the Crown Land Office at Fredericton, and are known and respected by the neighbouring inhabitants as Naval Reserves.

McCann's Island is a very highly important position; it is the key of L'Etang Harbour, and in part of the Outer or Bliss' Harbour. It is a position essential to the defence of L'Etang against an attack by sea. A man named Hill was permitted by the late Admiral Owen to reside on the Island, and a woman named McCann also has a hut here, both aware that it is a Naval Reserve, and claiming no right or title to the Island; it is about 18 acres in extent.

Flea Island is not so important either in position or extent, it contains about one acre; it should not however, we think, be alienated, as it would not be without use in case of L'Etang being made a Naval station; it is occupied by a man named Howard, also by permission.

Man of War Island, which occupies and commands the western entrance to the outer, or Bliss' Harbour, is of very great importance; it contains about one and a half acres; it has been unoccupied for many years, but during this summer a man named Pottle has built a temporary camp there for the fishing season.

These three Islands were ordered by the Provincial Government to be reserved for the Fisheries by Minute of Council, dated 19th February 1850. The Law of the Province provides for granting licences of occupation on

tracts so reserved for periods not exceeding five years. No such licences are at present in force on these Islands, nor would there be any obstacle to their being employed for Naval or Military purposes.

Between L'Etang and Saint John, no points were reserved, nor is there any necessity for any Naval property, there being no Harbours of any importance between these two places. We therefore proceed to notice the Reserves in the Harbour of Saint John.

SAINT JOHN.

Reserve No. 1, the Mast Pond, in front of Carleton. This Reserve was included in the grant to the Corporation of Saint John, comprised in their Charter, a copy of which is appended, it is therefore the property of the Corporation, and beyond any attempt to recover it.

If it were possible to do so, it would certainly be of great value if only for a landing place. Its original use was as a place for storing timber and masts cut from the lands on the Saint John River while awaiting shipment to Halifax and other parts.

Reserve No. 2, Partridge Island, at the entrance of Saint John Harbour, is also included in the Charter of the City for the special purposes mentioned; a Light House and premises, a Signal Staff, Quarantine establishment, and Fog Bell, are erected on it; and a portion in the hands of the War Department, as shewn in the Plan.

Reserve No. 3. Navy Island was specially excepted in the Charter and Grant to the City, of which a copy is appended, and reserved for the use of the Royal Navy; as, however, no use had been made of the Island for many years, the Corporation applied to the Provincial Government, and in place of a grant received a lease (a copy of which is annexed) which gave to the Corporation the entire use and benefit of the Island, on their paying the sum of £30 per annum to the Madras School, and provided that in case His Majesty should "be engaged in war with any foreign Ruler or State," or "there should be any just cause to apprehend an hostile attack or invasion of Saint John," and "it should be deemed necessary or expedient by His Excellency the Lieutenant Governor, and so declared by a Proclamation," the Island shall be "restored to the use of and occupied by the Royal Navy, for so long a time as the war may continue," or, "the necessity for such occupation may exist," after which the lease is again to come into force.

It is therefore clear that should the Lords of the Admiralty deem it desirable to use this Island for Naval purposes, it can be reclaimed by causing instructions to be given to His Excellency the Lieutenant Governor to issue the Proclamation referred to, provided that Her Majesty is at the time at war with some foreign Ruler or State.

MIRAMICHI RIVER.

Reserve No. 1, Portage Island, situated at the mouth of the Miramichi Bay. This Island was recommended by Mr. Perley, the Commissioner of Fisheries, to be reserved for the use of the fishermen, and his recommendation was ap-

proved by a Minute in Council, dated 13th April, 1850. The Island has on it a large growth of coarse grass, which a number of persons in the vicinity have leave to cut, on paying the sum of £5 collectively to the Provincial Government. This Island should not, we think, be given up, being the only Reserve fronting the Gulf of Saint Lawrence.

Having thus enumerated the Reserves of these two classes, it will be necessary that we should advert to the nature of the claim which the "Reservation" gives the Lords of the Admiralty, according to the Law of the Province.

By the Civil List Act passed 17th July, 1837, the proceeds of all Her Majesty's Hereditary, Territorial, and Casual Revenue, and of all sales and leases of Crown Lands, Woods, Mines and Royalties then collected or thereafter to be collected, were surrendered to the Provincial Government by the Crown in consideration of the annual payment of £14,500 currency, for the purpose of defraying the various charges borne upon the Civil List of the Province.

The Act, among other provisions made to secure a proper administration of the Revenue, and to maintain the rights and preserve the faith of the Crown, reserves and confirms any sale, purchase, grant, lease, enfranchisement, exchange, agreement, bond, mortgage, security, exoneration or other act, matter or thing relating to the said Lands, Woods, Mines or Royalties, which had been made, given, effected, or created before the passing of the said Act.

It therefore follows that all Reserves previously made for Naval purposes, can be dealt with for the purpose and to carry out the intent of the Reservation in the same manner, and as fully to all intents and purposes, as if the Civil List Act had not been passed.

If they are not required for Naval purposes, they will form a part of the Crown Estate transferred to the Province.

They may be surveyed, inspected and managed by the authority of the Lords of the Admiralty, or by the authority of whatever other Department of Government has the administration of the Naval affairs of the Empire.

The mode of supervision, or the authorizing in temporary occupation, or other licence to use, may be in the same manner, and made upon the same terms, and by the same parties, as other land required for Naval purposes, or it may be made in the name and on behalf of Her Majesty.

Should it be found necessary to remove or proceed against any of the persons who have or who may trespass upon the Reserves, proceedings should be taken in the name of Her Majesty by the Provincial Crown Officers, at the instance and expense of the Naval authorities.

We therefore beg to recommend that those un-
Adjoining the Town Plat granted Coast Reserves which the Lords of the
L'Etiang. Admiralty may deem it desirable to retain for
M'Conn's Island. Naval purposes, should be allowed to remain, as

<i>Flea Island.</i>	they now are, a part of the Crown Lands of the
<i>Man of War Island.</i>	Province of New Brunswick, it being only neces-
<i>Portage Island,</i>	sary that their Lordships should communicate their
<i>Miramichi.</i>	intentions to His Excellency the Lieutenant Gover-
<i>Navy Island.</i>	nor, and their desire that no grant of these Reserves
<i>Saint Andrews Island.</i>	should be permitted to pass the Great Seal of the
	Province.

This course appears to us preferable to that of having a grant passed to the Lords' Commissioners of the Admiralty, as in this latter case their Lordships would stand legally in the same position as any ordinary private grantee, against whom squatters may hold by shewing 20 years possession, whereas if these Reserves still remain as Crown Lands reserved for Naval purposes, an occupation of 60 years duration must be proved in order to give a title to any squatter.

The Reserves leased by the Provincial Government can be dealt with according to the provisions of the respective leases, and again put into possession of the Lords of the Admiralty, should their Lordships desire it, as pointed out in the body of the Report.

We respectfully submit these statements and suggestions, which we believe to embody all the material facts of the subject, for the consideration of the Lords' Commissioners of the Admiralty.

(Signed)

CHARLES FISHER,
EDGECOMBE CHEVALLIER,
HERBERT LOCOCK, *Lieut. R. E.*

Additions to Report on Naval Reserves in New Brunswick.

Halifax, N. S., 10th December, 1859.

The Secretary of the Admiralty.

SIR,—We have to add to our joint Report on the Naval Reserves in New Brunswick the following remarks, which the Attorney General, Commissioner for the Province of New Brunswick, was unwilling to sign, not as necessarily disagreeing with them, but because he did not feel called upon or authorized to give any opinion on such matters.

We beg in the first place to state with reference to the general question of the inland tracts, reserved for Timber, that it appears to us questionable whether under present circumstances any of the Timber of New Brunswick could be advantageously purveyed for the use of the Navy. The supply required at Halifax and at Bermuda is so limited that it in any case can be procured from Merchants better than by Government agents in the forest. The hard woods of this country cannot, we believe, be classed with the ship-building Timber at present employed in the Dock Yards at Home, nor can the prices compete with Baltic Timber; such Red and Yellow Pine and Spruce Deals as are required, being at present more readily procurable from Canada than from any Port in New Brunswick. Should, however, the

Railway from Saint Andrews be completed, or carried on another 100 miles, it is possible that shipments of these materials may be obtained on more advantageous terms at Saint Andrews, and more especially from L'Etang, should the line be extended to that Port.

In considering the Reserves at Saint Andrews, at L'Etang, Saint John, and Miramichi, we would beg to represent that Saint Andrews Harbour is very little, if at all suited for a Naval Station; it is difficult of access by either passage, and is left nearly dry at low water, and the tides run in and out with such rapidity as to render it nearly impossible for a vessel to stem the current.

Situate at the entrance of Le Tete Passage, which leads up to Saint Andrews, are the Harbours of L'Etang, which seem to supply every requisite for a Naval Station. We beg to refer to our appended Report on the Harbours, in which some of the advantages of these Harbours are noticed, as well as their capabilities for defence.

The Harbour at Saint John is not in any respect equal to L'Etang either for facility of access, accommodation, or security; the rise of tide is generally about one, or at the utmost two feet higher at Saint John than at L'Etang; the highest spring tides being about the same in both places; neither Harbour is ever frozen.

Saint John is, however, the commercial Capital of the Province, and is garrisoned by Her Majesty's Troops, and nearly all provisions, materials and labour likely to be required for Her Majesty's Ships can be obtained there, whilst L'Etang is at present almost uninhabited.

There is at Saint John no wharf for Ships of War to come alongside, and no place which can be appropriated for the landing of Troops or Stores, and we believe that Navy Island, if reclaimed, would afford a site for many conveniences required for Her Majesty's Service; situated near the edge of the large mud bank in front of Carleton, and having deep water within 50 or 60 feet of its northern and eastern shore, it could be joined to the main land on the Carleton hill by a bridge or causeway, and could also have wharves run out into water sufficiently deep for Her Majesty's Ships.

The Corporation of Saint John have, we are informed, been in dispute with the squatters and residents on the Island. We have ascertained, however, that all who reside on, or use the Island, pay rent to the Corporation; there are nine of them in all, and their aggregate rent is a little over £30 per annum, the sum which the Corporation pay to the Madras School.

We have been informed that the value of this Island has been generally estimated at Saint John at £30,000 currency.

Miramichi Bay forms a very indifferent Harbour. Still, as it is nearly the only anchorage in a situation so important on the Coast of New Brunswick on the Gulf of Saint Lawrence, the Island there, Portage Island, might be found useful, if retained. Miramichi Bay is frozen and blocked up with ice generally from the 1st January to the end of May.

We beg to recommend strongly that the Reserves at L'Etang, and Portage Island, Miramichi, should be retained, and that the Lieutenant Governor should be notified of their Lordships' intentions.

We would also beg to recommend that His Excellency should be informed, if it be their Lordships' wish to regain Navy Island, of their intentions to assert their claim on the occurrence of the contingency mentioned in the Lease, by which means their Lordships will ascertain whether any resistance would be attempted by the Corporation of the City of Saint John.

Should their Lordships desire to acquire any land at L'Etang beyond the Reserves which are at their disposal, (and we beg to point to the Peninsula between L'Etang and Black Bay as likely to be of great value to the Navy) we beg to state that we have every reason to believe that a person who was not known as an Agent of Government might procure land at a very reasonable rate, but that all the owners would put a highly increased value on their land if it were known that the Lords of the Admiralty desired to become purchasers.

We have been directed by the Vice Admiral Commanding in Chief to solicit their Lordships' particular attention to this subject, and to state that His Excellency the Lieutenant Governor of New Brunswick has expressed his readiness to co-operate and to forward their Lordships' wishes in any way that may be in his power.

The Law provides that land required for Military or Naval purposes can be taken possession of by the Government, and the value assessed by a Jury; but we believe that these Juries cannot be relied on as fair arbitrators in any case between the British Government and any individual Colonist.

We beg to state that, with regard to the legal steps to be taken as to the Reserves their Lordships' may retain, we have in the Report followed the opinion of our colleague the Hon. C. Fisher, Attorney General of the Province, being ourselves unacquainted with the Law, and we would respectfully beg to suggest, that on this part of our joint Report, the opinion of the Law Officers of the Crown in England should be taken.

One advantage which would accrue from procuring grants of the Reserves, in place of allowing them to remain as Crown Lands reserved for Naval purposes is, that they might be sold at any time if the Lords of the Admiralty should desire to part with them, whereas in the form of Crown Lands, they could only be abandoned and given up to the Provincial Government.

This however would not be the case with Navy Island, as the lease, which is in the name of His late Majesty King William the Fourth, provides that when no longer required for Naval purposes, the Island shall be re-occupied by the Corporation of Saint John.

The Law of New Brunswick renders invalid any sale or lease of land that is made otherwise than to the highest bidder at public competition, but this law would not, we believe, operate against grants of these Reserves to the Lords of the Admiralty, because of the exception in favour of previous arrangements made in the Civil List Act, quoted in our joint Report.

We think that the advantages of this course should be weighed by their Lordships against that of the measures recommended in the body of our Report.

In conclusion, we would beg to recommend that their Lordships should without delay communicate to His Excellency the Lieutenant Governor their decision as to the Reserves which their Lordships may determine to abandon, and those which they may desire to retain or reclaim, as we believe that there is now every disposition on the part of the Provincial Government of the Province of New Brunswick to meet their Lordships' wishes, whilst it is possible that a change of ministry in the Province might entail the necessity of recommencing negotiations.

We have the honor to be, Sir,
 (Signed) **EDGECOMBE CHEVALLIER,**
HERBERT LOCOCK, Lieut. R. E.

No. 7—SAINT ANDREWS ISLAND.

Situate, lying and being in front of the Town of Saint Andrews, (distant forty chains). It is commonly called and known by the name of Saint Andrews Island, and contains one hundred and thirty acres, or thereabouts.

No. 8—IN L'ETANG HARBOUR.

Beginning at the southeast line of the Town of Saint George and on the sea shore in front of the said Town, thence to run by said line produced until it comes to a small Cove, thence by the several courses of the said Cove and Harbour until it meets the bounds first mentioned, containing seventeen acres.

Portage Island, Miramichi, also called "Waltham" Island.

Navy Island, Saint John, also called "Bruce's" Island.

No. 11—Between Deadman's Harbour and Beaver Harbour, (a triangular piece yet ungranted, rem'r to Perry.)

Letter from Surveyor General to Provincial Secretary, with Documents from that Office in reference to Portage Island.

Crown Land Office, 19th May, 1865.

SIR,—In obedience to an Address of the Honorable House of Assembly, desiring information relative to Portage Island in Miramichi Bay, I have the honor herewith to submit the following Documents, comprising all the information which can be collected from the Files of this Office.

I have the honor to be, Sir,

Your obedient servant,

BLISS BOTSFORD.

- A. Extract from Document shewing its original reservation.
- B. Extract from Report of Commissioners on the Navy Reserves.
- C. Copy of Order from Surveyor General to survey the Island.
- D. General Remarks.
- E. Copy of a Letter to Honorable J. Davidson enquiring about Rents.

A.

PORTAGE ISLAND, MIRAMICHI.

Extract from a Document in the Crown Land Office, dated *Surveyor General of Woods Office, Halifax, 22nd August 1789*, and entitled *Schedule of Reservations of Land in the Province of New Brunswick, by the Surveyor General of His Majesty's Woods, for Naval purposes.*

Miramichi River and its Branches. } " An Island situate at the entrance of Miramichi
 No. 1. } River, known by the name of Waltham or Portage
 Island."

B.

Report on the Naval Reserves of the Province of New Brunswick.

In reporting on the Naval Reserves in New Brunswick, it will be advisable to divide them into two classes, considering each description in its turn. First, the Inland Reserves; Secondly, the Sea Coast Reserves. * * *

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- Also—M'Cann's Island, }
 Flea Island, } In L'Etang Harbour.
 Man of War Island, }

RIVER SAINT JOHN.

- No. 1. Mast Pond, at Carleton.
- 2. Partridge Island.
- 3. Navy Island.

MIRAMICHI RIVER.

- No. 1. Portage Island.

No. 1, Portage Island, situated at the mouth of the Miramichi Bay. This Island was recommended by Mr. Perley, the Commissioner of Fisheries, to be reserved for the use of the Fishermen; and his recommendation was approved by a Minute in Council, dated 13th April, 1850. The Island has on it a large growth of coarse grass, which a number of persons in the vicinity have leave to cut on paying the sum of £5 collectively to the Provincial Government. This Island should not, we think, be given up, being the only reserve fronting on the Gulf of Saint Lawrence. * * *

We therefore beg to recommend that the un-
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of L'Etang. Admiralty may deem it desirable to retain for
M' Cann's Island. Naval purposes, should be allowed to remain as
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Miramichi. intentions to His Excellency the Lieutenant Gov-
Navy Island. ernor, and their desire that no Grant of these Re-
Saint Andrews Island. serves should be permitted to pass the Great Seal
of the Province.

This course appears to us preferable to that of having a Grant passed to the Lords' Commissioners of the Admiralty, as in this latter case their Lordships would stand legally in the same position as any ordinary grantee, against whom squatters may hold by shewing twenty years possession; whereas if these Reserves still remain as Crown Lands reserved for Naval purposes, an occupation of sixty years duration must be proved in order to give a title to any squatter. * * * *

(Signed)

CHARLES FISHER,
EDGECOMBE CHEVALLIER,
HERBERT LOCOCK, *Lieut. R. E.*

Additions to Report on Naval Reserves in New Brunswick.

Halifax, N. S., 10th December, 1859.

The Secretary of the Admiralty.

SIR,—We beg leave to add to our joint Report on the Naval Reserves in New Brunswick the following remarks, which the Attorney General, Commissioner for the Province of New Brunswick, was unwilling to sign, not as necessarily disagreeing with them, but because he did not feel called upon or authorized to give any opinion on such matters: * * * * *

We beg leave to state, that with regard to the legal steps to be taken as to the Reserves their Lordships may retain, we have in the Report followed the opinion of our colleague, the Honorable C. Fisher, Attorney General of the Province, being ourselves unacquainted with the Laws; and we would respectfully beg to suggest, that on this part of our joint Report the opinion of the Law Officers of the Crown in England should be taken.

One advantage which would accrue from procuring Grants of the Reserves in place of allowing them to remain as Crown Lands reserved for Naval purposes is, that they might be sold at any time if the Lords of the Admiralty should desire to part with them; whereas in the form of Crown Lands, they could only be abandoned and given up to the Provincial Government.

(Signed)

E. CHEVALLIER,
H. LOCOCK, *Lieut. R. E.*

C.

Order from Surveyor General to Deputy Davidson, to survey Portage Island.

Crown Land Office, Fredericton, 4th September, 1834.

James Davidson, Esquire.

SIR,—You are required to survey Portage Island by a line through the centre, and offsets to the shore, taking the intermediate course or courses along the shore. You will, in your Return, delineate the Sand Beach, the Woods, and the Marsh, and the names of the persons who occupy the different skirtings of Marsh, which persons you will call upon to furnish you assistance as chain-bearers, &c., whilst you are engaged in the survey.

One year's rent was due on the 1st January last, (£5,) and another year's rent will be due on the 1st January next. You are authorized to receive the Ten Pounds, and transmit the net proceeds with your Plan and Report of the Survey, which you are required to do during the month of January next.

(Signed)

J. A. BECKWITH,
Deputy Com. and Sur. Gen.

Twenty shillings per diem will be allowed for your time, and forty shillings for the Plan, Report, &c., but no charge will be allowed for expenses of any kind. The occupants of the Island must find themselves in provisions while assisting in the survey, and their services must be gratis. You will report what you consider the value of each man's occupation.

D.

General Remarks in reference to Portage Island.

The nature of the early occupancy of Portage Island cannot be ascertained from any document now in the Crown Land Office, the Letter Book of Surveyor General Sproule, from June 1785 to July 1789, being all that can be found; and not a trace remains of any Reports or Correspondence between July 1789 and January 1827.

Upon a very careful examination of the book above mentioned, it does not appear that it contains any reference to Portage Island.

By a Letter written to Deputy James Davidson, (copy herewith,) in 1832, it would appear that the wild grass had theretofore been leased to sundry persons for an annual rent. In 1840 Alex. Loggie and others paid the balance due to that date, £25, and afterwards other sums were paid for sub-

sequent years; but the absence of detailed Accounts in the Office prior to 1828, makes it impossible to ascertain what sums had been paid at earlier periods, or how long this Island had been leased or upon what conditions, until 1850, when ordinary fishing leases were sold at auction by Honorable James Davidson, Local Deputy, and all have long expired.

E.

Letter from Honorable Thomas Baillie, Surveyer General, to Honorable J. Davidson, relative to Rents of Portage Island.

James Davidson, Esq., Oak Point, Miramichi.

SIR,—I have to request that you will inform me whether the occupants of Portage Island have paid any rent for the last few years, and if not you will acquaint them that unless they immediately make some payment on Account, the Attorney General will be instructed to proceed against them.

I also wish you to inform me what you consider the Island would lease for at auction, either in the whole or in lots to suit occupants.*

I am your obedient servant,

(Signed)

THOMAS BAILLIE.

* Occupants of Portage Island.

Vice Admiral Sir A. Milne, K. C. B., to the Lieutenant Governor.

"Nile," at Halifax, 13th September, 1862.

SIR,—I beg to acquaint Your Excellency, that the Lords' Commissioners of the Admiralty have transmitted to me the Report made to them by a Committee of Enquiry which was composed of Mr. Chevallier, Naval Store Keeper at Halifax, and Lieutenant Locock of the Royal Engineers, in regard to the Naval Reserves in the Province of New Brunswick. This Report recommended that all the Inland Naval Reserves should be given up to the Provincial Government, but there were certain Reserves on the Coast and Harbours of New Brunswick, viz:—

Adjoining the Town Plot L'Etang;

McCann's Island;

Man of War Island;

Portage Island, (Miramichi);

which should be retained for Naval purposes. I have now to request Your Excellency to be good enough to inform me whether any steps have been taken to give effect to this decision by conveying to their Lordships the said Coast and Harbour Reserves.

I have the honor to be, &c. &c. &c.

(Signed)

ALEX. MILNE,

Vice Admiral and Commander in Chief.

The Lieutenant Governor to Vice Admiral Sir A. Milne, K. C. B.

Fredericton, 3d October, 1862.

SIR,—I have to acknowledge the receipt of Your Excellency's Despatch of the 13th ult., which only came into my hands on the 2d instant.

Some little obscurity attends the tenure on which the lands in question are now held, but I will take steps to ensure the proper conveyance of those enumerated in Your Excellency's Despatch to the Lords' Commissioners of the Admiralty.

I have, &c.
(Signed) ARTHUR H. GORDON.

Vice Admiral Sir James Hope, K. C. B., to the Administrator of the Government.

"Duncan," at Halifax, 29th July, 1864.

SIR,—Herewith I forward to you an extract from a Schedule of Naval Reserves in New Brunswick, transferred to me by my predecessor, and I request you will acquaint me whether the Title Deeds have been transmitted to the Lords' Commissioners of the Admiralty, and if not, that you will cause them to be forwarded to the Naval Storekeeper here for that purpose.

I have, &c.
(Signed) J. HOPE, Vice Admiral.

Page of Report.	Place.	REMARKS. LEASED OR NOT, &c.
68 and 69	L'Étang Harbour, which includes a small portion at the Town,	In charge of one of the sons of the late James Ray.
69	M'Cann's Island,	Occupied by J. Hill and J. M'Cann. } None of these Islands are leased. do. Horwood. do. C. Millean. These persons were in occupation in September, 1863.
69	Flea Island,	
70	Man of War Island,	
71	Navy Island, at the Town of Saint John,	} See Report on Reserves.
66	A piece of ground near Saint Andrews, or St. Andrews Island,	
73	Portage Island, Miramichi,	This Island is valuable to the Government of New Brunswick, and nearly £700 per annum is paid by the Fishermen. All that the Naval Department requires is, to secure the possession of the Island itself for Naval purposes.

NOTE.—None of these Reserves had been made over to the Lords Commissioners of the Admiralty by the Provincial Government, when I visited Saint John in September 1863.

His Excellency the Lieutenant Governor of New Brunswick is to communicate with the Commander in Chief, as soon as the local Government of the Province has made all necessary arrangements.

The Lieutenant Governor to Vice Admiral Sir James Hope, K. C. B.

Fredericton, 12th August, 1864.

SIR,—I have laid before my Council your Despatch of the 29th ult., addressed to Colonel Cole, and beg to assure Your Excellency that I shall endeavour, as speedily as possible, to give effect to the request therein contained.

I have, &c.
(Signed) ARTHUR H. GORDON.

The Lieutenant Governor to Vice Admiral Sir James Hope, K. C. B.

Fredericton, 23th November, 1864.

SIR,—I have the honor to return a Report on the Naval Reserves of New Brunswick and Nova Scotia, which you were kind enough to forward to me some time ago.

I am happy to be able at the same time to inform you, that the Grants of the lands in question are now in course of preparation.

I have, &c.

(Signed)

ARTHUR H. GORDON.

Copy of Grant of Portage Island to the Lords' Commissioners of the Admiralty.

NEW BRUNSWICK.

Victoria, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, &c. To all whom these Presents shall come, Greeting: Know Ye, that We, of Our special grace, certain knowledge, and mere motion, have given and granted, and We do by these Presents for Us, Our Heirs and Successors, give and grant unto the Right Honorable The Lords' Commissioners of the Admiralty, their Successors and Assigns, a Tract of Land, situated in the Parish of Alnwick, in the County of Northumberland, in Our Province of New Brunswick, to wit:—Being the Island forming the Northern Bounds of the principal entrance to Miramichi Bay, and known as "Portage Island" or "Waltham Island," and containing eleven hundred and fourteen acres more or less.

(Signed)

JOHN McMILLAN, *Sur. Gen.*