

No. 15.

No. 102.

DOWNING STREET,
20th February, 1850.

Sir;

I wish to direct your attention, and that of your Executive Council, to the provisions of the Act 12 and 13 Victoria, Cap. 66, for enabling Colonial Legislatures to constitute Inland Posts.

2. That Act was passed by the Imperial Parliament in order to carry into execution, as far as lay within its Province, the Resolutions embodied in an approved minute of the Executive Council of Canada, drawn up after communication with certain Members of the Executive Council of Nova Scotia, and dated 10th June, 1848, a Copy of which is transmitted herewith. It appeared to Her Majesty's Law Advisers, that those Resolutions could not be carried into effect, unless an Imperial Act were previously passed, in order to repeal the various Statutes, under which Her Majesty's Post Master General had exclusive privileges in the Colonies, and give the Colonial Legislatures the necessary powers.

3. As I have not had any former communication with you on this important subject, I am not aware whether you consider Prince Edward Island prepared to undertake the management of its own Post Office, in the same manner as will now be done by the other North American Provinces. Should it be so, it will be very advantageous to complete the whole transfer by simultaneous action in the several Colonies.

4. You will, therefore, (if you consider that there are no sufficient reasons against it,) propose to the Legislature to pass an Act, according to the provisions of the Imperial Act above recited, observing especially that under Section 2 such Act cannot take effect until it has received the assent of Her Majesty in Council; a provision which has been adopted to insure, as far as possible, uniformity in the execution of this transfer of an important branch of the Public Service in the several Colonies.

5. With respect to the other provisions, to be contained in the Act to be passed by your Legislature, Her Majesty's Government are fully prepared to approve of those which are embodied in the minute of the Canadian Executive Council above referred to, and

which the Canadian Legislature made the foundation of an Act passed in its last Session, of which a Copy is annexed for your information. They are especially sensible of the importance of maintaining the principle, that there should be but one uniform rate for the single Letter throughout the whole of the North American Provinces, and that no Province should levy a transit rate on the correspondence transmitted from another.

6. There would, likewise, be great advantage in a simultaneous transfer of the accounts of the several Post Offices on the same day from the Post Master General to the Provincial Authorities, through the Officers of the Imperial Post Office, now administering the Department under his control. For obvious reasons, that day, if possible, should be a quarter day.

7. As there is great advantage in avoiding the complication of correspondence with the several Colonies, by naming a day beforehand; I propose the 6th October, next ensuing, as the day on which it would be most convenient, that the transfer should take place simultaneously in Canada, Nova Scotia, New Brunswick, and also in Prince Edward Island, if practicable. You will signify to the Governor General, (to whom I have made the same communication,) whether this day will be suitable in your opinion, and that of your advisers. Should this be otherwise, further correspondence will become necessary.

8. It will, however, in my opinion, not be advisable that this day should be fixed, specifically, in the Act to be passed, as this would occasion inconvenience, if unforeseen circumstances should render a postponement of the day desirable. It will be better, that the day should either be left to be fixed by Her Majesty in the Order in Council assenting to the Act, or that the Act should leave the determination of the day to the Lieutenant Governor of the Province.

9. Another point will necessarily engage your attention. The existing Post Office Acts, in this Country, contain various criminal provisions, under which many actions, which when committed by other Individuals, are either venial, or mere breaches of trust, become serious offences in the eye of the Law, and are punished with great severity when committed by Officers of the