N.B. ARCHIVES

Saint John 2d January 1789

Dear Colonel.

I received your letter written on New Day, the last day of 1788, I had before that time applied to the Judge (Putnam) in order to get the rule to plead enlarged which I effected, and I found it grew so near the Term that if I got the Papers I wrote for in the last month it would be impossible for me to be in any readiness for trial at this next Court — for that reason I have procured an imparlance to February which puts it out of the Attorney General's Power to compel me to try the cause before May — which will I presume be then settled — at least the Verdict, which as matters at present stand will be a special one, upon which there must be an Argument at Law and the Opinion of the Court taken — This will I expect be unavoidable —

I am much obliged to you for your trouble you have had in the business and more for the hint and advice you have given me. I fear we cannot fail upon the Ground of the Roads being legally laid out by the Commissioners — For tho' the law does not limit the Time for their Report — Yet it could not be a Road until the Report was made, for the Commissioners might if they chose have altered it and the People of the County had no Record of the Road to resort to, and of course could not legally know where it was — But I think the Grounds upon which I rest the other Defence are strong — It is settled that a Man who has once set out a part of his land for a Road which has been used as such for any reasonable Time, has thereby dedicated it to the Public and cannot resume it, and it is a Maxim also that "once a Road is always a Road" — Upon this

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Mr Ward Chipman Junr. Esq.

Mon. Ward Chipman Esq.

Fredericton.

Mon. to by Mr. Nelson