

JOURNAL
OF
THE LEGISLATIVE COUNCIL
OF
THE PROVINCE
OF
NEW BRUNSWICK.

From 21st to 29th October 1852.
Being the Third Session of the Fifteenth General Assembly.



FREDERICTON, NEW BRUNSWICK :
JOHN SIMPSON, PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY.

1852.

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By His Honor Lieutenant Colonel FREEMAN MURRAY, Administrator of the Government, and Commander in Chief of the Province of New Brunswick, &c. &c. &c.

FREEMAN MURRAY, Adm'r. of the Gov't.

A PROCLAMATION.

WHEREAS the General Assembly of this Province stands prorogued to the last Tuesday of this present month of June, I have thought fit further to prorogue the said General Assembly, and the same is hereby further prorogued to the second Tuesday in September next.

Given under my Hand and Seal, at Fredericton, the twenty first day of June, in the year of our Lord one thousand eight hundred and fifty two, and in the sixteenth year of Her Majesty's Reign.

By His Excellency's Command.

J. R. PARTELOW.



By His Excellency Sir EDMUND WALKER HEAD, Baronet, Lieutenant Governor and Commander in Chief of the Province of New Brunswick, &c. &c. &c.

EDMUND HEAD, Lt. Governor.

A PROCLAMATION.

WHEREAS the General Assembly of this Province stands prorogued to the second Tuesday in September instant, I have thought fit to prorogue the said General Assembly, and the same is hereby further prorogued to the first Tuesday in October next.

Given under my Hand and Seal, at Fredericton, the sixth day of September, in the year of our Lord one thousand eight hundred and fifty two, and in the sixteenth year of Her Majesty's Reign.

By His Excellency's Command.

J. R. PARTELOW.



By His Excellency Sir EDMUND WALKER HEAD, Baronet, Lieutenant
Governor and Commander in Chief of the Province of New Brunswick,
&c. &c. &c.

EDMUND HEAD, Lt. Governor.

A PROCLAMATION.

WHEREAS the General Assembly of this Province stands prorogued to Tuesday the fifth day of October next, I have thought fit further to prorogue the said General Assembly, and the same is hereby further prorogued to Thursday the twenty first day of October next, then to meet at Fredericton for the dispatch of business.

Given under my Hand and Seal, at Fredericton, the thirtieth day of September, in the year of our Lord one thousand eight hundred and fifty two, and in the sixteenth year of Her Majesty's Reign.

By His Excellency's Command.

J. R. PARTELOW.

JOURNAL
OF THE
LEGISLATIVE COUNCIL
OF THE
Province of New Brunswick.

THIRD SESSION OF THE FIFTEENTH GENERAL ASSEMBLY.

ANNO DECIMO SEXTO VICTORIÆ REGINÆ.

**His Excellency Sir Edmund Walker Head, Baronet, Lieutenant Governor
and Commander in Chief.**

At Fredericton in the Province of New Brunswick.

LEGISLATIVE COUNCIL CHAMBER, Thursday, 21st October, 1852.

THE General Assembly having been by three Proclamations prorogued to this day, the House met—

PRESENT:

THE HON.

Mr. Black, President.

*Mr. Saunders,
Mr. Robertson,
Mr. Attorney General,
Mr. Minchin,
Mr. Harrison,
Mr. Odell,
Mr. Wark,*

*Mr. Chandler,
Mr. Hatch,
Mr. Peters,
Mr. Hazen,
Mr. Davidson,
Mr. Connell,
Mr. Ryan.*

PRAYERS.

The House was adjourned during pleasure.

After some time the House resumed.

At two o'clock, His Excellency Sir Edmund Walker Head, Baronet, Lieutenant Governor and Commander in Chief of the Province, came to the Council Chamber, and being seated in the Chair on the Throne, commanded the Gentleman Usher of the Black Rod, through the Honorable the President, to let the Assembly know—
“It is His Excellency’s pleasure that they attend him immediately in this House.”

Who being come, with their Speaker,

His Excellency was pleased to open the Session by the following Speech to both Houses :—

Mr.

“ Mr. President, and Honorable Gentlemen of the Legislative Council,

“ Mr. Speaker, and Gentlemen of the House of Assembly,

“ I HAVE called you together at this unusual season, because I am desirous of receiving your advice and assistance with reference to a matter of very great importance to the future interests of New Brunswick.

“ I invite you to consider certain propositions, which will be laid before you in the form of Bills, for securing the speedy and complete construction of the European and North American Railway, and having reference also to other Lines or Branches which may be connected therewith.

“ Such a project is already familiar to you. You know the advantages which will accrue from increased facility of communication between different portions of our own Province; and you are well aware of the Commercial benefits to be derived from uniting the Gulf of Saint Lawrence with the Port of Saint John, and the markets of the United States. On these matters I need not enlarge on the present occasion.

“ I trust that you will find every care has been taken in digesting the details of this undertaking, so as to submit it for your consideration in a mature and definite form.

“ Mr. Speaker, and Gentlemen of the House of Assembly,

“ I have already in this place expressed my conviction that the introduction of British enterprise and British capital was essential to such an undertaking as a Railway in New Brunswick. The scheme which will be placed in your hands professes to attain our object by such means. What is now sought, is the approval of this scheme by you as the Constitutional Representatives of the People. You will, I know, scrupulously weigh the advantages to be gained, and the liabilities to be incurred. You will sanction nothing but what you intend to fulfil in perfect honor and good faith, and you will therefore take care that the burthens to be imposed on our Revenue do not exceed our resources. You will observe that it is in the power of the Province to secure for itself the full benefit of the increased value of the Crown Lands, through or near which the Rail Road would pass,—a benefit which I have been most anxious to retain for yourselves and your children.

“ Mr. President, and Honorable Gentlemen of the Legislative Council,

“ Mr. Speaker, and Gentlemen of the House of Assembly,

“ It affords me great pleasure, in meeting you here, to offer you my congratulations on the late Harvest with which Providence has blessed us; I sincerely hope that your deliberations on the present occasion may result in enhancing the value of these and similar blessings, by opening fresh avenues to our Commerce, and fresh markets for the produce of our Agriculture.

“ I feel sure that our Gracious Queen will hail with the utmost satisfaction every increase to your prosperity, and will rely with confidence on the loyalty and affection of the people of New Brunswick.”

Which being ended, the House of Assembly withdrew, and His Excellency was pleased to retire.

The Honorable the President reported His Excellency's Speech.

ORDERED, That the House go into consideration of the same to-morrow.

Adjourned until To-morrow at 11 o'clock.

FRIDAY, 22d October, 1852.

PRESENT:

THE HON.

Mr. Black, President.

*Mr. Saunders,
Mr. Chandler,
Mr. Hatch,
Mr. Owen,
Mr. Peters,
Mr. Hill,
Mr. Davidson,
Mr. Connell,
Mr. Wark,
Mr. Ryan.*

*Mr. Botsford,
Mr. Robertson,
Mr. Solicitor General,
Mr. Minchin,
Mr. Hazen,
Mr. Harrison,
Mr. Odell,
Mr. Gilbert,
Mr. Steves,*

PRAYERS.

The Honorable Mr. Hazen presented an Address in answer to the Speech of His Excellency at the opening of the Session.

Which being read by the President,

And being again read by the Clerk, was adopted by the House, and is as follows:—

*To His Excellency Sir EDMUND WALKER HEAD, Baronet, Lieutenant Governor and
Commander in Chief of the Province of New Brunswick, &c. &c. &c.*

THE HUMBLE ADDRESS OF HER MAJESTY'S LEGISLATIVE COUNCIL, IN
GENERAL ASSEMBLY CONVENED.

MAY IT PLEASE YOUR EXCELLENCY,

We, the Members of Her Majesty's Legislative Council, in conveying our acknowledgements for the Speech addressed to us at the opening of the present Session, assure Your Excellency that, in our opinion, no subject would more fully justify the convening of the Legislature at this unusual period, than the consideration of measures to secure the construction of works which have been found so materially to advance the prosperity of other countries.

We learn with great satisfaction, that a project for the immediate construction of the European and North American Railway, having reference also to other lines and branches which may be connected therewith, will be submitted for our consideration; and we will devote our best attention to such a measure with the assiduity its vast importance demands.

Entertaining a strong conviction of the great impetus which must be given to the general Trade of the Country, by opening a channel through which the products of the Gulf of Saint Lawrence, and the Eastern and Northern sections of the Province may be conveyed to the Western parts of the Province and the Markets of the United States, we heartily respond to the sentiments of Your Excellency on that subject.

We unite with Your Excellency in acknowledging the goodness of Divine Providence vouchsafed to us in the abundant Harvest with which the labours of the Husbandman have been crowned, and in the hope that the result of our deliberations may be to open new avenues for our Commerce and the products of our Agricultural population.

We

We hear with pride the assurance of Your Excellency that our Gracious Queen will regard with satisfaction any increase in our prosperity; and we entertain unshaken confidence that the loyalty and devotion of the People of this Province will remain unabated towards Her Majesty's Throne and Person.

ORDERED, That the said Address be presented to His Excellency by the whole House.

ORDERED, That the Honorable Messieurs Hatch and Hazen be a Committee to wait upon His Excellency the Lieutenant Governor, to know when this House would be received with their Address in answer to His Excellency's Speech at the opening of the Session.

The Honorable Mr. Hatch, from the said Committee, reported that they had attended to this duty, and that His Excellency was pleased to say, that he would receive the House with their Address this day at three o'clock.

At three o'clock the House proceeded to the Government House with their Address in answer to His Excellency's Speech at the opening of the Session.

And being returned—

The Honorable the President reported that His Excellency had been pleased to receive the House with their Address, and to return an answer thereto, of which he had received a copy, which he read; and it was again read by the Clerk, as follows:—

“ Mr. President, and Honorable Gentlemen of the Legislative Council,

“ It gives me great satisfaction to find that you fully appreciate the importance of the subject on which it is my duty now to solicit your advice and assistance.

“ I acknowledge with thanks the promise of your co-operation, and your assurances of loyalty and attachment to Her Most Gracious Majesty.”

ORDERED, That the Journals of this House be printed daily, and that two hundred copies thereof be furnished.

A Message was brought from the Assembly by the Honorable Mr. Wilmot, with the following Resolution of the Assembly:—

“ House of Assembly, 22d October, 1852.

“ Resolved, That an humble and dutiful Address be presented to Her Most Gracious Majesty, thanking Her Majesty for the prompt and energetic measures taken by Her Majesty's Government, to protect from foreign encroachment the valuable Fisheries adjacent to the Coasts of British North America; and praying that Her Majesty will be graciously pleased to continue such protection, and to preserve intact to Her Majesty's loyal and dutiful Subjects in British North America, all the rights secured therein under existing Treaties; and further

“ Resolved, That the Honorable the Legislative Council be requested to join this House in such Address.

CHAS. P. WETMORE, *Clerk.*”

ORDERED, That the House go into consideration of the same to-morrow.

Adjourned until To-morrow at 12 o'clock.

SATURDAY, 23d October, 1852.

PRESENT:

THE HON.

Mr. Black, President.

*Mr. Saunders,
Mr. Chandler,
Mr. Solicitor General,
Mr. Minchin,
Mr. Davidson,
Mr. Gilbert,
Mr. Steves.*

*Mr. Botsford,
Mr. Hatch,
Mr. Owen,
Mr. Hill,
Mr. Brown,
Mr. Wark,*

PRAYERS.

On motion made and seconded—

ORDERED, That this House do agree to join in the proposed Address to Her Most Gracious Majesty, in reference to the Fisheries.

ORDERED, That the Master in Chancery do go down to the Assembly and acquaint that House thereof.

A Message was brought from the Assembly by Mr. Hanington, that the Honorable Mr. Wilmot, the Honorable Mr. Gray, Mr. Robinson, Mr. Montgomery, and Mr. Williston, are appointed a Committee on the part of the Assembly, to join such Committee as this House may appoint to prepare the Joint Address to Her Most Gracious Majesty, on the subject of the Fisheries.

ORDERED, That the Honorable Messieurs Botsford, Hatch, and Wark, be a Committee on the part of this House to prepare the said Address.

ORDERED, That the Master in Chancery do go down to the Assembly and acquaint that House thereof.

Adjourned until Monday next at 12 o'clock.

MONDAY, 25th October, 1852.

PRESENT:

THE HON.

Mr. Black, President.

*Mr. Hatch,
Mr. Steves.*

Mr. Minchin,

PRAYERS.

There not being eight Members present, the House adjourned until to-morrow at 12 o'clock.

TUESDAY, 26th October, 1852.

PRESENT:

THE HON.

Mr. Black, President.

*Mr. Saunders,
Mr. Chandler,
Mr. Solicitor General,*

*Mr. Botsford,
Mr. Hatch,
Mr. Owen,*

*Mr. Minchin,
Mr. Hill,
Mr. Davidson,
Mr. Odell,
Mr. Wark,
Mr. Ryan,*

*Mr. Hazen,
Mr. Harrison,
Mr. Brown,
Mr. Connell,
Mr. Steves,
Mr. Hamilton.*

PRAYERS.

A Message was brought from the Assembly by Mr. Hanington, with a Bill in addition to and in further amendment of the Act to incorporate the European and North American Railway Company; to which they desire the concurrence of this House.

The said Bill was read a first time.

ORDERED, That the twenty third Rule of this House be dispensed with, as regards this Bill, and that the same be read a second time presently.

The said Bill was read a second time.

ORDERED, That the House be put into Committee of the whole to-morrow, to take the said Bill into consideration.

Adjourned until To-morrow at 12 o'clock.

WEDNESDAY, 27th October, 1852.

PRESENT:

THE HON.

Mr. Black, President.

*Mr. Saunders,
Mr. Chandler,
Mr. Hatch,
Mr. Owen,
Mr. Peters,
Mr. Hill,
Mr. Davidson,
Mr. Odell,
Mr. Gilbert,
Mr. Steves,
Mr. Hamilton.*

*Mr. Botsford,
Mr. Robertson,
Mr. Solicitor General,
Mr. Minchin,
Mr. Hazen,
Mr. Harrison,
Mr. Brown,
Mr. Connell,
Mr. Wark,
Mr. Ryan,*

PRAYERS.

Pursuant to the Order of the Day, the House was put into Committee of the whole to take into consideration the Bill in addition to and in amendment of the Act to incorporate the European and North American Railway Company.

The Honorable Mr. Botsford took the Chair.

After some time the House resumed.

The Chairman reported, that the Committee had gone through the said Bill, and recommended the same to the adoption of the House without any amendment.

ORDERED, That the Report be received and the Bill read a third time to-morrow.

Adjourned until To-morrow at 11 o'clock.

THURSDAY, 28th October, 1852.

PRESENT:

THE HON.

Mr. Black, President.

*Mr. Botsford,
Mr. Robertson,
Mr. Solicitor General,
Mr. Minchin,
Mr. Hazen,
Mr. Harrison,
Mr. Brown,
Mr. Connell,
Mr. Wark,
Mr. Ryan,*

*Mr. Chandler,
Mr. Hatch,
Mr. Owen,
Mr. Peters,
Mr. Hill,
Mr. Davidson,
Mr. Odell,
Mr. Gilbert,
Mr. Steves,
Mr. Hamilton.*

PRAYERS.

Pursuant to the Order of the Day, the Bill in addition to and in further amendment of the Act to incorporate the European and North American Railway Company, was read a third time.

When the following amendment was moved and seconded :—

At A, Section 7, expunge the whole Section, and insert a new Section as follows:—

“7. The fifty seventh section of the said Act of Incorporation is hereby repealed; and in lieu thereof, it shall be lawful for Her Majesty's Government, if it shall think fit, subject to the provisions hereinafter in this section contained, at any time after the expiration of the term of twenty one years, to purchase the said Railway, with its extensions and branches, and all its hereditaments, stock and appurtenances, for the use of this Province, upon giving to the said Company three calendar months notice in writing of their intention to make such purchase, and upon payment of a sum equal to twenty five years purchase of the annual divisible profits, estimated on the average of the seven then next preceding years; provided always, that it shall be lawful for the Company, if they shall be of opinion that the said rate of twenty five years purchase of the said average profits is an inadequate rate of purchase of said Railway, reference being had to the prospects thereof, to require, that in case of difference, it shall be left to arbitration, to determine what, if any, additional amount of purchase money shall be paid to said Company; and provided also, that no such purchase shall be compulsory on said Company unless the said seven years average rate of profit shall exceed ten per cent. per annum.”

The same being again read by the Clerk, was agreed to by the House;

Whereupon it was

ORDERED, That the said Bill do now pass.

ORDERED, That the Master in Chancery do go down to the Assembly and acquaint that House that the Legislative Council have agreed to the said Bill, with an amendment, to which they desire the concurrence of the Assembly.

A Message was brought from the Assembly by the Honorable Mr. Attorney General, with a Bill to repeal certain Acts of Assembly for facilitating the construction of the European and North American Railway, and to make other provisions for the construction

struction of the same, with branches and extensions; to which they desire the concurrence of this House.

The said Bill was read a first time.

ORDERED, That the twenty third Rule of this House be dispensed with, as regards this Bill, and that the same be read a second time presently.

The said Bill was read a second time.

ORDERED, That the twenty third Rule of this House be dispensed with, as regards this Bill, and that the House be put into Committee of the whole presently to take the said Bill into consideration.

The Honorable Mr. Botsford took the Chair.

After some time the House resumed.

The Chairman reported, that the Committee had gone through the said Bill, and recommended the same to the adoption of the House without any amendment.

The Chairman further reported, that upon the question whether the second Section of the said Bill do pass, the Committee divided as follows:—

CONTENT.

The Hon. The President,
 Mr. Botsford,
 Mr. Chandler,
 Mr. Robertson,
 Mr. Hatch,
 Mr. Solicitor General,
 Mr. Owen,
 Mr. Minchin,
 Mr. Peters,
 Mr. Hazen,
 Mr. Hill,
 Mr. Harrison,
 Mr. Davidson,
 Mr. Brown,
 Mr. Odell,
 Mr. Wark,
 Mr. Steves,
 Mr. Ryan,
 Mr. Hamilton.

NON-CONTENT.

The Hon. Mr. Connell,
 Mr. Gilbert.

So it passed in the affirmative.

ORDERED, That the Report be received, and the Bill read a third time presently.

The said Bill was read a third time and passed.

ORDERED, That the Master in Chancery do go down to the Assembly and acquaint that House that the Legislative Council have agreed to the said Bill without any amendment.

A Message was brought from the Assembly by Mr. Hanington, that the Assembly had agreed to the amendment sent down from this House to the Bill in addition to and in further amendment of the Act to incorporate the European and North American Railway Company. The

The Honorable Mr. Botsford, from the Committee appointed to join the Committee of the Assembly to prepare the Joint Address to Her Majesty on the subject of the Fisheries, reported that they had attended to that duty; and he presented the Address to the House.

The said Address was then read by the Clerk, and agreed to by the House, and is as follows:—

To the Queen's Most Excellent Majesty.

THE HUMBLE ADDRESS OF YOUR MAJESTY'S LEGISLATIVE COUNCIL AND HOUSE OF ASSEMBLY OF THE PROVINCE OF NEW BRUNSWICK.

MAY IT PLEASE YOUR MAJESTY,

We, Your Majesty's dutiful and loyal Subjects, the Legislative Council and Assembly of New Brunswick, beg leave to approach Your Majesty with renewed sentiments of profound respect, and with unabated attachment to Your Majesty's Person and Government.

We desire to express to Your Majesty the sincere and heartfelt gratitude of all classes of Your Majesty's faithful Subjects in New Brunswick for the gracious attention given by Your Majesty to their complaints respecting the encroachments by citizens of the United States upon the extensive and valuable Fisheries adjacent to the Coast of this Province, and for the efficient measures adopted by Your Majesty's Government to guard those Fisheries, during the past season, from wanton aggression.

The Fishermen of the United States, stimulated by a large bounty, and protected by a duty of twenty per cent. on British caught Fish, have been placed in the most favorable position, both as regards their own and Foreign Markets; yet not content with these advantages, they constantly encroach upon the Coast Fisheries of these North American Colonies, any participation in which was expressly relinquished and renounced by the Convention of 1818.

In the commercial transactions between these Provinces and the United States, the latter possess other decided advantages; their manufactures are admitted into the Provinces at the same rates of duties as are charged on British merchandise; the Colonial Legislatures, contrary to their wishes and feelings, have been restricted from imposing discriminating duties; while the merchandise of the United States is admitted into this Province at a duty of eight and one half per cent. ad-valorem, the products of New Brunswick are subject, upon importation into the United States, to duties on an average of from twenty to thirty per cent; while American ships freely trade between Colony and Colony, and from England to her distant possessions in Australasia and India; Colonial vessels cannot pass from one American port to another, as from Boston to New York, or from the Atlantic ports of the United States to California or Oregon; while Colonial ships cannot be sold in the United States, or obtain Registers there, vessels and steamers built in those States are sold in these Colonies, and American built steamers are at this moment plying on the inland waters of this Province with British Registers.

The manifestations of an enlarged and liberal policy by Your Majesty's Government have not been met in the same spirit by the Government of the United States, and we therefore earnestly intreat that Your Majesty will preserve inviolate the rights and privileges of your attached Subjects in these Provinces, as secured to them by existing

Treaties, and will not concede any further or greater privileges to Foreign fishermen than they now enjoy, without first granting your loyal Subjects a hearing thereupon.

The protection granted by Your Majesty's vessels of war, has this year enabled Colonial fishermen to enjoy their Shore Fisheries undisturbed and in a profitable manner. We therefore humbly entreat that Your Majesty will be pleased to continue such protection as one of the greatest boons to the North American Fisheries, because thereby they will be freed from Foreign aggression, and may be prosecuted extensively with great benefit and advantage to Your Majesty's devoted Subjects.

WILLIAM BLACK, *President Legislative Council.*

WILLIAM CRANE, *Speaker of the Assembly.*

ORDERED, That the Master in Chancery do go down to the Assembly and acquaint that House thereof.

A Message was brought from the Assembly by the Honorable Mr. Wilmot, that the Assembly had agreed to the Joint Address to Her Majesty on the subject of the Fisheries; also, that the Honorable Mr. Wilmot, the Honorable Mr. Gray, Mr. Montgomery, and Mr. Harding, were appointed a Committee on the part of the Assembly to wait upon His Excellency, and request that he would be pleased to transmit the same to Her Most Gracious Majesty.

On motion—

ORDERED, That the Honorable Messieurs Botsford and Wark be a Committee on the part of this House to wait upon His Excellency with the said Address.

ORDERED, That the Master in Chancery do go down to the Assembly and acquaint that House thereof.

A Message from His Excellency the Lieutenant Governor was delivered by the Honorable Mr. Hazen, a Member of Her Majesty's Executive Council.

The Honorable the President read the same; and it was again read by the Clerk, as follows:—

NEW BRUNSWICK.

Message to the Legislative Council,

21st October, 1852.

EDMUND HEAD.

His Excellency the Lieutenant Governor lays before the Legislative Council, Papers printed by order of Parliament, in which will be found the recent Correspondence on the subject of the Halifax and Quebec Railway. E. H.

A Message was brought from the Assembly by Mr. Fitzgerald, with a Bill in amendment of an Act to regulate Vessels arriving from Europe with Passengers; to which they desire the concurrence of this House.

The said Bill was read a first time.

ORDERED, That the twenty third Rule of this House be dispensed with, as regards this Bill, and that the same be read a second time presently.

The said Bill was read a second time.

ORDERED, That the twenty third Rule of this House be dispensed with, as regards this Bill, and that the House be put into Committee of the whole presently to take the said Bill into consideration. The

The Honorable Mr. Robertson took the Chair.

After some time the House resumed.

The Chairman reported, that the Committee had gone through the said Bill, and recommended the same to the adoption of the House without any amendment.

ORDERED, That the Report be received, and the Bill read a third time presently.

The said Bill was read a third time and passed.

ORDERED, That the Master in Chancery do go down to the Assembly and acquaint that House that the Legislative Council have agreed to the said Bill without any amendment.

The Honorable Mr. Chandler, a Member of Her Majesty's Executive Council, by command of His Excellency the Lieutenant Governor, lays before the House—

A Communication from A. C. Morton, Esquire, Consulting Engineer for Railways, upon the subject of the cost, earnings and expenses of operating Lines in New England and New York.

The same being read, is as follows:—

Fredericton, 1st October, 1852.

SIR,—In accordance with your request, I have the honor to submit a few observations relative to the cost, the earnings and expenses of operating some of the leading lines of Railways in New England and New York.

The similarity of country and climate of New Brunswick and the New England States, renders a reference to the Railways of the latter for statistical information more appropriate and safe, in considering the subject of a system of Railways for this Province, than those of any other portion of the United States.

I have therefore prepared a tabular statement, which is hereto annexed, giving the length, cost and earnings of 17 different Railways in New England. These comprise an aggregate length of 1095½ miles—or, reducing them all to a single track, and adding the branches, gives 1454½ miles of single track Railway. The total cost of these Railways is £14,806,618 currency, or averaging £10,179 per mile of single track.

These roads were mostly constructed, in the first instance, for a single track, and the addition of the second track was made after they had been some years in operation.

The cost of the second track is much less than that of the first, from the fact that but about one third more earthwork is required for two tracks than for one, and a still less increased amount of masonry. The cost of buildings, machinery, &c. &c. for the same business is nearly the same in one case as the other; therefore, in reducing all these lines to a single track, and dividing the cost by this increased length of line, gives the most favorable view of the average cost of these roads per mile.

The large station buildings of these roads are usually constructed of stone or brick, but the way stations are mostly of wood.

The bridges are nearly all of wood, there being comparatively few arches of masonry or iron bridges.

Nearly half of the roads embraced in the table referred to, are comparatively new, and their connections are either imperfect or but recently formed; therefore, their earnings appear small.

The business, however, on all of them is rapidly increasing. Taking nine of the older roads, we find that the aggregate length is 861 miles, and the cost is £8,539,556 currency. The net revenue was £648,515, or over 7½ per cent. on their total cost. The net earnings on the several roads vary from 6 to 9½ per cent. on their cost.

From an examination of the Reports of Rail Road Corporations made to the Legislature of the State of Massachusetts for 1851, it appears that there were 1204 miles of road constructed in that State, the cost of which is given, to which add length of double track and branches, and we have an aggregate of 1586 miles of single track Railway, and the total cost of construction was £14,535,847 currency, or £9,165 per mile.

The

The net revenue of all these roads, many of which are competing lines, or unimportant lateral roads, is £820,096, or nearly 5½ per cent. on their aggregate cost.

The Railways of Maine were commenced at a more recent date than those of the other New England States, and they are as yet mostly in an unfinished state. At the present date there are 407 miles of road in operation, which cost £3,209,220 currency, or averaging £7,885 per mile. When these Railways are completed and fully equipped, they will probably cost not less than £8,750 per mile.

Up to the year 1851 there were in operation in the State of New York 1632 miles of road, some of which had a double track for the whole or a portion of their length, which, with the branches, is equal to 2038 miles of single track. These Railways cost an aggregate of £18,284,858, which gives an average cost of £8,971 per mile of single track.

The gross earnings of these roads for 1851 were £2,038,488, and the expenses were £925,306, giving a net revenue of £1,113,182, or over 6 per cent. on the total cost. The expenses of operating were 45½ per cent. of the gross receipts.

The specification of the manner of constructing the proposed Railways of this Province, submitted for my examination, contemplates permanent works and roads of a superior character to those usually constructed in the United States.

From the knowledge I have of the country, I regard the price named in the contract entered into with Messrs. Jackson, Peto, Brassey and Betts, as reasonable; and the arrangement for the accomplishment of the great object desired, as altogether favorable to the interests of the Province.

I have the honor to be

Your obedient servant,

A. C. MORTON, *Consulting Engineer.*

Hon. John K. Partelow, *Prov. Secretary.*

Length, Cost, Earnings and Expenses of the principal Roads of several of the New England States, compiled from Official Reports for 1851.

ROAD.	Length of Road. Miles.	Length of double track and Branches.	Total single track. Miles.	Total cost pounds currency.	Average cost per mile of sin- gle track	Earnings 1851.	Expenses 1851.	Net Earnings.
Boston and Lowell,	25.77	27.64	53.41	486,411	9,107	102,288	67,007	35,281
Boston and Maine,	74.26	36.58	110.84	1,022,613	9,226	158,274	76,267	82,007
Boston and Providence,	41.00	27.75	68.75	710,110	10,329	94,349	44,444	49,905
Boston and Worcester,	44.63	68.63	113.26	1,215,687	10,733	185,980	103,527	82,453
Cheshire,	53.64	...	53.64	694,461	12,946	55,573	39,830	15,743
Connecticut River,	50.00	2.35	52.35	450,398	8,603	49,973	28,786	21,187
Eastern,	38.20	35.87	74.07	780,098	10,531	125,513	56,149	69,364
Fall River,	42.24	...	42.24	262,500	6,214	58,080	33,132	24,948
Fitchburg,	50.93	67.78	118.71	903,121	7,607	129,003	77,594	51,409
Norwich and Worcester,	59.00	8.00	67.00	646,276	9,645	67,512	34,612	32,900
Vermont and Massachusetts,	69.00	8.00	77.00	862,501	11,201	45,154	25,035	20,119
Western,	155.40	53.14	208.54	2,488,439	11,932	338,473	149,439	189,034
Vermont Valley,	23.69	...	23.69	251,679	10,624
Vermont Central,	117.00	...	117.00	1,450,998	12,401	113,649	53,721	59,928
Northern,	69.00	13.00	82.00	698,901	8,523	70,577	32,723	37,854
Rutland,	120.00	...	120.00	1,211,850	10,098	81,198	39,862	41,336
Hartford and New Haven,	62.00	10.00	72.00	670,575	9,313	122,733	58,618	64,115
	1,095.76	358.74	1,454.50	14,806,618	10,179			

[*Vide Appendix No. 1.*]

Adjourned until To-morrow at 11 o'clock.

FRIDAY, 29th October, 1852.

PRESENT:

THE HON.

Mr. Saunders,
Mr. Chandler,
Mr. Hatch,
Mr. Owen,
Mr. Peters,
Mr. Hill,
Mr. Davidson,
Mr. Odell,
Mr. Ryan,

Mr. Black, President.

Mr. Botsford,
Mr. Robertson,
Mr. Solicitor General,
Mr. Minchin,
Mr. Hazen,
Mr. Harrison,
Mr. Brown,
Mr. Wark,
Mr. Hamilton.

PRAYERS.

The Honorable Mr. Botsford, from the Committee appointed to wait upon His Excellency with the Joint Address to Her Most Gracious Majesty on the subject of the Fisheries, reported that they had attended to that duty, and that His Excellency was pleased to say that the same should be forthwith transmitted to Her Majesty's Secretary for the Colonies.

The House adjourned during pleasure.

After some time the House resumed.

His Excellency the Lieutenant Governor came to the Council Chamber at two o'clock, and being seated on the Throne, commanded the Gentleman Usher of the Black Rod, through the Honorable the President, to let the Assembly know—"It is His Excellency's pleasure that they attend him immediately in this House."

The House attended accordingly.

His Excellency then gave his assent to the following Bills:—

An Act in amendment of an Act to regulate Vessels arriving from Europe with Passengers:

An Act to repeal certain Acts of Assembly for facilitating the construction of the European and North American Railway, and to make other provisions for the construction of the same, with branches and extensions, (*with a suspending clause*): and

An Act in addition to and in further amendment of the Act to incorporate the European and North American Railway Company, (*with a suspending clause*.)

His Excellency was then pleased to deliver the following Speech:—

"Mr. President, and Honorable Gentlemen of the Legislative Council,

"Mr. Speaker, and Gentlemen of the House of Assembly,

"I rejoice to find that it has been possible to sanction the scheme for constructing the European and North American Railway. The readiness with which you have met and entered on this business, and the attention which you have given, deserve my warmest acknowledgments.

“Mr. Speaker, and Gentlemen of the House of Assembly,

“The measures to which I have just assented imply some confidence in the Executive Government. I thank you for that confidence, and I desire to assure you that the funds which you have placed at my disposal shall be expended economically, and the powers which you have entrusted to me shall be cautiously exercised.

“Mr. President, and Honorable Gentlemen of the Legislative Council,

“Mr. Speaker, and Gentlemen of the House of Assembly,

“We may hope that a new impulse will be given to our progress by the Acts just passed. For my own part, I believe that the completion of this Rail Road will benefit not only those whose homes it passes, but that the most remote settler and the poorest laborer will perceive a fresh element of enterprise and prosperity at work amongst us.

“I have only to repeat my thanks for the assistance you have given me, and to relieve you from your labors for the present.”

After which the Honorable the President of the Council, by His Excellency's command, declared the General Assembly prorogued until the last Tuesday in November next.

GEO. BOTSFORD, *Clerk.*

APPENDIX.

No. 1.

HALIFAX & QUEBEC, AND EUROPEAN & NORTH AMERICAN RAILWAYS.

(Copy)

Fredericton, 18th June, 1852.

MAY IT PLEASE YOUR HONOR,

Having been appointed by His Excellency the Lieutenant Governor in March last, to proceed to England as a Delegate on behalf of the Government of New Brunswick, to negotiate with Her Majesty's Government on the subject of aid for the construction of a Railway from Halifax to Quebec, in accordance with the suggestions and invitation contained in Mr. Peel's letter of the 21st February last; and having been directed by His Excellency to co-operate with Mr. Hincks, the Delegate on behalf of the Government of Canada, and with any Delegate that might be appointed for Nova Scotia for conducting such negotiation,—

I have the honor to report, that in pursuance of such appointment I proceeded to England, where I arrived on the 13th of April.

Having first put myself in communication with Mr. Hincks, who had been some time in England, and ascertaining from him the state of the negotiation so far as he had conducted it before my arrival, and referring to a written communication made by Mr. Hincks, under date of 31st March, addressed to the Right Hon. Sir John Pakington, the Secretary of State for the Colonies, embracing very fully the subject of the mission, I quite concurred in the views expressed and enforced in this communication.

I called at an early day at the Colonial Office, and expressed to the Colonial Secretary my entire concurrence in the views put forth by Mr. Hincks in his letter of 31st March.

Mr. Hincks and I thought it desirable to seek a personal conference with the Earl of Derby on the subject of our mission, and were accordingly honored by His Lordship with an interview, when we entered very fully into the subject, and explained to His Lordship most distinctly that there was no hope or probability of obtaining the joint Legislative sanction of the three Provinces to any other scheme than that then submitted and agreed upon; and we respectfully pressed on His Lordship, that as the route proposed was admitted on all hands to be the best and only profitable one in a commercial point of view, and as the whole cost of construction of this great work was contemplated to be borne by the three Colonies, it could not be expected that any other line, with a view to military or other Imperial objects, would ever be sanctioned by the Colonial Legislatures.

The

The like arguments were urged upon Sir John Pakington in the interview we had with him.

Both the Earl of Derby and Sir John Pakington admitted the force of these arguments, and frankly acknowledged the importance, in a national view, of connecting the Colonies by any line of Railway passing through British territory, but pressed the points of objection urged in the Despatch of the 20th May, addressed to the Governor General, a copy of which we were furnished, as containing the final decision of the Government.

Finding by this reply that all hopes of the construction of a Great Trunk Line of Railway from Halifax to Quebec, by the Valley of the Saint John, by Imperial aid, must be abandoned, I considered it consistent with my duty to the Province to enter into discussion with, and receive proposals from W. Jackson, Esquire, M. P., on behalf of himself and other eminent capitalists in England, for the construction of the European and North American Railway through New Brunswick, which I approved of, and undertook to lay before the Government of New Brunswick for consideration and approval.

There being no Delegate in attendance from Nova Scotia, Mr. Hincks and I considered ourselves justified in inviting propositions from the same capitalists for the construction of the section of the European and North American Railway in Nova Scotia, and obtained offers either for the construction by a Company with stock and loan from the Province, or as a public work, taking at par in payment the Bonds of the Province, payable at a distant period, with interest at six per cent.

These proposals, on our return to Halifax, we submitted to the Government of Nova Scotia.

I subjoin copies of the several documents and proposals above referred to.

I have, &c.

(Signed)

ED. B. CHANDLER.

To the Administrator of the Government of New Brunswick.

(Copy)

Morley's Hotel, Trafalgar Square, 31st March, 1852.

SIR,—Having been honored with the commands of His Excellency the Governor General of British North America, to proceed to London to endeavor to make final arrangements with regard to the terms on which a loan can be effected for the construction of a line of Railway in the Provinces of Canada, Nova Scotia and New Brunswick, with the guarantee of the Imperial Parliament, and having an opportunity of explaining personally the views entertained on the subject by the Governments and Legislatures of the three Provinces respectively, I now, in accordance with your request, have the honor to place those views before you in a more formal manner, trusting that they will receive the early and favorable consideration of Her Majesty's Government. The scheme of uniting the three principal Provinces of British America by means of a Railway, originated with the late Earl of Durham, who formed a strong opinion that Imperial interests would be largely promoted by such a work. No action, however, was taken in the matter for some years, nor until it was proposed to construct a great Military Road through the centre of New Brunswick at the expense of the Mother Country. The scheme of substituting a Railway was then revived, on the sup position

supposition that the necessity for a Military Road being superseded, Imperial assistance would be given in aid of such a work to a considerable extent. On application being made to the Secretary of State for the Colonies on the subject, it was proposed by him that survey of the line should be made by Officers of the Royal Engineers, and that the expense of such survey should be borne by the three Provinces in such proportion as might be agreed on.

At this time Canada had taken little interest in the scheme, and I have no hesitation in saying, that had it been announced that Imperial assistance was not to be expected in any shape, the Provinces would, with one accord, have declined incurring the expense of a survey which would have been deemed wholly useless.

The Legislatures of the several Provinces, fully convinced that if the result of the explorations should be satisfactory, Imperial aid would be afforded in some way, did not hesitate to give a pledge to pay the expenses of the survey, which was accordingly ordered, and was in due course executed under the able superintendence of Major Robinson, R. E. That officer strongly recommended the execution of the work, and suggested that it should be undertaken at the risk, in certain proportions, of the Imperial Government, Canada, Nova Scotia and New Brunswick. Major Robinson's Report having been referred to the Railway department of the Board of Trade, the measure was considered by that Board, more with reference to the probability of an adequate revenue being derived from the tolls, than to its importance in a national and inter-colonial point of view; and they recommended that no Imperial assistance should be given to it. It is proper to state here, that in the expectation that the work would be constructed by the Imperial Government, the three Provinces agreed to secure the right of way, the land required for Stations, ten miles in extent of all ungranted land on each side of the line, and £60,000 sterling per annum, to cover any deficiency in revenue. Such an offer on the part of the three Provinces is sufficient evidence of their anxious desire to co-operate, as far as in their power, in the construction of this great national work. It is true the people of British America are not insensible to the effect which this line of Railway would have in promoting their material interests, but it is my duty to impress on Her Majesty's Government, that all the Provinces, and more especially Canada, feel strongly, that quite as much benefit would accrue to the Mother Country as to any of the Colonies by its construction. The offer made by the three Provinces conjointly, having been rejected by Her Majesty's Government, no further action was taken in the matter until last year, when the Honorable Mr. Howe, Secretary of the Province of Nova Scotia, having come to England to promote the construction of local works, was invited to confer with Earl Grey, then Her Majesty's Principal Secretary of State for the Colonies, on a scheme of a more extensive character than his instructions contemplated. The result of this conference was a letter addressed to Mr. Howe by Mr. Under Secretary Hawes, dated 10th March 1851, announcing that, on certain conditions, Her Majesty's Government were prepared to recommend to Parliament to afford its guarantee to a loan, or to advance the required sum from the Imperial Treasury, for the construction of a Railway on British territory, between Halifax and Quebec or Montreal. Earl Grey's project was based on the supposition that the three Provinces would be able to unite on some plan for dividing the responsibility which they were required to assume, and it, of course, became necessary that the Legislatures of the several Provinces should be consulted.

Prior, however, to any Legislative action, Governor General the Earl of Elgin and Kincardine, in accordance with the suggestion of Earl Grey, requested the attendance at the Seat of Government in Canada of members of the Governments of Nova Scotia and New Brunswick. In accordance with His Excellency's request, the Lieutenant Governors of those Provinces directed the Honorable Messrs. Howe of Nova Scotia, and Chandler of New Brunswick, to proceed to Toronto, where, after much consultation, a satisfactory arrangement was effected as the basis of Legislative action. It was agreed that the line from Halifax to Quebec should be constructed on joint account of the three Provinces, each assuming one third of the risk, and that the extension to Montreal should be undertaken by Canada alone. On this basis Canada proceeded forthwith to legislate, the Provincial Parliament being in session at the time; and on Mr. Howe's return to Nova Scotia, a new Parliament for that purpose was summoned to consider the Railway measure, and a Bill was passed in accordance with the Toronto agreement.

Before the meeting of the New Brunswick Legislature however, a Despatch was received from Earl Grey, by which it appeared that Mr. Howe had misunderstood His Lordship's intention and Mr. Hawes' letter in a very important particular, viz: as to the Imperial guarantee being afforded to the Branch Line leading by the City of Saint John, New Brunswick, to the frontier of the State of Maine. This line being the one of the greatest importance to New Brunswick, no doubt was entertained in Canada, on the receipt of Earl Grey's Despatch, that the Legislature of that Province would abandon the scheme agreed to at Toronto. Under these circumstances I was deputed, with two of my Colleagues, by the Governor General, to proceed at once to Fredericton, to endeavor to effect a new arrangement. After conferring with Lieutenant Governor Sir Edmund Head, and with the members of his Council, it was deemed advisable that we should continue our journey to Halifax, having been joined by the Honorable Mr. Chandler, member of the Executive Council of New Brunswick. The negotiations which took place in that City have been officially communicated to Her Majesty's Government, and I need not enter here into any detailed statement of them. When, after much anxiety and trouble, the serious difficulties arising from conflicting interests were removed, it was deemed expedient that a member of each Government should proceed to London to arrange matters of detail finally with Her Majesty's Government. The Legislatures of Nova Scotia and New Brunswick being in session, Messrs. Howe and Chandler were unable to leave their respective Provinces as early as circumstances enabled me to do, and they therefore requested me to do all in my power to arrange matters before their arrival, which my full knowledge of their views enables me to do.

I cannot too strongly impress on Her Majesty's Government the importance of coming to an early decision on this important subject. If a satisfactory arrangement of details can be made, it is highly desirable that no time should be lost in commencing the survey and location of the line, and in preparing the estimates. I am not without hope that Her Majesty's Government may consent to submit a measure to the present Parliament to authorise the guarantee, but it is my duty to anticipate a refusal to take such a step at the present juncture.

I feel persuaded that Her Majesty's Government will be most anxious to prevent, if possible, the delay and vexation that will be caused by a refusal to adopt any measure

sure to promote the great enterprise which I have been instructed to advocate, especially as in case the present opportunity of arranging difficult matters of detail with members of the several Governments be lost, so favorable a one may not occur again. I feel convinced, that if the details can be agreed on with Her Majesty's Government, an assurance that the measure for granting the Imperial guarantee would be submitted during the first session of the next Parliament, would answer every present purpose. On such an assurance, surveys could be commenced, and estimates prepared, and all other necessary arrangements effected.

The details to be arranged are few, and I shall now proceed to their consideration. First, the Line:—The result of the negotiations which have lately taken place between the Governments of Canada, Nova Scotia and New Brunswick, and on which legislation has been based, has been the adoption of a different line from that recommended by Major Robinson, which was carried away from the more populous settlements of New Brunswick, and from her principal Cities, Saint John and Fredericton, through an unsettled country to the Saint Lawrence. The proposed line is to pass by the City of Saint John, the commercial capital of New Brunswick, and thence by the Valley of the River Saint John to the Saint Lawrence.

In a commercial point of view, the two lines do not admit of comparison; but as the advantages of the Valley of the Saint John line have been urged in papers already under the consideration of Her Majesty's Government, I feel that I should unnecessarily trespass on your time by discussing them here. It is admitted that the northern line is recommended principally on military considerations. It must, however, be borne in mind, that when Major Robinson made his report, the Oregon question had assumed a very threatening aspect, and such as to cause, perhaps, undue weight to be given to the advantage of the Railway in a mere military point of view. It is further to be recollected that Major Robinson recommended that large Imperial assistance should be given to the work, and that consequently revenue was treated as merely a secondary consideration. My own opinion is, that in the improbable contingency of war with the United States, the section of the line on the south bank of the Saint Lawrence, between Liver de Loup and Quebec, distant less than 30 miles from the Maine frontier, would be nearly, if not quite, as much exposed to the enemy as that passing by the Valley of the Saint John. The Halifax and Quebec Line is only a section of a great Trunk Line which must very soon be completed to the western frontier of Canada, and which, in many points, would be equally assailable with the proposed line in New Brunswick; and it may be observed, that the obstruction in time of war of any portion of this great line extending from Halifax to the Detroit River, would be as injurious as that of the particular section between the City of Saint John and the Saint Lawrence. It must, I think, be sufficiently obvious, that in time of war the section of the British Railroads lying between such important posts as Quebec and Halifax, and having a large population in its neighborhood, which would be interested in its defence, would be less exposed to the attack of an enemy than any of the numerous lines in those parts of the United States bordering on British territory. I have, perhaps, dwelt too much on the subject of the proposed location of the line, especially as I had the honor of bringing the subject under the consideration of Her Majesty's Government in a letter dated 3d ultimo, addressed to the Right Hon. Earl Grey, and which was acknowledged by Mr. Under Secretary Peel on the 20th ultimo,

ultimo, in terms which encouraged the hope that the decision arrived at in Halifax regarding the route would not prove a barrier to the carrying out of the liberal intentions of Her Majesty's Government; I ought, however, to state, that the opinion expressed at the conclusion of my letter to Earl Grey, that, "if the present arrangement should prove unsatisfactory, it will be vain to expect the concurrence of the three Legislatures to any new proposition," has only been confirmed by all that has since come to my knowledge. If the decision of Her Majesty's Government should unfortunately lead to the abandonment of this magnificent enterprise, the three Provinces will be placed in the position in which they were two years ago, and will have to follow out separately their various schemes of Railway communications, all of which, it is to be regretted, tend to foster intercourse with a foreign country rather than with that to which the people of British America are united by ties of affection and interest.

The second matter of detail is the amount of the guarantee and the principle on which the aid of the Imperial Parliament is to be extended. Hitherto no definite sum has been named in the official communications, and it is rather to be inferred from Mr. Hawes' letter that the guarantee would be given for whatever sum should be found necessary to construct the line between Halifax and Montreal.

I can readily understand that serious objections would be taken in Parliament to any proposition which would involve the guarantee of an indefinite amount, and it therefore seems to me that it would be the most satisfactory arrangement for all parties, that the guarantee should be given for a specific sum, which should not be exceeded in case of its insufficiency, and that no objection should be made to the expenditure of this sum on the main line of Railway as far west as it could be made available. If that principle, which appears to be both the most simple and most satisfactory, be approved of by Her Majesty's Government, the only remaining point to be settled is the amount of the guarantee. Major Robinson's estimate of the line to Quebec was £5,000,000 sterling; the proposed line may be 15 to 20 miles longer, but the expense may be estimated at the same sum. For the extension to Montreal, which was contemplated by Earl Grey, as will be seen by a reference to Mr. Hawes' letter, taking Major Robinson's estimate as a guide, a million might be estimated; and I therefore consider that the minimum sum required to carry out the contemplated arrangements is six millions of pounds sterling. I desire, however, to submit for the serious consideration of Her Majesty's Government, whether the security of the Imperial Government would not be strengthened, and the great objects of the work promoted, by authorising a guarantee of seven millions instead of six. A glance at the map will show that the British Line, from the Detroit to Halifax, will have to compete with several great lines of the United States for the western trade. In this competition it will have several advantages; it will be the best road, will have the best gauge, and by far the best gradients of any line in America. The American lines are in the hands of a number of Corporations which have often conflicting interests, but a common object—to obtain large dividends; the object of the three Provinces would be to place the tolls at the lowest possible rate, even at the risk of causing a charge on their revenues, so as to secure not only the passenger travel to and from Europe to the West, as well as between Halifax and Boston and New York, but likewise to obtain the passenger trade from the west to the principal Atlantic Cities

Cities of the United States. This trade would diverge at various points along the line, such as Hamilton, Toronto, Kingston, Prescott, and Montreal, to the American Railroads. It must be obvious that the line west of Montreal will be the best paying portion, and indeed the only reason urged for confining the Imperial aid to the section between Halifax and Montreal has been, that the western section being likely to prove remunerative, no necessity existed for granting Imperial aid. It may, however, be well worthy of consideration, whether it is wise for the Imperial Government to abandon its lien on the section of the line admitted to be commercially the best, and to retain it on the section expected to be unproductive.

It may be urged, that in case the guarantee was extended to seven millions, there would be no security for the completion of the line. In answer to this, I have to state, that eminent English capitalists have announced their readiness to construct the entire line from Halifax to the western frontier, on the assurance that the Imperial assistance will be extended to seven millions. I am myself persuaded that if the principle of granting aid at all be admitted, it is the interest of the Imperial Parliament to grant seven millions and secure the completion of the entire line. I believe that the importance to Imperial interests of this great work is not sufficiently appreciated. I have reason to believe that were a line of Railway completed from Halifax, and that Port made the terminus of the voyage of the Ocean Steamers, fully £50,000 per annum might be saved in the Atlantic Mail Service, independent of the saving of the sum now paid to the United States for carrying the Canada Mails—a service most unsatisfactorily performed, and most extravagantly charged for. Instead of the British Mails being carried over the American Railways, it must be obvious that the Mails and passengers destined for New York, Boston, and other American Cities, would be carried over the projected Railway from Halifax to Saint John, and thence by branch lines to their several destinations. Such a Railway would lead to the establishment of Ocean Steamers of a larger class than those now used, and which would convey the emigrants at all seasons of the year cheaply and expeditiously. With such a means of rapid communication between the Mother Country and all parts of the British American territories, not only would the charges for transporting Troops and Stores be materially reduced, but a considerable diminution in the military force might be made, if such a step were on other grounds deemed expedient. I need not urge the advantages which would accrue to the Mother Country by the employment of labor in the construction of these works, and the ultimate settlement in British America of a population which would be consumers of British manufactures.

Although in advocating the extension of the loan to seven millions I may be thought to be peculiarly urging the claim of Canada, I have the satisfaction of knowing that the importance of completing the entire line to the Detroit River, so as to connect it with the Valley of the Mississippi and the great Western States, is fully appreciated by the Governments and people of Nova Scotia and New Brunswick. The aspirations of the people of Halifax are, that their City should be the great Atlantic terminus for North America. But I must admit that those who feel most strongly on the subject are the people of Upper Canada. Whatever reluctance was evinced in the Canadian Parliament to aid in the great Railway scheme, arose from the restriction of Imperial aid beyond Montreal. The Upper Canadians felt that their interests would be wholly overlooked if the construction of a line from Halifax to Montreal were secured,

and that extending westward from Montreal left in uncertainty. Many of them would have preferred constructing the western section without the Imperial aid, thus applying all the unaided energies of the Province to the favorite and more profitable section in Upper Canada. In fact, the Legislature, in agreeing to assume the heavy responsibility of the Halifax and Montreal line, was mainly influenced by the consideration that it was one of great national importance, and that as an integral portion of the Empire, Canada would not be justified in declining to co-operate with the Sister Provinces in securing its construction. In concluding this branch of my subject, I have merely to add, that I consider the guarantee of six millions as indispensable to give effect to Earl Grey's proposition, and that while I have no doubt that the three Provinces will thankfully carry out their pledges if that sum be guaranteed, I trust to the liberality of Her Majesty's Government, and to the soundness of the arguments which I have advanced, to fix it at seven millions, it being understood that the entire line is to be completed, and the whole revenue pledged to the Imperial Government.

I proceed thirdly to consider the conditions on which the guarantee was to be granted, as I find them stated in Mr. Hawes' letter to Mr. Howe of the 10th March last. The first of these was, that the three Provinces should agree upon the proportion of the liability to be respectively borne by each in the construction of the whole line.

An arrangement has been effected by which the cost of the line between Halifax and Quebec is to be borne, one fourth by Nova Scotia, five twelfths by New Brunswick, and one third by Canada, the line being constructed on account of the three Provinces, and the entire net revenue going to each in proportion to its interest in the work. The next stipulation was, that the line should pass through British territory, a condition of course which the Provinces are equally anxious with the Mother Country to affirm. The next stipulation is, that the new loan should be made a prior charge on the Provincial Revenues after any existing debts and payment on account of the Civil List; and also that permanent taxes shall be imposed sufficient to cover the interest and a sufficient sinking fund. To the principle of making the new loan a prior charge on the Revenues of each Province after any existing debts, there can be no objection; but I feel assured, that on further consideration, it will not be deemed necessary to require the imposition of fresh taxes specially applicable to the new loan. It can easily be shewn that the Revenue of Canada is an amply sufficient security for her proportion of the work. Instead of finding it necessary to impose new taxes, I was, as Finance Minister of Canada, only able during last Session to resist the demand for a reduction of duties, on the ground that the new loan would entail increased burthens on the Province, and render it unsafe to reduce the Revenue.

The Sister Provinces have no debt worthy of notice, and of course all their revenues of every kind will be liable for their proportion of the loan. Taxes specially appropriated are for many reasons objectionable; they have been found so in England, and the same objections may be urged against them in the Colonies. A better security cannot be given than a consolidated Revenue Fund, which embraces every description that is received into the Colonial Exchequer. I believe that the same high sense of honor for which England has justly obtained such credit, will be found among the people of British North America; and I am convinced that any Colonial Finance Minister who would allow the Provincial credit to be impaired, would be as utterly

utterly ruined as a public man as the Chancellor of the Exchequer would be in this country by similar mismanagement. I hold that the best possible security that the Imperial Government can have, is a charge upon the Revenues of the several Provinces; and as I know that this view is participated in by the Governments of the Sister Provinces, I trust that the provisions of the Acts passed by the several Legislatures will be found satisfactory. I may observe, that in the British Provinces, as in England, there are frequent changes made in the Tariffs, owing to the pressure of public opinion, and it would be found extremely inconvenient to have particular taxes specially appropriated.

The Revenue of each Province will be maintained at an amount sufficient for the liquidation of all demands against it, and this is all that the public creditor can require. Canada has provided a sinking fund of two per cent. to commence immediately; but the Provinces of Nova Scotia and New Brunswick have not deemed it expedient, in view of the probability of having to pay the interest out of their general Revenue, to assume the additional burthen of a sinking fund, relying, as they are justified in doing, on the rapidly progressive increase of the tolls. In the case of the Canada guaranteed loan of 1841, the Imperial Government permitted the postponement of the sinking fund for a period of years, and Nova Scotia and New Brunswick have relied on the liberality of the Imperial Government not to press too severely on their small Revenues. The caution manifested by the Legislatures referred to, is a proof that they are determined to fulfil their engagements. To the condition that the Government Troops, Stores and Mails should be sent over the line at reasonable charges, no objection can exist. One other point requires consideration, viz. the mode in which Her Majesty's Government will exercise supervision over the expenditure. In the absence of all information as to the views of Her Majesty's Government, it would be presumptuous in me to discuss the subject; but I feel assured that no difficulty can arise on this point. I have to apologize for the length of this communication, which I trust you will attribute to my anxious desire to fulfil the trust reposed in me, and to represent to the Queen's Government the wishes of Her Majesty's loyal subjects in British North America. I cannot however conclude, without expressing to you, Sir, my warmest acknowledgments for the courtesy with which you have received me, and for the interest which you have taken in the subject which it has been my duty to bring under your consideration.

I have, &c.

(Signed)

F. HINCKS.

The Right Hon. Sir John Pakington, Bart., M. P., &c. &c. &c.

(Copy)

London, 21st May, 1852.

SIR,—The undersigned having received from you and your friends certain propositions for the construction of a Line of Railway between Montreal and Hamilton, in Canada, and between the frontiers of Nova Scotia and Maine, in New Brunswick, with a Branch to Miramichi, are desirous to carry out with them a proposition that will be likely to meet with the approbation of Nova Scotia. The undersigned cannot be certain whether, under existing circumstances, the Government and Legislature of Nova Scotia will prefer that the section of the Trunk Line in that Province should be constructed

constructed as a Provincial Government work, or through the instrumentality of a Company. The undersigned therefore feel themselves bound, in view of the interests of Nova Scotia, to ask your assent to one of two propositions, either of which may be accepted, at the option of the Government of Nova Scotia.

1st. They propose, that the line shall be constructed through Nova Scotia on precisely the same terms as have been agreed to for Canada, viz. 5-10ths to be provided by preferential Bonds of the Province of Nova Scotia, similar in character and advantages with the Canada Bonds issued under the Railway guarantee Act of Canada; 3-10ths in Bonds of a Company to be formed for the construction of the Road; 1-10th to be taken in Stock by the Contractors, and 1-10th to be raised by private individuals, Municipalities, or the Government of Nova Scotia. All the other conditions of the agreement with Canada to be applied to Nova Scotia.

Should, however, the Government and Legislature of Nova Scotia prefer making the line on their own account, then the entire cost is to be paid for in Bonds of the Province of Nova Scotia, bearing six per cent. interest, and payable twenty years after date. The other conditions to be similar to those proposed, in case the Road be constructed by a Company.

We feel sanguine that one or other of the foregoing propositions will be agreed to by the Government of Nova Scotia.

We are, &c.

(Signed)

F. HINCKS,
E. B. CHANDLER.

(Copy)

London, 24th May, 1852.

GENTLEMEN,—I have not the slightest objection to entertain a proposition from the Government of Nova Scotia on the terms stated in your joint note of 21st instant, and I shall be prepared to adopt either of the modes put forth by you, subject to the same conditions and terms as apply to Canada and New Brunswick.

It is of course clearly understood that the interest on all the Bonds is to be payable in London; and for the several amounts guaranteed by the several Provincial Governments, the option is to be given to me, and my associates, of taking Government direct Bonds, or Bonds of the several Companies guaranteed by the several Governments.

I take it for granted, that the Governments of Nova Scotia and New Brunswick will be in a position to let me have their decision by the first August next. The operation is a large one, and will require great attention and a large amount of capital to carry it through, and will necessarily prevent us undertaking similar works in Europe which now present themselves for our consideration, and which we must decide upon taking up or rejecting in the month of August.

I am, &c.

(Signed)

W. JACKSON.

The Hon. F. Hincks,
E. B. Chandler.

Memorandum

Memorandum of a project for the construction of a Railway in the Province of New Brunswick, between the Frontier of Nova Scotia and Maine, and passing through the City of Saint John, N. B.

“1st. The line to be constructed by Messrs. Jackson, Peto, Betts, Brassey and Locke, and such other parties as may be associated with them, they agreeing to estimate for the work, charging the same scale of profits as they have charged on their lines constructed by them in England and on the Continent of Europe.

“2d. The line to be constructed at the cost of a Company, and the required amount to be raised as follows :—£250,000 to be taken in Stock of the Company by the Province of New Brunswick, to be paid for in Bonds to be issued in accordance with the Facility Bill, which the said Contractors will take at par in payment of the cost of the line. In addition to this sum, private parties in New Brunswick, or Municipalities, or the Province, will take an additional amount of stock sufficient to cover the cost of the land and damages. £100,000 to be taken in stock by the said Contractors and their friends, and credit for that amount to be given by them in their account for construction. £250,000 to be raised by Bonds of the Province, bearing 6 per cent. interest, and being of the same character and privileged in the same way as those issued to Railway Companies under the Canada guarantee, but to be issued from time to time as the work is proceeded with, and to be taken by the said Contractors in payment at par, such Bonds to be payable twenty years after date. The remaining portion of the cost of the said Rail Road to be provided for by Bonds of the Company, payable twenty years after date, bearing 6 per cent. interest, and to be taken at par by the said Contractors.

“3d. The proceeds of the land granted by the Facility Bill of the New Brunswick Legislature, to be applied to the payment of interest and liquidation of the principal of the Bonds of the Company.

“4th. In case the Company should determine on making a branch line of Railway from the Bend of the Petitcodiac or from Shediac to Miramichi River, and that the Legislature of New Brunswick should take stock to a proportionate amount, and grant a loan in like proportion to that branch, the said Contractors agree to construct the same on terms similar to those above mentioned for the main line.

“5th. The said Contractors will send out, with as little delay as possible, to New Brunswick, competent Engineers to examine the surveys of the line already made, to complete them where deficient, and to prepare the necessary working plans and estimates of cost of construction of the entire line. On the completion of the estimates, they, together with the plans, shall be submitted with a tender for the construction of the work, to two Engineers, one to be appointed by the Government of New Brunswick, and one by the Contractors ; and in case either or both of such Engineers should decide that such tender is too high, and that the said Contractors shall be unwilling to reduce the same to the amount deemed reasonable by such Engineer or Engineers, then the said plans shall become the property of the Company, who shall pay on delivery of the same, such expenses, including the cost of travelling, as the said Engineers shall deem reasonable ; and the Government of New Brunswick shall guarantee the performance of the above payments by the Company ; and if no Company be formed, to pay the same.

“6th.

“6th. In the event of the contract being agreed upon, the Government of New Brunswick shall be authorised to employ, at the cost of the Company, a superintendent Engineer, to see that the works are properly executed.

“7th. It is understood that the foregoing proposition is based on the supposition that the cost of the road will not exceed £1,000,000 sterling. It is proposed, in the event of its exceeding that amount, the excess is to be provided for by a proportionate increase of the Provincial stock, the Contractor's stock, the Provincial guaranteed loan, and the Company's bonds.

“8th. It is to be understood that if the number of Directors of the Company shall be seven, the New Brunswick Government, as representing £250,000 of stock, shall nominate three Directors; if increased to nine, they shall nominate four; and if increased to thirteen, they shall nominate six.

“The above proposition is the result of several conversations had between Mr. Jackson and Mr. Chandler, and Mr. Chandler undertakes to submit the same to the Government of New Brunswick, with his opinion in its favor, with as little delay as possible after his return to New Brunswick; and if accepted by the Government of New Brunswick, he will cause the same to be communicated to Mr. Jackson without delay, in order that the Engineers and Surveyors may be sent in the present season; and Mr. Jackson undertakes, on behalf of himself and friends, to carry out the above proposition, on receipt of the information of the acceptance by the Government of New Brunswick.

21st May, 1852.”

WM. JACKSON.
E. B. CHANDLER.

(Copy)

Saint John, N. B., 16th June, 1852.

At a Meeting of the Directors of the European and North American Railway Company held this day;—

The President submitted a communication from the Hon. E. B. Chandler, enclosing a copy of the proposals submitted by William Jackson, Esquire, M. P., on behalf of himself and associates, for the construction, by this Company, of the European and North American Railway through New Brunswick; whereupon

Resolved, That the proposals now submitted, seem to hold out a reasonable prospect of the realization of this important object, and this Board will, as far as it is in their power as Directors, cordially co-operate with the Provincial Government, and all parties favorably disposed, in carrying out an undertaking so essential to the prosperity of this Province; it being understood that, in consequence of the altered circumstances of the Company, stockholders shall be at liberty to reduce their subscriptions, and the qualification of Directors shall be reduced to £500 instead of £1000, the Government Directors to possess a like qualification; and that the expense of survey, referred to in the proposition, be defrayed by the Government in the event of the arrangement not being carried out.

Resolved, That a copy of the foregoing Resolution be communicated to the Honorable the Provincial Secretary.

A true Copy.
THOS. B. MILLIDGE, *Clerk.*

(Signed)
R. JARDINE, *President.*

IN COUNCIL,—19th June, 1852.

Read and approved the following recommendation of the Committee of Council :—

“The Executive Council in Committee, having had under consideration certain propositions obtained by the Hon. Mr. Chandler, while in England, from Wm. Jackson, Esq., M. P., on behalf of himself and other eminent capitalists, for the construction of that part of the contemplated European and North American Railway within New Brunswick, recommend that the same be accepted by His Honor the Administrator of the Government in Council, on behalf of this Province.

“Although Legislative action will be required in order to carry out the proposition, and also for the alteration of the Laws under which the Company has been incorporated for carrying on the work, the Committee do not think it necessary at present to recommend incurring the expense (which must be heavy) of an extra Session of the Legislature.

“The Committee have also considered the Resolutions of the Directors of the Company, giving their assent to the propositions referred to, and are satisfied with the modifications suggested by them, except that proposing a stock qualification for Government Directors.”

ORDERED,—That the Provincial Secretary do communicate by first mail to W. Jackson, Esq., M. P., a copy of the foregoing Minute of Council, *unanimously passed*, accepting and ratifying the proposal made by Mr. Jackson, in order that immediate steps may be taken for the survey of the line, as contemplated in the proposal.

And further ordered, that a copy of such Minute of Council be forwarded to the President of the European and North American Railway Company.

[Extract from the Minutes.]

(Signed)

JOHN C. ALLEN, *Clerk Exec. Council.*

(Copy.)

AN AGREEMENT

Made and entered into this twenty ninth day of September, in the year of Our Lord one thousand eight hundred and fifty two, between the “European and North American Railway Company” of the first part, and William Jackson, of Birkenhead and London, Samuel Morton Peto, Thomas Brassey, and Edward Ledd Betts, all of London, in Great Britain, Esquires, of the second part : Whereas the said European and North American Railway Company have been incorporated and duly organized, for the purpose of making, constructing and finally completing a Railway from the Eastern Boundary of this Province of New Brunswick, in the County of Westmorland, so as best to connect with a Railway to be constructed from the City of Bangor, in the United States of America, to the Eastern part of the State of Maine, as the Directors of the said Company in the exercise of their best judgment and discretion shall deem most favorable and best calculated to promote the public convenience, and carry into effect the intentions and purposes of the Act of Incorporation ; and such Branch Railways to every or any part of the Province as the said
Company

Company may deem expedient ; such lines and branch lines being subject, nevertheless, to the approval of His Excellency the Lieutenant Governor or Administrator of the Government for the time being, in Council : And whereas it has been determined, subject to the provisions and conditions hereinafter expressed, immediately to commence the said work, and to construct and equip that portion of the said Road extending from the River Saint John, at the Falls, not including the Bridge over the same, to Shediac, and from some place at or near the Bend of the Petitcodiac to the Nova Scotia Boundary, completing in the first place the line between Shediac and the Bend of the Petitcodiac : And whereas the said parties hereto of the second part have agreed to construct such portion of said Railway at and after the rate of six thousand five hundred pounds sterling per mile, upon the terms, conditions and stipulations hereinafter set forth : And whereas, for the purpose of facilitating the construction of the said Road, the Government of this Province have agreed to take stock in the said Company to the extent of two hundred and fifty thousand pounds sterling, payable in Provincial Debentures to be issued, and payable at the end of twenty years, with interest at the rate of six pounds per centum per annum, payable half yearly in London, and subject to the sanction of the Legislature hereafter to be obtained, to loan to the said Company to the extent of two hundred and twelve thousand pounds sterling in Debentures, to be issued in the like form, with principal and interest, payable in like manner in all respects as the said Stock Debentures are to be payable ; repayment of the said last mentioned Debentures and interest being secured to the said Government by a mortgage or first charge on the said Railway as such Debentures shall issue, in the manner and according to the terms of an Act to be passed by the Legislature for that purpose, by which it is contemplated to make the said Loan Debentures and the interest thereon accruing, a primary charge on the said Railway, its Stations, Station Houses and Rolling Stock, as the same may be made and completed, and while in the course of construction : And whereas the said parties hereto of the second part have agreed to take stock in the said Company to the extent of seven hundred pounds sterling per mile : And whereas the estimated length of that part of the Railway about to be forthwith constructed is, from Saint John to Shediac, one hundred and seven miles, and from the point of departure at or near the Bend of the Petitcodiac to the Nova Scotia Boundary, thirty seven miles, estimated in all about one hundred and forty four miles ; the expense of constructing, finishing and furnishing which, at the rate aforesaid, will amount to nine hundred and thirty six thousand pounds sterling, or thereabouts, according to the exact length of the line :

Now this agreement witnesseth, That the said parties hereto of the second part do hereby undertake and agree to build, construct and equip a first class single track Railway, of five feet six inches gauge, along that portion of the line of the said European and North American Railway lying between the River Saint John at the Falls and Shediac on the Gulf Shore, and at or near the Bend of the Petitcodiac and the Boundary of the Province of Nova Scotia, completing the road between Shediac and the Bend of Petitcodiac in the first place ; the whole line hereby contracted for to be constructed and equipped in a good, substantial and workmanlike manner, and of the best materials, and in all respects with reference to the permanent way, earthworks, grades, curves, bridges, culverts, crossings, terminal station at Saint John, road stations, rolling stock, sidings, turn tables, and fencing where required, as set forth,
specified

specified and described in the general specification hereto annexed, marked "A;" the same to be finished, furnished and completed to the entire satisfaction of Albin C. Morton, Esquire, or such other consulting Railway Engineer of eminent standing, as the said Lieutenant Governor or Administrator of the Government for the time being, by and with the advice of the Executive Council, shall from time to time appoint to superintend and inspect the construction and equipping of the said Road; the said consulting Engineer to be paid by the said parties hereto of the first part; and which said Railway, when so completed, is to be delivered to the said parties hereto of the first part, in good working order in every respect, ready for actual traffic and travel, without further outlay or expense to the said parties hereto of the first part, on or before the first day of July which will be in the year of our Lord one thousand eight hundred and fifty seven:

And the said parties hereto of the first part do hereby undertake and agree to and with the said parties hereto of the second part, to pay for the said Railway and equipment on and after the rate and price of six thousand five hundred pounds sterling per mile, in manner following, that is to say: when and so soon as the said consulting Engineer for the time being shall certify that work is done, and material on the ground, to the extent of twenty thousand pounds sterling, then payment shall be made to the said parties hereto of the second part to the extent of ninety per cent., or eighteen thousand pounds sterling, twenty five per cent. in Provincial Debentures to be issued by the Government in payment of their stock; twenty two per cent. in Provincial Debentures to be loaned by the Government to the said parties hereto of the first part as hereinbefore mentioned; ten per cent. in Stock Certificates of the said Company paid up; and the residue, or forty three per cent., in Bonds of the said Company bearing interest at the rate of six per cent. per annum, payable in London in twenty years from the dates they shall be respectively issued, in such sums as shall be required by the said parties hereto of the second part; and so on, from time to time, as such consulting Engineer shall certify, until the reserves on such sums of twenty thousand pounds sterling shall amount to ten thousand pounds sterling, which shall remain and continue reserved till the whole of the said work hereby contracted for shall be complete, and in the mean time on each Certificate subsequent to such reserve to the extent of the whole of each Certificate of twenty thousand pounds sterling in like proportions as above expressed of Province Debentures, Stock Certificates, and Bonds of the Company: And on the said Railway being completely finished and equipped as aforesaid, and certified by such consulting Engineer to be open and ready for traffic, the said reserved sum of ten thousand pounds sterling shall be paid to the said parties hereto of the second part in like manner by a like proportionate quantity of Province Debentures, Stock Certificates, and Bonds of the Company: And it is further understood and agreed by and between all the said parties hereto, that all land required for locating the said Railway, and for the construction or use thereof, temporary or permanent, shall be provided by the said parties hereto of the first part, whenever required by the said parties hereto of the second part; and further, that the said parties hereto of the first part shall, from time to time, when required, procure for the said parties hereto of the second part the consent of the Executive Government of this Province to enable them to enter and go on and upon the Crown Lands lying in the route or line of such Railway, and to dig for, take, remove, and use any earth, gravel, stone, timber, wood or other matter necessary for the construction of the said Railway, under, on or from the Crown Lands contiguous to the said Railway,

free from any duties or charge therefor : And it is understood and agreed that this Agreement and Contract is based on the supposition and assumption that Iron rails can be purchased in England free on board, at six pounds ten shillings sterling per ton : And it is hereby agreed that should this not be the case, any increase upon this amount will be added to the contract price, and any decrease will be deducted therefrom ; and with respect to chains and pins a relative deduction or advance shall be made : And it is further agreed that the road bed of the said Railway shall be elevated as much as practicable and necessary above the surface of the ground, to facilitate the removal of snow ; and in the event of any alteration being made in the route of the said Railway from the line as at present surveyed, and the same should be carried either by the way of Loch Lomond, or Carruthers' Lake, an equal number of Stations shall be placed in suitable situations along such altered line : And the said parties hereto of the first part do hereby agree that they will from time to time and at all times during the progress of the said work, when required by the said parties hereto of the second part, by all lawful ways and means enforce the full powers, rights and privileges belonging to them for the benefit and advantage of the said parties hereto of the second part, and for better enabling them to construct and equip the said Road and carry out and fulfil this Agreement :

And it is further agreed, that that portion of the European and North American Railway Line to the westward of Saint John, between the City of Saint John and the Frontier of the State of Maine, but not including the Bridge at Saint John, shall be surveyed and the route decided on as soon as conveniently may be by the Engineers of the said parties hereto of the second part ; and on the said route being so decided on, the said parties hereto do hereby, on the assent of the Lieutenant Governor or Administrator of the Government for the time being, in Council, being thereunto first had and obtained, mutually contract and agree for the construction of the line to the Eastern Boundary of the said State of Maine so decided on, and for the construction of an extension of the Trunk Line to Miramichi, in like manner as heretofore specified according to a similar specification, and upon the like terms and conditions, only that the price of such construction shall be dependent on the work on said line or lines when ascertained by actual survey, but the basis on which such prices shall be determined shall be in all respects the same as have been agreed upon for the road hereby contracted for, and payments shall be made for the same in like proportion of Provincial Debentures, Stock Certificates, and Bonds of the said Company ; provided always, that if the price of the said Roads, or either of them, shall exceed six thousand five hundred pounds sterling per mile, the Government proportion shall in no case extend beyond three thousand pounds sterling per mile in balance of the two hundred and fifty thousand pounds sterling of Stock and Loan Debentures : And it is further agreed, that with reference to all branches to Fredericton, or elsewhere, from the main Trunk Line, the same shall, when mutually determined on, and the assent of the Lieutenant Governor or Administrator of the Government for the time being, in Council, being first had, be constructed on the like basis and terms, and in the same manner in all respects as herein contained for the constructing of the said main Trunk Line, and the said extension thereof to Miramichi : And it is hereby further agreed by and between the said contracting parties, that when and so soon as any part or parts of the said road hereby contracted for shall be made and put in operation, any
profit

profit or profits arising from the working of the said road or roads, so made and completed, shall go to and be applied for the benefit of the said parties hereto of the first part, in like manner as if the whole of the said road shall have been made and handed over; provided always, that the said parties hereto of the second part shall be entitled to send all agents, workmen and materials required for the execution of the works, over such portion of the said line as may be opened, free of charge: And it is further agreed by and between the parties hereto, that in the event of any difference or dispute arising between them with reference to this contract, or to any matter or thing arising or growing thereout, or in any way relating thereto, all such matters in difference shall be referred to the award, order, final end and arbitrament of three disinterested arbitrators, to be chosen as follows: one by the said parties hereto of the first part and the Executive Government of this Province conjointly, one by the said parties hereto of the second part, and the third by the said two arbitrators so chosen as aforesaid; the decision and award of whom, or any two of whom, in the premises, shall be final and conclusive between the parties.

In witness whereof, the parties hereto of the first part have to this Contract, executed by both parties in quadruplicate, caused their Common Seal to be affixed and set, and the same to be testified by the signatures of the President and Secretary of the said Company; and the parties hereto of the second part have subscribed their names and affixed their seals the day and year first above written.

R. JARDINE, *President.* [L. S.]
THOS. B. MILLIDGE, *Clerk.*

WM. JACKSON, [L. S.]

SAMUEL MORTON PETO, [L. S.]
by his Attorney, Wm. Jackson.

THOMAS BRASSEY, [L. S.]
by his Attorney, Wm. Jackson.

EDWARD LEDD BETTS, [L. S.]
by his Attorney, Wm. Jackson.

Signed, sealed and delivered
in the presence of

JOHN A. POOR,
GEORGE P. SANCTON.

