



CORRESPONDENCE

BETWEEN

THE COLONIAL DEPARTMENT AND  
MR. JOSIAH TIMMIS

AS TO

THE CANADA, NEW BRUNSWICK, AND  
NOVA SCOTIA RAILROAD COMPANY.



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Ordered to be printed 7th August 1851.

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350

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RAILROAD COMPANY.**

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*Pursuant to an Address of the House of Lords dated 19th May 1851.*

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**Ordered to be printed 7th August 1851.**

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## CORRESPONDENCE, &amp;c.

No. 1.

No. 1.

Copy of a LETTER from JOSIAH TIMMIS Esquire to EARL GREY.

MY LORD,

Montreal, November 11, 1847.

THE wearisome delays which have occurred to retard active operations on the important work projected by me, of more intimately and firmly connecting the North American provinces to Great Britain, by a railroad from this city to Halifax induces me to lay before your Lordship a statement of what has been done, that I may obtain that patronage and assistance from you which has been so long withheld from me here, for I have not received that encouragement and help from the Provincial Government which was promised to me by Her Majesty's Representatives, their Excellencies the late lamented Lord Metcalfe and also the Earl Cathcart. The Governor-General, Lord Metcalfe, after requesting me to commit to writing the substance of what I had personally stated to him, as per copy herewith, together with Captain Higginson's reply to it, for the purpose of laying it before the Council, gave me every facility, by referring me to the Crown Land Commissioner for a grant of all the land applied for, who, after consulting with his colleagues, subsequent to long discussions in Council, promised to give it, as far as his authority extended, and also to the Royal Engineer Department, where Sir James Alexander and Lieutenant Simmons confirmed my report of its practicability; and, having the Governor-General's authority to give me every information, they pointed out to me that the chief difficulties of the whole line, as laid down by them for the military road, were between Lake Temisquata and River du Loup; and his Excellency desired me to see if those difficulties could be avoided, and expressed his wish for me to carry out the injunctions laid upon me by his predecessor, the revered Sir Charles Bagot, both personally, and, as expressed in his letter, to see the country "with my own eyes," before seeing his friends and my friends again in Staffordshire, to enable me to report the advantages of the proposed line of road, and from my experience and judgment to speak of its eligibility for settlement, both for substantial capitalists and farmers, as well as labourers and their families; and under these auspices I commenced the task of personally examining different tracts for the line, with an assurance from his Excellency and also Captain Higginson that "all expenses incurred should be repaid, and something handsome besides," and by curving a few miles beyond the military proposed road found very favourable gradients presented themselves, and from that place to the St. Lawrence opposite this city, about 300 miles, the country is extremely favourable. On my return, after waiting upon his Excellency, the late Governor-General, the Earl Cathcart, and explaining to him all particulars, his Excellency after assuring me that I was the very individual who was wanted in Montreal; and as his Council did not understand these matters, his Excellency desired me to remove to this city with the least delay, from my other business engagements at Quebec, under a promise of appointing me to a commission for a further preliminary examination of the most eligible line of road; and that under that commission the expenses incurred should be defrayed. On my removal here, now eighteen months back, and waiting upon the Governor-General, his Excellency referred me to the Hon. Mr. Robinson, Commissioner of the Board of Works, and also charged me to organize, with extreme caution, a powerful committee in this city, similar to one which I had previously formed at Quebec; but as his Excellency's Council would not concur in his views, nothing to aid me was done. However, the committee succeeded in obtaining an Act of the Provincial Legislature for the first grand link of "The Canada, New Brunswick, and Nova Scotia Railroad Company," and also the sanction of the Governor-General the Earl of Elgin to "promote it by all means in his power, and also an assurance from the Provincial Government

of a free grant of the crown lands for five miles on each side of the road, at the next session of the Legislature, and which Act is now, I presume, with your Lordship, awaiting the sanction of Her Majesty the Queen. During the session of the Provincial Legislature I found strong prejudices existing against this great national as well as provincial benefit, and also against myself, for my humble efforts to bring it forward, as it was pronounced "certain to swamp Franco-Canadian nationality." However, on explaining the numerous and general benefits which would arise from it, it became the most popular measure of the session, and was carried without opposition, by a general cheer; and many of the members of the Legislative Assembly voted for an appropriation of 2,000*l.* towards defraying the expenses of the survey of the Quebec and Halifax Railroad, under the impression that it was to reimburse me the expenses which from the first I have personally sustained, and also as some compensation for the great loss of time incurred; for, after having devoted all my attention to it and had to carry on an extensive correspondence, I have now the mortification to find all remuneration withheld from me, after exhausting my own resources. If such an injustice can be allowed here, I feel confident your Lordship would not suffer it in England. The committee comprises the most talented and influential gentlemen in the city and province, and consists of—

Sir George Simpson, Governor, Hon. Hudson Bay Company.  
 T. A. Stayner, Esq., Deputy Postmaster General, British North America.  
 P. Warren Dease, Esq., Hon. Hudson Bay Company, Dis. N.W. Pas.  
 The Hon. John Molson, Director of Champlain and Lap. Railroad.  
 John E. Mills, Esq., Mayor of the City of Montreal, and ditto.  
 The Hon. Henry Sherwood, M.P.P., and M. Executive Council,  
 Attorney General.  
 The Hon. Adam Ferrie, Member of Legislative Council.  
 Allan M'Donell, Esq., Hon. Hudson Bay Company.  
 Alb. Francis, Esq., Director General.  
 The Hon. C. S. De Bleury, M.P.P.  
 Wm. Fortune, Esq., Councillor.  
 John Try, Esq., Commissioner, Montreal Harbour.  
 B. H. Lemoine, Esq., M.P.P., Cashier Bank du People.  
 Robt. Armoine, Esq., Master of Trinity House.  
 Jean Bruneau, Esq.  
 Hy. Corse, Esq., Magistrate.  
 The Hon. James Ferrier, M. Legislative Council, Director, Railroad.  
 William Lunn, Esq., Alderman, President of Bank, &c.  
 C. H. Castle, Esq., Magistrate, Cashier, City Bank.  
 The Hon. Robert Harwood, Seigneur of Vaudreuil.  
 John Matthewson, Esq., Magistrate.  
 Al. La Roch, Esq.  
 Wm. Workman, Esq., Director, Champlain and Lap. Railroad.  
 The Hon. Austin Cuvillier, late Speaker, Provincial Parliament,  
 Seigneur, &c.  
 Josh. Cary, Esq.  
 Wm. B. Jarvis, Esq., Sheriff, Toronto.  
 Mr. Timmis, Montreal.  
 John Glass, Esq., Treasurer, Board of Trade.  
 John Elmsley, Esq., Toronto.  
 The Hon. Amable Dionne, M. Legislative Council, Seigneur, Kam.  
 The Hon. Thomas M'Kay, M. Legislative Council, Bytown.  
 The Hon. John Milson, M. Legislative Council, Quebec.  
 The Hon. Louis Massere, ditto, ditto.  
 John Kirkpatrick, Mayor of Kingston.  
 Will. Henry Boulton, Esq., M.P.P., Mayor of Toronto.  
 Sir Allan N. M'Nab, Kt., Speaker of Legislative Assembly.  
 John Prince, Esq., M.P.P., Sandwich Park.

On obtaining the Act here in July the committee applied to his Excellency Sir William Colebrooke, the Lieutenant Governor of New Brunswick, for his sanction, and that of the Provincial Government, for a corresponding Act of their Legislature, for the construction of the railroad from its termination at the province line of New Brunswick to its termination at the province

line of Nova Scotia, with a branch to Fredericton, and also for a grant of three millions of acres of land of the Crown, as an aid towards it; and I lately received the reply of his Excellency's acting secretary, that it would be brought under the notice of the Legislature at its approaching session. The most talented party in the Provincial Government here wished me to proceed to Fredericton, and organize a committee there, to obtain an Act with the privileges sought, and consider it might be of immense benefit, but the other party withhold the means.

The serious convulsion in the money market in England would appear to bar any prospect of the work being commenced immediately the Act was obtained; but if New Brunswick would grant banking privileges for a given period on the stock paid up, it might be commenced, and work its way on at a comparatively small outlay. This, with the proposed assistance of the Imperial Government, would effect its construction from Bay Verte to River du Loup (110 miles below Quebec), which I would most strongly recommend to be first done, which would render Canada independent of the impositions of our republican neighbours, and the welfare of Canada depends more upon this railroad opening regular access to the Atlantic than is generally known in England. When my friends were most anxious to make investments here, during the administration of Sir Charles Bagot, money was abundant at two and a half per cent., and the difficulty was to get securities. Now my friend Mr. Buckley, the late M.P. for Newcastle, writes me, that so great a change has occurred that few in England will be disposed to invest here at the present. However, I trust to see them with the Act obtained; and if your Lordship shall consider that the sacrifices and exertions which I have made entitle me to more liberality than I have received,—for I have not had one fraction beyond promises,—it may be in your power to appoint me to a commission to effect these objects. Though the committee unanimously appointed me the secretary, it is merely honorary; and without naming this communication to them, a duty to myself impels me to address you, and hope to hear that these facts will be kindly considered by your Lordship.

Should it be Her Majesty's pleasure to appoint me a railway commissioner for British North America, and if what I have done meets the approval of the Imperial Government, with their sanction I would also apply this winter to the Provincial Legislature of Nova Scotia for a similar Act to the one obtained and promised to be amended here. And as there is a fine harbour at Bay Verte, ships arriving with destitute emigrants will more readily find employment there than here at the present; that is, at the mines, in the fisheries, and farm labour, with lumbering, instead of being, as they now are here, a burden upon the charitable.

The Right Hon. Earl Grey,  
&c. &c. &c.

I have, &c.  
(Signed) JOSIAH TIMMIS.

Enclosure 1 in No. 1.

Encl. 1 in No. 1.

COPY of APPLICATION made to his Excellency LORD METCALF.

Sir, Montreal, November 20, 1844.  
Agreeable to the suggestions which you were so kind as to make when I had the honour of seeing you yesterday, I will as briefly as possible commit to writing what I have before stated, that you may communicate it to his Excellency the Governor General, when leisure time, and his health will permit him to consider it. Several of my relations and friends in England being anxious to obtain good securities for investments of capital, and having experienced that turnpike roads and railroads, where judiciously laid out and economically made, yield most certain returns, as our Government at home are about to make a grand military road from the bend of the Peticondiac by the fortress at the Grand Falls of the River St. John, and thence to Quebec, I propose on their behalf to form a single line of railway, with the necessary occasional turn-out on one side of the same, and trust that his Excellency the Governor General will be pleased to sanction it, and recommend me to the Government at home to obtain an extra width of road to be laid out for the purpose, and that the proprietors or company may have the waste or wild land on both sides of the road for five miles each way, for allotments to settlers or investments, at the minimum price of any now on sale either in Canada or New Brunswick, and that the railroad may be continued on to Montreal, through the eastern townships, via Leeds and Melbourne, and also to Halifax, in order that the Liverpool and Halifax mails may be delivered to Quebec in twenty-four hours, and to Montreal in thirty hours (the result of

which I know will induce and require a weekly steam ship to Liverpool). I am more anxious to urge this from a plausible project being now on foot to carry the Canada winter trade round by Boston or Portland, by a line of railroad from Montreal, and which is highly favoured by many here.

This being adopted the six months impediments on commerce will be removed, and the Bay of Fundy become the winter port; besides bringing a large tract of neglected land into cultivation for one third of the distance to England for a wiser generation, if opposed by the present; and barrelled pork, beef, flour, fish, grain, ashes, leather, and other produce will force through snow that would chill Canadian enterprise. I propose a wooden railroad to commence with, such as is used in some parts of the United States, which are constructed at from 100L to 200L per mile, and then plated with iron bar rails, two to three inches in breadth.

I would hold out comfortable and substantial inducements for industrious well-conducted settlers to locate on the road during its progress, by employing them whilst their most difficult first crops were growing, and erect saw and grist mills at about each 20 miles distance, if water facilities offered, and promote asheries, and, as hemlock abounds in that quarter, instead of having it cut down, and recklessly burnt, I would have the bark collected in stacks, and recommend the accumulated earnings of each little village to be united, to carry on tanneries, as working up leather in winter will afford employment to many, besides being most profitable. I would also erect or promote the erection of churches along the road as the settlements required, and the well-disposed would be enabled to dispense comforts and blessings around them, as a daily market would be open for their farming and other produce at the shipping port to England, and freight and passage at least as cheap as it is now by steam boat.

I had the honour, as recommended yesterday, to see Sir James Alexander, who in the most handsome manner gave me, from his scientific and personal knowledge, the information that I sought, which confirmed my previous knowledge that favourable gradients presented themselves for a line of railroad, so far as his explorations extended (being the most important part of the road), and that the other gentlemen of his party would be here in a few days. I therefore must beg of you to submit this to his Excellency, that, with his sanction and patronage, a beginning may be made, and with God's blessing and good health I will carry it out.

J. M. Higginson, Esq.  
Private Secretary, Government House, Montreal.

I have, &c.  
(Signed) JOSIAH TIMMIS.

Encl. 2 in No. 1.

Enclosure 2 in No. 1.

Sir,

I am commanded by the Governor-General to acknowledge the receipt of your letter of the 20th instant, and to inform you, in reply, that his Excellency is of opinion that the formation of the proposed railroad would be of the highest importance and most desirable; and that his Excellency entertains no doubt that any proposition from parties capable of carrying out the project will receive the earnest attention of both Her Majesty's and the Provincial Government.

Josiah Timmis jun., Esq.,  
Quebec.

I have, &c.  
(Signed) J. M. HIGGINSON.

No. 2.

No. 2.

COPY of a LETTER from JOSIAH TIMMIS Esq. to Earl GREY.

MY LORD,

Montreal, February 17, 1848.

\* Page 1.

I HAD the honour to address your Lordship on the 11th\* of November last, to apprise you what progress had been made by "The Canada, New Brunswick, and Nova Scotia Railroad Company," and was in hopes my perseveranc and humble efforts to effect so much towards having this most important national work commenced with the least possible delay (for that its construction is indispensable, as I mentioned at first to the Governor General, for the retention of these fine provinces to the Imperial Crown, every year's events being abundant evidence that no intelligent mind can mistake,) would have entitled me to a reply from your Lordship, as much for the satisfaction of the committee as myself; for there cannot be found in the province, or in the whole of British North America, more loyal, or patriotic, or intelligent, or opulent, and influential gentlemen, than the thirty-seven who have been cautiously and

discreetly selected in this city, besides the thirty-three composing the committee at Quebec; and on laying before the committee a copy of what I had addressed to your Lordship, what I had done was unanimously approved of, and regret was expressed that I had not communicated earlier to your Lordship the difficulties we had struggled through, in expectation of having that countenance and encouragement from the Imperial Government which we so much need. Whilst the Provincial Government here (for the few individuals composing the Executive Council lay particular stress upon the distinction, that their Excellencies the Governor-Generals (our gracious Sovereign's representatives),—who encouraged me to this arduous undertaking, according to my proposal, and urged me to forego all other business to carry it out,—are not the government,) have set with folded hands, and done little, or comparatively nothing, that was not in previous progress, towards developing the immense resources of this fine province, our republican neighbours, by artifice and specious representations, have obtained from the Provincial Legislature an Act for making a railroad from this city to Portland, and are gradually laying the foundation for drawing away the traffic and wealth of this province and the Far-west from Great Britain, which prompt measures alone can avert. In many views that project is pregnant with many difficulties to this province, and no real good, when an infinitely superior line of railroad from this capital will run through 740 miles of the richest British territory in America, hitherto neglected and most imperfectly known, the beds of coal mines over which the road may run supplying fuel and constant back freight, when merchandize and other loading is not at hand; and I am most anxious that your Lordship and the Imperial Government should have the most accurate intelligence, in order to see the vast importance of speedy action in this undertaking, and of the evils which threaten its neglect.

The sterling loyalty of the committee shows brightly, when at different meetings an earnest wish has been repeatedly expressed, that we may commence operations upon the line so energetically, with the sterling support of the Imperial Government; that the shareholders of the Portland line may be deterred from meeting the pecuniary calls made by the directors, as there would be no traffic to pay for two lines through the eastern townships; and, after all the best information I could gain, it was proposed, at first, to proceed from this city to Melbourne, thence to Point Levy opposite Quebec, and on to Halifax. About forty-five miles of this Portland Road, it is officially stated, will be finished this summer, and the company might then purchase that road to advantage; but that, in my opinion, would be only like a feather in the scale, against avoiding the results which the completion of that road threatens in the opinion of all the most intelligent British residents that I have met.

The amount which I estimate will be required for the construction of the railroad from this city to Halifax, according to my proposal to the Government, is 1,652,400*l.* The locomotive engines, carriages, &c. would be extra for the distance, 740 miles. The Legislature of New Brunswick, having the application of the Canada, New Brunswick, and Nova Scotia Railroad Company now before them, the committee now solicit, in consideration of the pecuniary difficulties so extensively prevailing in England, from his Excellency Sir William Colebrook and the Legislature, banking privileges on the sterling amount expended on the road within the province for a given period, that the work may be commenced, with the least prudent delay, this summer. For this purpose I addressed his Excellency on the 15th current, and proposed, on obtaining the Act, to proceed immediately to England, to see different friends, for the purpose of raising the necessary funds. Numerous small capitalists here and along the road intend investing their means in the shares, 20*l.* sterling or \$100 each; and the committee propose allotting such number as, with the proposed assistance of the Imperial Government, will effect its construction, with a branch to Fredericton, and a continuation of the line to Chedabucto Bay, whence the mail steam ships may sail weekly to Ireland, Milford Haven, or Liverpool. The company have had no intimation of the Act of the Provincial Legislature, sent home for the sanction of the Queen, being received, but the committee rely upon it in time for obtaining from the Legislature here the promised grant of the crown lands, for settlements along the road; and the committee hope to have that aid and assistance from the Imperial Govern-

ment which the importance of this great work requires. I have also to trust that the expenses which I have incurred, and the sacrifice of time which I have made, will be duly compensated; and that the commission promised to me will be no longer withheld. Waiting a reply for the guidance of the Committee,

I have, &c.  
(Signed) JOSIAH TIMMIS jun.,  
Secretary of the Canada, New Brunswick,  
and Nova Scotia Railroad Company.

The Right Hon. Earl Grey,  
&c. &c. &c.

No. 3.

(No. 188.)

No. 3.

COPY of a DESPATCH from Earl GREY to the Earl of ELGIN AND  
KINCARDINE.

MY LORD,

Downing Street, March 20, 1848.

\* Page 1.  
† Page 4.

I HAVE to acknowledge the receipt of two letters, dated the 11th\* November and 17th† February last, from Mr. Josiah Timmis jun. of Montreal, who states that he is secretary to the Canada, New Brunswick, and Nova Scotia Railroad Company, on the proceedings and prospects of that undertaking.

Your Lordship will acquaint Mr. Timmis that his communications have duly reached me, but that I cannot enter upon a consideration of their contents until he shall have forwarded copies thereof to the Governor-General of Canada, for his report.

The Earl of Elgin and Kincardine,  
&c. &c. &c.

I have, &c.  
(Signed) GREY.

No. 4.

(No. 59.)

No. 4.

COPY of a DESPATCH from the Earl of ELGIN AND KINCARDINE to Earl  
GREY.

MY LORD,

Government House, Montreal, May 18, 1848.

IN obedience to the instructions conveyed to me in your Lordship's Despatch, No. 188, of the 20th of March, I have the honour to report to your Lordship on the communications addressed to you by Mr. Josiah Timmis respecting the Canada, New Brunswick, and Nova Scotia Railroad.

I am aware that Mr. Timmis takes a great interest in this railroad,—a work, the importance of which I am not inclined to undervalue; but I am not aware of the grounds upon which Mr. Timmis founds his claims for remuneration, or to be recognized as the agent for the highly respectable parties whose names are mentioned in his communication to your Lordship.

I am, &c.  
(Signed) ELGIN AND KINCARDINE.  
The Right Hon. Earl Grey, &c. &c. &c.

No. 5.

(No. 280.)

No. 5.

COPY of a DESPATCH from the Earl GREY to the Earl of ELGIN AND  
KINCARDINE.

MY LORD,

Downing Street, June 15, 1848.

I HAVE the honour to acknowledge the receipt of your Despatch No. 59, of the 18th May, reporting upon the communications which have been addressed to me by Mr. Josiah Timmis respecting the proposed Canada, New Brunswick, and Halifax Railroad.

I have to request that your Lordship will convey my thanks to Mr. Timmis for the observations with which he has favoured me on this subject, and inform

him that I consider his claim on Her Majesty's Government to compensation for his services, and for the expenses he has incurred on account of the projected railway, is quite inadmissible.

The Earl of Elgin and Kincardine,  
&c. &c. &c.

I have, &c.  
(Signed) GREY.

No. 6.

No. 6.

COPY of a LETTER from JOSIAH TIMMIS Esq. to Earl GREY.

MY LORD,

Montreal, March 14, 1849.

THE Canada, New Brunswick, and Nova Scotia Railway Company having applied to the New Brunswick Government for a free grant of three millions of acres of the wild or crown lands, and banking privileges on the amount expended in the province, the company will feel grateful to your Lordship impressing upon the New Brunswick Government the necessity of liberality, and should they grant the land applied for the company are desirous to commence operations at Bay Verte with the least delay; and as soon as the promised grant of land is obtained here, it is intended to proceed to Fredericton for the purpose of obtaining it.

The Provincial Government here have not yet given any proof of their liberality or justice in defraying the expenses incurred in the preliminary examinations of the line by the projector of the road, and hitherto sustained by him (as before communicated to your Lordship), and undertaken by command of the Governor-General.

I have, &c.  
(Signed) JOSIAH TIMMIS,  
Secretary of the Canada, New Brunswick,  
and Nova Scotia Railway Company.

The Right Hon. Earl Grey,  
&c. &c. &c.

Enclosure in No. 6.

Encl. in No. 6.

PROSPECTUS of the Canada, New Brunswick, and Nova Scotia Railway Company.

Capital: Two millions sterling, in 100,000 Shares of 20L each, with power (10 and 11 Victoria, Chap. 122.) to increase the Capital.

*Provisional Committee.*

Sir Allan N. MacNab, Kt., M.P.P.

Honourable John Molson.

„ Adam Ferrie, Member of Legislative Council.

„ James Ferrier, do. do.

„ Robert U. Harwood, Seigneur of Vaudreuil.

Sir George Simpson, Kt., Governor of the Honourable Hudson Bay Company.

Peter Warren Dease, Esquire, of the Honourable Hudson Bay Company.

Allan McDonell, Esquire, do. do. do.

Robert Armour, Esquire, Master of the Trinity House, Montreal.

Charles H. Castle, Esquire, Cashier of City Bank, Montreal.

John Try, Esquire, Commissioner of Montreal Harbour.

Henry Corse, Esquire.

John Matthewson, Esquire.

William B. Jarvis, Esquire, Sheriff of Home District.

Joseph Cary, Esquire, Deputy Inspector General.

Josiah Timmis, Esquire.

} Named in Act  
of  
Incorporation.

ALSO:

Honourable Joseph Bourret, Member of Legislative Council, and Mayor of the City of Montreal.

„ Henry Sherwood, Q.C., M.P.P.

„ Charles Sabrevois de Bleury.

„ Louis Massue, Member of the Legislative Council.

„ Amable Dionne, Member of the Legislative Council, Seigneur of Kamouraska.

„ Thomas Mackay, Member of Legislative Council.

„ William Beverly Robinson, M.P.P.

Honourable George S. Boulton, Member of Legislative Council.

" John Ross, do. do.  
 " R. Matheson, do. do.  
 " Joseph Dionne, do. do.  
 " James Morris, do. do.  
 " Henry J. Boulton, M.P.P.

Thomas Allen Stayner, Esquire, Deputy Postmaster General for British North America.

John Prince, Esq., Q.C., M.P.P.

Thomas Kirkpatrick, Esquire, Mayor of Kingston.

Robert N. Watts, Esquire, M.P.P.

William Workman, Esquire, Director of St. Lawrence and Champlain Railroad.

Albert Furniss, Esquire.

Alfred Larocque, Esquire.

Benjamin H. Lemoine, Esquire, Cashier of the Banque du Peuple.

Jean Bruneau, Esquire.

William Lunn, Esquire.

John Elmsley, Esquire.

William Henry Boulton, Esquire, M.P.P.

B. C. A. Gagy, Esquire, M.P.P.

John Egan, Esquire, M.P.P.

Alexander McLean, Esquire.

Paul Fraser, Esquire, Honourable Hudson Bay Company.

Joseph Morrison, Esquire, M.P.P.

Hermannus Smith, Esq., M.P.P.

Benjamin Holmes, Esquire, M.P.P.

F. X. Methot, Esquire, M.P.P.

Pierre J. O. Chauveau, Esquire, M.P.P.

*Consulting Engineers.*

Sir James Alexander, Kt., R.E.

Lieut. Symonds, R.E.

Edward Stavelly, Esquire, C.E.

*Consulting Counsel.*

Honourable Henry Sherwood, Q.C., Toronto.

John Prince, Esquire, Q.C., Sandwich.

B. C. A. Gagy, Esquire, } Montreal.  
 John Rose, Esquire, Q.C. }

*Solicitor.*

George Futvoye, Esquire.

*Bankers.*

The Bank of Montreal.

The Bank of British North America,

The City Bank.

La Banque du Peuple.

The Commercial Bank.

The Bank of Upper Canada.

} Montreal.

*Secretary.*

Josiah Timmis, Esquire.

A careful examination of the country along the proposed road, for the purpose of constructing a railway from Quebec to Halifax, and also to Montreal, through the eastern townships, via Drummondville or Melbourne, with a Branch to Fredericton, likewise to the most eligible point of Chedabucto Bay, or the Atlantic harbour at Whitehaven in Nova Scotia, having been commenced in 1844, under the auspices of his Excellency the Governor-General of British North America, with the assured support of the Imperial Government, a line of the most favourable gradients has been found, for nearly the whole distance, which, from the best authorities, is estimated at 740 miles from Montreal to Halifax. After wearisome difficulties and numerous obstacles which the committee have had to contend with, chiefly from the vast importance of this great work not having been in any way generally understood in Canada,—firm perseverance through this lapse of time, combined with a thorough knowledge of the immeasurable benefits which will result to the provinces as well as to the shareholders,—has enabled the committee to succeed in obtaining the Act of incorporation, with the general and finally cheering support of the Provincial Legislature, which it is confidently expected will be improved by a free grant of crown lands commensurate with the greatness of this provincial work.

The New Brunswick Government, as appears from documents before the committee, will encourage the company to the utmost of their power, by a free grant of crown lands and pecuniary support. This example the sister province of Nova Scotia will not be slow to

follow. The committee have the gratification to announce, that the assent of our Gracious Sovereign the Queen to the Act of Incorporation has been received, and proclaimed; and they invite their fellow subjects to participate in the ample benefits which will certainly result to them on its completion. It is intended to commence by the construction of a single line of rails, with the necessary turn-outs; and when the operations of the company require to be extended they are empowered to increase the capital. The coal mines over which the road will run offer facilities and inducements for its enlargement, as well as a constant supply of fuel and back freight, when merchandize and other loading is not at hand. Besides the prospective advantages to the shareholders, the scrip will by a contemplated arrangement with the banks be negotiable at any time; and experience has proved that no investment can be more safely, and, under efficient management, more profitably made, to be immediately available, than investments on railways. A daily mail and passenger train will be established from Montreal, Quebec, and Fredericton to Halifax and Chedabucto Bay, whence a line of steam ships will run weekly to Ireland, Milford Haven, or Liverpool; thus linking this road as the great highway of North American intercourse with Great Britain and the whole of Europe; and as the rail-cars shall brighten its iron surface by the acceleration of compensating rapidity, so will the chain of friendship be strengthened between the old country and the new, by increasing and corresponding mutual benefits. A constant market will be open for shipments to and from Great Britain, the West Indies, and all other parts of the world; and to settlers along the line a regular demand will be near.

During the examination of this line, and the delay which has occurred from the necessity of unanimity and cordial concurrence from the respective Provincial Governments, an enterprising company has constructed a substantial and admirably finished iron railroad to St. Hyacinthe on the way to Portland, being thirty miles of the proposed distance for this road, which, opened at Christmas, has been daily worked to profitable advantage, demonstrating to the most incredulous that even the snow and rigour of a Canadian winter will not prevent a regular mail and passenger train.

To disburse preliminary expenses, the certificates of allotment of shares will be two shillings and sixpence each, payable to the committee, and one pound per share must be paid to one of the banks above mentioned, of which one month's notice will be given by the directors; and as it is intended for the outlay to embrace a period of five years, not more than one pound per share will be called for each three months.

Applications for shares (post paid) are requested to be made to the committee, at their office (for the present) at St. Lawrence Hill, corner of Fortification and St. Lambert Streets, Montreal, where the book of enregistrement of shares will be open daily from 10 A.M. to 4 P.M.

Montreal, February 28, 1849.

*Form of Application for Shares.*

Sir,—I request you will secure me \_\_\_\_\_ shares in "The Canada, New Brunswick, and Nova Scotia Railway Company," subject to the prospectus of the 28th February 1849, the payments upon which I engage to make, as called for, and to sign the book of enregistrement.

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

*Signature.*  
*Residence.*  
*Trade or Profession.*  
*Date.*

To the Secretary of the Canada, New Brunswick, and Nova Scotia Railway Co., Montreal.

No. 7.

No. 7.

COPY of a LETTER from B. HAWES Esq. to J. TIMMIS Esq.

SIR, Downing Street, April 18, 1849.  
 I AM directed by the Secretary of State for the Colonies to inform you that your letter of the 14th\* March last has been received at this department.

As, however, this letter has been sent directly to the Secretary of State, instead of being forwarded through the Governor according to the established regulations of this office, the Governor has been directed to inform you that if you wish the case to be considered it is necessary that you should forward a fresh application through him in the regular manner, which will enable the Secretary of State to receive at the same time those explanations and remarks from the Governor without which no decision can be adopted.

\* Page 7.

Josiah Timmis, Esq.

I am, &c.  
 (Signed) B. HAWES.

No. 8.

(No. 348.)

No. 8.

COPY of a DESPATCH from EARL GREY to the EARL of ELGIN AND KINCARDINE.

My LORD,

Downing Street, April 18, 1849.

I HAVE received from Mr. Josiah Timmis a letter dated the 14th of March last, bringing under my consideration the subject of the Canada, New Brunswick, and Nova Scotia Railway Company.

This communication has been sent to me from the colony by the writer, and has not been transmitted through you, according to the established rule of colonial correspondence; I have therefore to desire that you will inform the writer that his letter cannot be noticed for this reason; and that if he wishes the case to be considered it is necessary that he should forward a fresh application through you in the regular manner, which will enable the Secretary of State to receive at the same time those explanations and remarks from the Governor without which no decision can be adopted.

The Earl of Elgin,  
&c. &c.

I have, &c.  
(Signed) GREY.

No. 9.

(No. 88.)

No. 9.

COPY of a DESPATCH from the Earl of ELGIN to Earl GREY.

Government House, Montreal, July 1, 1849.

(Received July 16, 1849.)

MY LORD,

(Answered July 23, 1851, No. 399, Page 11.)

WITH reference to your Lordship's despatch, No. 348, of the 28th April last, I have the honour to forward a letter addressed to your Lordship by Mr. Josiah Timmis, requesting the aid of the Imperial Government on behalf of the Canada, New Brunswick, and Nova Scotia Railroad Company, and a copy of a report of the Executive Council on the subject.

10 May 1848.

I have, &c.

The Right Hon. Earl Grey. (Signed) ELGIN AND KINCARDINE.  
&c. &c. &c.

Encl. 1 in No. 9.

Enclosure 1 in No. 9.

MY LORD,

Montreal, May 10, 1849.

I had the honour yesterday to receive a communication from his Excellency the Governor General's Secretary, and also Mr. Hawes's letter of April 18th, respecting the application made by "The Canada, New Brunswick, and Nova Scotia Railway Company" to the New Brunswick Government, for a free grant of three millions of acres of the Crown lands, &c., which I have laid before the Committee; and am requested to inform you that the provisional committee, having by a numerous and most respectable deputation waited upon the Governor General, to solicit his Excellency's cordial support and concurrence in this great undertaking, and obtained it, they applied to the Legislature for an Act of incorporation, and a free grant of the crown lands for five miles on each side of the road, with the timber, mines, materials, and minerals; but the Upper Canada members wishing the road to be continued to Toronto, the clause appropriating the land was struck out, to obtain the Act then at the close of that session, on the understanding that the provincial Government would bring forward a measure for that purpose at the next session; and the first reading of an Act with that object has been carried almost unanimously by the whole House of Assembly, granting the Crown lands for ten miles on each side of the road, and a guarantee of 20,000*l.* sterling annually, to be placed at the disposal of the home Government to help on the great work. As soon as the Act was obtained, the committee applied to his Excellency Sir William Colebrook for a free grant of the Crown lands to the extent of three millions of acres, and also banking privileges on the amount of capital expended in the province; when his Excellency was pleased to inform the committee, on the 9th October 1847, that the application for the grant of land should be submitted to the Legislature at the approaching session; and his Excellency Sir Edmund Head subsequently informed the committee, that the New Brunswick Government were "anxious to encourage to the utmost of their power the construction of a railway from Halifax to Quebec." And the public papers and other documents show that that Government has liberally granted the Crown lands for ten miles on each side of the road, and agreed to purchase the land for the road and station through any private property required by the company, and also guaranteed 20,000*l.*

sterling per annum for interest on the capital expended, should inadequate traffic returns require it, to be placed at the disposal of the Imperial Government for that purpose. The committee therefore earnestly solicit the Imperial Government will be pleased to aid them by placing the grant at the service of "The Canada, New Brunswick, and Nova Scotia Railway Company." The committee also made application to his Excellency Sir John Harvey, and the Nova Scotia Government, for a grant of the wild lands for five miles on each side of the road, with the timber, mines, and minerals, so far as the property of the Crown; and this, as appears from public documents, having been granted, together with a guarantee of 20,000L sterling yearly for interest on the expended capital for the disposal of the Imperial Government, the committee rely on the Imperial Government placing also at the service of the company.

When the aid solicited from this Government is obtained, it is intended that a deputation of the company shall proceed to Fredericton and Halifax, to make the necessary arrangements before waiting upon your lordship to account for the progress made, and raise the funds necessary for a commencement at Bay Verte as early as possible.

The company rely on the efficient aid of the Imperial Government, and hope to be assured of it with the least possible delay.

I have, &c.

(Signed) JOSIAH TIMMIS,  
Secretary of the Provisional Committee  
of the Canada, New Brunswick, and  
Nova Scotia Railway Company.

The Right Hon. Earl Grey,  
&c. &c. &c.

Enclosure 2 in No. 9.

Encl. 2 in No. 9.

EXTRACT from a REPORT of the COMMITTEE of the EXECUTIVE COUNCIL, dated 30th June 1849, approved by his Excellency the Governor General in Council on the same day.

UPON your Excellency's reference of certified copies of certain documents deposited with the Commissioners of Crown lands on 20th June instant, by Mr. Josiah Timmis, secretary of the Provisional Committee of the Canada, New Brunswick, and Nova Scotia Railroad Company; the report of the law officers of the Crown on the same, and a letter from Mr. Timmis to Earl Grey of the 10th May last; also laid before the Committee by your Excellency's command, the Committee beg leave to report:—

That it appearing that the deposit of the documents referred to was not a sufficient compliance with the requirements of the Act of 10 & 11 Vict. c. 122., and that the charter of the said Company has in consequence been forfeited, the Committee respectfully recommend that Mr. Timmis be informed of the same.

As respects the letter of Mr. Timmis to Earl Grey, the Committee, while they retain the opinion formerly expressed of the importance of this work in a national point of view, entertain but small hopes of its being undertaken with any prospect of success, unless Her Majesty's Government shall be induced to recommend it to the favourable consideration of the Imperial Parliament. The Committee would therefore beg leave to refer to their former approved Minutes of the 24th June and 20th December last on this subject, and also to the Act of last Session (12 Vict. c. 29.) By this Act provision is made that if Her Majesty's Government shall undertake the construction of the said railroad either directly or through the instrumentality of a private company, it shall be lawful for the Governor in Council on behalf of the province to undertake to pay yearly, in proportion as the work advances, a sum not exceeding 20,000L sterling, towards making good the deficiency, if any, in the income from the railway, to meet the interest of the sum expended upon it, and to place at the disposal of the Imperial Government all the ungranted lands within the province lying on the line of the railway to the extent of ten miles on each side thereof; and to undertake to obtain, pay for, and place at the disposal of the Imperial Government all the land required within the province for the line of the railway and for proper termini. Such is the extent to which the province has agreed to assist the undertaking, and such the condition upon which alone it has consented to do so.

(Certified) J. JOSEPH, C.C.

(No. 399.)

No. 10.

No. 10.

COPY of a DESPATCH from Earl GREY to the Earl of ELGIN.

MY LORD,

Downing Street, July 23, 1849.

I HAVE the honour to acknowledge the receipt of your Despatch, No. 83,\* of the 1st instant, and I have to request that your Lordship will acquaint Mr. Timmis, in reply to his letter, that I concur in the views expressed by the Committee of the Executive Council of Canada in their

\* Page 10.

(313.)

Minute of the 30th June, and that it is not therefore in the power of Her Majesty's Government to exercise any interference in the matter.

The Earl of Elgin,  
&c. &c.

I have, &c.  
(Signed) GREY.

No. 11.

No. 11.

COPY of LETTER from JOSIAH TIMMIS Esq. to Earl GREY.

MY LORD,

Montreal, August 30, 1849.

(Answered September 23, 1849)\*

THE original Act incorporating "The Canada, New Brunswick, and Nova Scotia Railway Company" allowed twelve months for the completion of the survey of the line of road, after the promised grant of land as an aid for that purpose should be made; but the second clause, which granted it, was struck out, for the express object,—and a promise from the Government,—that a more general measure to aid it should be brought forward at a subsequent session, with the support of the Government. And when the Honourable Henry Sherwood and the committee were discussing the magnitude of the survey to be accomplished, and doubts were entertained of its possibility, it was expressed, after mature deliberation, that "so far as then ascertained" should be effected; there was no desire to effect impossibilities. And when the legal advisers of the company stated that it would be necessary to obtain an extension of time to complete the remainder of the survey from Point Levy to Melbourne or Drummondville, as required by the Act of Incorporation, and the committee requested me to wait upon his Excellency the Governor General, to solicit that indulgence, his Excellency was pleased to refer me to the Executive Council, in gratifying terms, that the exertions which I had made were entitled to indulgence; and the Honourable President of the Council, and the Honourable Mr. Cameron of the Board of Works, and the Honourable Mr. Price of the Crown Land Department, who understand such business better than their colleagues, very handsomely gave every assistance in their power to have the survey accomplished. And after depositing copies of the report, books of reference, and maps of survey "so far as then ascertained," according to and thereby fully complying so far with the requirements of the Act, namely, for 686 miles of the distance; on the 19th June, the committee arranged with the engineer to undertake the remainder of the line, and for me to proceed to Quebec to obtain the enrolment of shareholders in books, as also required, as well as secure the services of duly qualified surveyors. And a committee of seventy of the chief citizens being selected, to ascertain the ability and amount of stock they were desirous to take, although the cholera had unfortunately broken out there, with very extensive and fatal effect, so as to paralyze almost every effort, the amount of share stock taken and applied for in this short period amounts to 158,500*l.* sterling; and many others defer their signatures till they hear officially that the land granted can be depended upon by the company; and some of the committee expect that when the labours of the different committees are completed more than 500,000*l.* sterling in this province alone will be taken. Whilst these exertions were being made at Quebec, and round that neighbourhood (for Sir James Stuart the Chief Justice assured me that in his opinion (which seems almost unanimously concurred in) the safety not only of this but of the sister provinces depended upon this important undertaking being carried out without delay), and the venerable head of the catholic church, the Archbishop Signay, with an energy and zeal that might be commendably followed by others in authority, has personally written to each of the clergy along the road to assist it by their example and influence, and all means in their power, as his Grace, as well as the bishop and clergy of the episcopal establishment, have no wish to see the province handed over to the tender mercies of our repudiating republican neighbours, and they look with fear and dread at the dangerous state to which intriguing and unworthy men have brought the province.

\* This answer being in the form as printed at page 9, stating that his application should be forwarded to the Secretary of State through the Governor of the Province. The above letter also referred for Report to the Governor General (No. 429.) 23d September 1849, in the form as printed at page 10.

Whilst steadily pursuing the duties before me at Quebec, after all the toil, and expenses and annoyance, which has delayed me here for several years, I received a letter from Mr. Leslie, the Provincial Secretary, with a copy of a report of a committee of the Executive Council, or rather, I expect, the opinion of Mr. Lafontaine (as I learn those members who best understand these matters, the Honourable Messrs. Merratt, Cameron, and Price, were absent from Montreal), and expressing that "they entertain small hopes of its being undertaken with any prospect of success unless Her Majesty's Government shall be induced to recommend it to the favourable consideration of the Imperial Parliament." Now such may be the opinion of those who do not understand it, or have no desire to do so; for not one individual member of the Government has invested a shilling to promote it. If the pledge given by his Excellency Earl Cathcart, that all the preliminary expenses of the projector of this undertaking should be repaid, in addition to something handsome for personal services, the whole survey would have been finished before this; but when a Government are so far behind the honourable integrity which any respectable mercantile establishment practises, or would be compelled to practise, there is no wonder that confidence is lost.

However, the remainder of the survey will be completed without delay; and the committee, in consequence of the distress and paralysation occasioned by the cholera, have applied to his Excellency the Governor-General to recommend the Provincial Government to grant them a little pecuniary assistance for that purpose. The company feel confident of being enabled to begin the work on the railway early next summer, and they therefore depend on your sense of justice and your known anxiety to have the work commenced. And it is with firm reliance on the integrity of the Imperial Government that they will confer the grants applied for, and they solicit your Lordship's concurrence in the great object desired, and trust you will be pleased to inform them as early as possible, that when the survey is completed the land, &c. will be placed at the disposal of the company for which the Charter of Incorporation was sought, and has been sanctioned by Her Majesty the Queen in Council.

I have, &c.

(Signed) JOSIAH TIMMIS,  
Secretary of the Provisional Committee of "The  
Canada, New Brunswick, and Nova Scotia  
Railway Company."

The Right Hon. Earl Grey,  
&c. &c. &c.

No. 12.

No. 12.

COPY of LETTER from JOSIAH TIMMIS Esq. to Earl GREY.

MY LORD,

Quebec, October 25, 1849.

I HAD the honour yesterday of receiving Mr. Hawes's letter of September 23\* from his Excellency the Governor-General, stating that the application of "The Canada, New Brunswick, and Nova Scotia Railway Company" for the grant of land, &c., made by me on the 30th August, had been received, and requesting the application to be made through the Governor-General. The letter of which that corresponding one was a copy was delivered at the Government House at Montreal, for his Excellency the Earl of Elgin, in an envelope, together with one to his Excellency, soliciting his Excellency's best recommendation of it to your Lordship and the Imperial Government. Another application to your Lordship will accompany this to or from Montreal to his Excellency, for such explanations as his Excellency may deem its urgency requires; and the company will feel grateful to your Lordship to afford them every facility and encouragement, and rely on the same with sterling confidence. I am furnished with gratifying documents from his Grace the Archbishop and his secretary, and others of the highest influence here, to the chief residents, and am proceeding along the intended line of road to enrol shareholders, and have the

\* See note at previous page.

directors appointed, and hope to have the honour of hearing from your Lordship as early as convenient. Awaiting which,

The Right Hon. Earl Grey,  
&c. &c. &c.

I have, &c.  
(Signed) JOSIAH TIMMIS,  
Secretary of the Provisional Committee of "The  
Canada, New Brunswick, and Nova Scotia  
Railway Company."

No. 13.

(No. 116.)

No. 13.

COPY of a DESPATCH from the Earl of ELGIN to Earl GREY.

Government House, Toronto,  
November 21, 1849.

(Received, December 19, 1849.)

(Answered December 26, 1849, No. 439, page 16.)

MY LORD,

WITH reference to your Lordship's Despatch, No. 420\*, of the 23d September, I have the honour to enclose herewith a copy of the communication addressed to your Lordship by Mr. Josiah Timmis on the 30th of August last. It appears from Mr. Timmis's letter to myself that he put me in possession of this communication at the time at which he originally transmitted a copy of it to your Lordship, requesting me to forward and recommend it. From the letter of my secretary to that gentleman, dated the 1st of September, of which a copy is herewith enclosed, you will observe that I declined to comply with the latter part of his request; and my secretary, on whom he afterwards called, was under the impression that he did not wish it to be forwarded without such recommendation.

1 Sept. 1849.

The Right Hon. Earl Grey,  
&c. &c. &c.

I have, &c.  
(Signed) ELGIN AND KINCARDINE.

Encl. 1 in No. 13.

Enclosure 1 in No. 13.

MAY IT PLEASE YOUR EXCELLENCY,

Quebec, 25th Oct. 1849.

I HAD yesterday the honour to receive from your Excellency Mr. Hawes' letter of September 23d, stating that the application of the Canada, New Brunswick, and Nova Scotia Railway Company for the grant of lands made by me on the 30th August last, had been received by the Right Hon. the Secretary of State, and requiring a fresh application to be made through your Excellency. The letter, of which that application was a copy, was delivered at the Government House, Montreal, for your Excellency, and I beg leave to enclose a corresponding one, with some explanations attached, to prevent any erroneous view being taken of the meaning.

The Company will feel grateful by your Excellency helping on this great work by all means in your power; and relying on your Excellency's support,

The Right Hon. The Earl of Elgin,  
&c. &c. &c.

I have, &c.  
(Signed) JOSIAH TIMMIS,  
Secretary of the Provisional Committee of  
"The Canada, New Brunswick, and Nova  
Scotia Railway Company."

Encl. 2 in No. 13.

Enclosure 2 in No. 13.

MY LORD,

Quebec, October 25, 1849.

THE original Act incorporating "The Canada, New Brunswick, and Nova Scotia Railway Company," allowed twelve months for the completion of the survey of the line of road, after the promised grant of land as an aid for that purpose should be made, but the second clause which granted it was struck out for the express object, and a promise from the Government, that a more general measure to aid it should be brought forward at a subsequent session, with the support of the Government; and when the Honourable Henry Sherwood and the Committee were discussing the magnitude of the survey to be accomplished in twelve months, and doubts were mentioned of its possibility, it was expressed after mature deliberation, that "so far as then ascertained" should be effected; there was no desire to expect impossibilities, and when the legal advisers of the Company stated, that

\* Referring Mr. Timmis's letter of 30th August 1849 for report in the form as printed at page 10.

it would be necessary to obtain an extension of time to complete the remainder of the survey from Point Levy to Melbourn or Drummondville, as required by the Act of Incorporation; and the Committee requested me to wait upon his Excellency the Governor General to solicit that indulgence, his Excellency was pleased to refer me to the Executive Council in gratifying terms, that the exertions which I had made were entitled to indulgence; and the Honourable President of the Council, and the Honourable Mr. Cameron of the Board of Works, and the Honourable Mr. Price of the Crown Land Department, who understand such business better than their colleagues, very handsomely gave every assistance in their power to have the whole survey accomplished; and after depositing copies of the report, books of reference, and maps of survey "as far as completed on the 9th June," according to, and thereby fully complying so far with the requirements of the Act, namely, for 635 miles, the Committee arranged with the engineer to undertake the remainder of the line, and for me to proceed to Quebec to obtain the enrolment of shareholders in books, as also required, as well as secure the services of duly qualified surveyors. A committee of seventy of the chief citizens being selected to ascertain the ability and the amount of stock they were desirous of taking, although the cholera had unfortunately broken out there with very extensive and fatal effect, so as to paralyze almost every effort, the amount of share stock taken and applied for to 1st September, amounted to 153,500*l.* sterling, (and to this day about 220,000*l.*, besides 100,000*l.* of Quebec Corporation Bonds to commence it immediately to Melbourne), and some of the Committee expect, that when the labours of the different committees are completed, that more than 500,000*l.* in this province alone will be taken.

Whilst these exertions were being made at Quebec and round that neighbourhood, Sir James Stuart, the Chief Justice, assured me, that in his opinion, which appears generally concurred in, the safety not only of this, but of the sister provinces depended upon this important undertaking being carried out without delay. And his Grace the Archbishop of Quebec, as well as the bishop and clergy of the episcopal establishment, have no wish to see the province handed over to the tender mercies of our repudiating republican neighbours; and the venerable head of the Catholic Church (the Archbishop Signey) with an energy and zeal that might be commendably followed by others in authority, has written personally to each of the clergy along the road, to assist by their example, and influence, and all means in their power; and they look with fear and dread at the dangerous state to which intriguing and unworthy men have brought the province. Whilst steadily pursuing the duties before me, here, after all the toil and expense and annoyance which has delayed me here for several years, I received a letter from Mr. Leslie with a copy of a Report of "a Committee of the Executive Council," or rather, I expect, the opinion of Mr. Lafontaine, as I learn those members who best understand these matters, the Hon. members Merritt, Cameron, and Price, were absent, and expressing "that they entertain small hopes of its being undertaken with any prospect of success unless Her Majesty's Government shall be induced to recommend it to the favourable consideration of the Imperial Parliament." Now such may be the opinion of those who do not understand it, or have no desire to do so; for not one individual member of the Government has invested a shilling to promote it. If the pledge given by his Excellency, Earl Cathcart, that all the preliminary expenses of the projector of this undertaking should be repaid, in addition to something handsome for personal services, the whole survey would have been finished before this; but when a Government are so far behind the honourable integrity which any respectable mercantile establishment practises, or would be compelled to practise, there is no wonder that confidence is lost.

The Committee feel confident of being enabled to begin the work on the railway early next summer, and they therefore depend on your sense of justice, and your Lordship's known anxiety to have the work commenced. And it is with firm reliance on the integrity of the Imperial Government, that they will confer the grants applied for; and they solicit your Lordship's concurrence in the great object desired; and trust you will be pleased to inform them, as early as possible, that when the survey is complete the land, &c., &c. will be placed at the disposal of the Company, for which the charter of incorporation was sought, and has been sanctioned by Her Majesty the Queen in Council.

I have, &c.

(Signed) JOSIAH THOMAS,  
Secretary of the Provisional Committee of  
"the Canada, New Brunswick, and Nova  
Scotia Railway Company."

Should the expressions used appear harsh, I must beg leave to observe that they have no political reference to any particular party, but apply to all whose actions are less honourable and conscientious than those to which we are accustomed in England; and I confine myself to a commercial view of the state of the country, and keep aloof from all political influences. Industrious and peaceful pursuits require every encouragement here, now that distrust generally prevails, in every station of society; but so far as my observations have extended, the clamour for revulsion, or some great change, is confined to parties in desperate circumstances, or their dependants, with a few exceptions.—J.T.

Encl. 3 in No. 13.

Enclosure 3 in No. 13.

Sir,

Government House, Montreal, September 1, 1849.

I am commanded by the Governor General to acknowledge the receipt of your letter of the 1st instant, and in reply to inform you that his Excellency will be ready to comply with your request by forwarding the communication therein enclosed, addressed by you to the Secretary of State for the Colonies on the part of the Provisional Committee of the Canada, New Brunswick, and Nova Scotia Railway Company; but it will not be in his Excellency's power to recommend the prayer of this application to the Secretary of State, the Committee of the Executive Council of this province having, in their minute of the 30th of June last, expressed their opinion that the charter of the company has been forfeited, an opinion in which, as you were informed in my letter of the 15th August, Earl Grey has stated that he concurs.

I have, &c.  
(Signed) T. E. CAMPBELL,  
Major.

Josiah Timmis, Esq.

No. 14.

(No. 439.)

No. 14.

COPY of a DESPATCH from Earl GREY to the Earl of ELGIN.

MY LORD,

Downing Street, December 26, 1849.

\* Page 14.

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch, No. 116.,\* of the 21st November, and I have to request that you will acquaint Mr. Timmis, in reply to his letter of the 30th August, that it is not in the power of Her Majesty's Government to exercise any interference with respect to his application, and I can only, therefore, refer him to the communication which your Lordship has already made to him.

The Earl of Elgin,  
&c. &c.

I have, &c.  
(Signed) GREY.

No. 15.

No. 15.

COPY of LETTER from JOSIAH TIMMIS Esq. to Earl GREY.

MY LORD,

Fredericton, January 7, 1850.

As the excited state in which Canada is tossed by political contentions must claim your Lordship's most serious attention, and many of the newspapers there endeavour to make it appear that this province is leavened with the same discontent, and a disposition is shown by some to go to dangerous extremes, I think it highly important that you should have the most accurate information of the condition the provinces are in, irrespective of any party views, in order that you may determine the measures that will be best for the general good; and as the opportunity which I have had since I had the honour to address you from Montreal, in gradually proceeding along all the different townships and parishes upon or contiguous to the line of railroad, over about 800 miles, for the purpose of enrolling shareholders in "The Canada, New Brunswick, and Nova Scotia Railway Company," has given me better means than any one else could have, I will, without trespassing too much on your attention, briefly write to assure you that you have no real cause to fear or even doubt the sterling loyalty of the great body of the Canadians, and less of our fellow subjects in this province; and however violently some reckless people have expressed themselves, I have invariably heard the name of our gracious Sovereign the Queen mentioned in terms of the most gratifying respect. The bishops and clergy, as well as many of the civil and military authorities that in the discharge of my duty I waited upon, I must say take a very alarming view of the efforts making by the turbulent few whom disappointment and ruin are goading to treason and madness.

The Venerable Archbishop Signy having supplied me with letters to the Catholic clergy, his name has been like a tower of strength among them, and perhaps a more loyal patriarch never existed; and the dread which isolated individuals feel will vanish on mingling more with the agitated masses.

All industrial avocations in this province appear completely paralysed; and I regret to learn from statistical authority and members of the Legislature, that between 50,000 and 60,000 inhabitants left New Brunswick for the adjoining

NEW BRUNSWICK, AND NOVA SCOTIA RAILROAD COMPANY. 17

states last year that had previously been supported in lumbering and farming operations. In proof of the zeal shown by the clergy in Lower Canada, I have the pleasure to tell you that the name of every rector, vicar, or curé for the whole distance to this city is entered in the Book of Enrolment; and the proposed applications for shares and the enregistered amount in Canada and this province to the present time, including \$5,000L. offered from the Hotel Dieu Nunnery and Seminary of Montreal, and for which the bishop, Monseigneur Bourget, has entered his name, is 223,500L., and the corporation of Quebec have granted 100,000L. also, in debentures, to carry on the branch to Melbourne, making \$35,000L., which, considering the state the country is in, you will say is gratifying. The committee here will make the requisite applications to the Legislature of this province before my return to Montreal for an Act for the construction of "The Canada, New Brunswick, and Nova Scotia Railway" through New Brunswick; and as soon as possible after the appointment of directors in Canada and here, as well as in Nova Scotia, I hope, with God's blessing, to have the honour of seeing you in London; and I trust the exertions made to carry out this "great work" will be appreciated so as to meet your hearty concurrence and the efficient support of the Imperial Government, as well as the approbation of Her Majesty the Queen, on which we rely with loyal confidence.

I have, &c.  
 (Signed) JOSIAH TIMMIS,  
 Secretary of the Provisional Committee of "The  
 Canada, New Brunswick, and Nova Scotia  
 Railway Company."

The Right Hon. Earl Grey,  
 &c. &c. &c.



Enclosure in No. 15.

Encl. in No. 15.

PROSPECTUS of the Canada, New Brunswick, and Nova Scotia Railway Company.

Capital: Two millions sterling, in 100,000 Shares of 20L. each, with power (10 and 11 Victoria, Chap. 122.) to increase the Capital.

*Provisional Committee.*

- Sir Allan N. Macnab, Kt., M. P. P.
- Honourable John Molson.
- „ Adam Ferrie, Member of the Legislative Council.
- „ James Ferrier. do. do.
- „ Robert U. Harwood, Seigneur of Vaudreuil.
- Sir George Simpson, Kt., Governor of the Hon. Hudson Bay Company.
- Peter Warren Dease, Esquire, of the Hon. Hudson Bay Company.
- Allan M'Donnell, Esquire, do. do. do.
- Robert Armour, Esquire, Master of the Trinity House, Montreal.
- Charles H. Castle, Esquire, Cashier of City Bank, Montreal.
- John Try, Esquire, Commissioner of Montreal Harbour.
- Henry Corse, Esquire.
- John Matthewson, Esquire.
- William B. Jarvis, Esquire, Sheriff of Home District.
- Joseph Cary, Esquire, Deputy Inspector General.
- Josiah Timmis, Esquire.

Named in Act  
 of  
 Incorporation.

ALSO,

- Honourable Joseph Bourret, Member of Legislative Council, and Mayor of the City of Montreal.
- „ Henry Sherwood, Q. C., M.P.P.
- „ Charles Sabrevois de Bleury.
- „ Austin Cuvillier.
- „ Louis Massue, Member of the Legislative Council.
- „ Amable Dionne, Member of the Legislative Council, Seigneur of Kamouraska.
- „ Thomas Mackay, Member of Legislative Council.
- „ William Beverly Robinson, M. P. P.
- „ George S. Boulton, Member of Legislative Council.
- „ John Ross, do. do.
- „ R. Matheson, do. do.
- „ Joseph Dionne, do. do.
- „ James Morris, do. do.
- „ Henry J. Boulton, M. P. P.
- Thomas Allen Stanyer, Esquire, Deputy Postmaster General for British North America.
- John Prince, Esq., Q. C., M.P.P.

Thomas Kirkpatrick, Mayor of Kingston.  
 Robert N. Watts, Esquire, M.P.P.  
 William Workman, Esquire, Director of St. Lawrence and Champlain Railroad.  
 Albert Furniss, Esquire.  
 Alfred Larocque, Esquire.  
 Benjamin H. Lemoine, Esquire, Cashier of the Banque du Peuple.  
 Jean Bruneau, Esquire.  
 William Lunn, Esquire.  
 John Elmsley, Esquire.  
 William Henry Boulton, Esquire, M.P.P.  
 B. C. A. Gagy, Esquire, M.P.P.  
 John Egan, Esquire, M.P.P.  
 Alexander McLean, Esquire, M.P.P.  
 Paul Fraser, Esquire, Honourable Hudson Bay Company.  
 Joseph Morrison, Esquire, M.P.P.  
 Harmannus Smith, Esquire, M.P.P.  
 Benjamin Holmes, Esquire, M.P.P.  
 F. X. Methot, Esquire, M.P.P.  
 Pierre J. O. Chauveau, Esquire, M.P.P.

*Consulting Engineers.*

Sir James Alexander, Kt., R.E.  
 Lieut. Symonds, R.E.  
 Edward Stavely, Esquire, C.E.

*Consulting Counsel.*

Honourable Henry Sherwood, Q.C., Toronto:  
 John Prince, Esquire, Q.C., Sandwich.  
 B. C. A. Gagy, Esquire, } Montreal.  
 John Rose, Esquire, Q.C. }

*Solicitor.*

George Futvoye, Esquire.

*Bankers.*

The Bank of Montreal,  
 The Bank of British North America,  
 The City Bank,  
 La Banque du Peuple,  
 The Commercial Bank,  
 The Bank of Upper Canada. } Montreal.

*Secretary.*

Josiah Timmis, Esquire.

A careful examination of the country along the proposed road, for the purpose of constructing a railway from Quebec to Halifax, and also to Montreal, through the eastern townships, via Drummondville or Melbourne, with a branch to Fredericton, likewise to the most eligible point of Chedabucto Bay, or the Atlantic harbour at Whitehaven in Nova Scotia, having been commenced in 1844, under the auspices of his Excellency the Governor General of British North America, with the assured support of the Imperial Government, a line of the most favourable gradients has been found, for nearly the whole distance, which from the best authorities is estimated at 740 miles from Montreal to Halifax. After wearisome difficulties and many obstacles which the committee have had to contend with, chiefly from the vast importance of this great work not having been in any way generally understood in Canada, firm perseverance through this lapse of time, combined with a thorough knowledge of the immeasurable benefits which would result to the provinces as well as to the shareholders, has enabled the committee to succeed in obtaining the Act of Incorporation, with the general and finally cheering support of the Provincial Legislature; and whilst abundant occupation will by this enterprise be afforded to many thousands of the unemployed, for which the mother country has expended millions on objects less important, a profitable field will be opened for her surplus population,—facilities increased for lumber operations,—more regular employment for the mercantile navy,—and a closer connexion with the parent country constantly exhibited to the dullest capacity, as pre-eminently advantageous to both; and since the prospectus of the 28th February was issued, the committee have the gratification to announce that the Provincial Government has liberally responded to their application for a free grant of land in aid of this great undertaking, by placing the crown lands for ten miles on each side of the road for the whole distance through which it shall pass at the disposal of the Imperial Government for that purpose, as well as a free right of

way for the road and stations through all private property requiring to be purchased, together with a guarantee of 20,000*l.* sterling per annum for interest on the capital to be expended. The New Brunswick Government, according to public documents, have munificently made a corresponding grant of the crown lands for ten miles on each side of the road, and a guarantee of 20,000*l.* per annum; and the Government of Nova Scotia also a similar grant of five miles on both sides of the road, and 20,000*l.* per annum. Thus 60,000*l.* sterling is granted for the yearly interest on the capital expended, should inadequate traffic returns require it, besides the princely grants of land to the company. The committee therefore appeal with redoubled confidence to their fellow subjects to appreciate the efforts made for their immediate and indirect welfare, by participating according to their means in the benefits which will amply return to them on its completion, which will bring this capital within thirty hours journey of the Atlantic, and multiply advantages too numerous to be detailed in a prospectus.

The committee feel confident that, with efficient management, the amount agreed to be called for will be ample to complete a single line of railroad in a substantial and proper manner. The coal mines, over which the railroad will run, offer facilities and inducements for the extension of the capital, which the directors will increase as required, with the consent of the shareholders, and the scrip will be made at all times available. A daily mail and passenger train will be established from Montreal, Quebec, and Fredericton to Halifax and Chedabucto Bay, whence a line of steam ships will run weekly to Ireland, Milford Haven, or Liverpool; thus linking this road, as the great highway of North American intercourse, with Great Britain and the whole of Europe; and, as the rail-cars shall brighten its iron surface by the acceleration of compensating rapidity, so will the chain of friendship be strengthened between the old country and the new by increasing and corresponding mutual benefits. A constant market will be open for shipments to and from Great Britain, the West Indies, and all other parts of the world, as well as to settlers along the line.

Since the examination of the country for this line of road commenced, an enterprising company has constructed an admirably finished line of iron railroad to St. Hyacinthe on the way to Portland, being thirty miles of the proposed distance for this road, which, opened at Christmas, has been daily worked to profitable advantage, demonstrating to the most incredulous that even the snow and rigor of a Canadian winter will not prevent a regular mail and passenger train.

To disburse preliminary expenses the certificates of allotment of shares will be two shillings and sixpence each, payable to the committee, and one pound per share must be paid to one of the banks above mentioned, of which one month's notice will be given by the directors; and as it is intended for the outlay to embrace a period of five years, not more than one pound per share will be called for each three months.

Applications for shares (post paid) are requested to be made to the committee at their office (for the present) at St. Lawrence Hill, corner of Fortification and St. Lambert Streets, Montreal, where the book of enregistration of shares will be open daily from 10 A.M. to 4 P.M.

Montreal, 9th June 1849.

*Form of Application for Shares.*

Sir,—I request you will secure me \_\_\_\_\_ shares in "The Canada, New Brunswick, and Nova Scotia Railway Company," subject to the prospectus of the 28th February and 9th June 1849; the payments upon which I engage to make, as called for, and to sign the book of enregistration.

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

*Signature.*

*Residence.*

*Trade or Profession.*

*Date.*

To the Secretary of the Canada, New Brunswick, and Nova Scotia Railway Company, Montreal.

No. 16.

No. 16.

COPY of LETTER from JOSIAH TIMMIS Esq. to Earl GREY.

MY LORD,

Montreal, June 29, 1850.

SINCE I had the honour to address your Lordship from Fredericton, on the 7th January,\* after returning here, I was deputed by the committee to present the petitions of "The Canada, New Brunswick, and Nova Scotia Railway Company" to the Legislature of New Brunswick, to obtain an Act of Incorporation, corresponding with that granted here, in that province; and also to Nova Scotia, for the same purpose; but from illness had to enclose a letter to

\*Page 16.

his Excellency Sir John Harvey, and proceeded only to Fredericton. The New Brunswick Assembly unanimously passed the second reading of the Act incorporating the company in that province, and granted the crown lands for ten miles on each side of the road, and altered the grant of 20,000*l.* currency (as passed by resolution last year) for interest annually, to sterling, to comport with that amount passed here; and as his Excellency the Earl of Elgin could give no official assurance of the promised support of the Imperial Government, it was considered most prudent to defer its final reading till the aid of the Imperial Government could be relied upon; the assembly therefore resolved to petition the Imperial Government; and the company are gratified to learn from the public papers that a renewed pledge of the sterling support of which his Excellency the Governor-General gave assurances when the committee commenced their labours has been given. As the archbishop and bishops and clergy throughout the province, as named in letter of January 7th, are most anxious, many of the latter, since then, state that immediately the directors are appointed, for which the committee are awaiting some slight amendments to the Act of Incorporation, their parishioners will invest more than three times the amount hitherto applied for, as its advantages are better understood and appreciated. The injunctions of his Excellency the Governor-General, "to make its benefits as diffuse as possible," have been followed.

A "Land and Emigration Society" in London, professing to have the same objects in view as "The Canada, New Brunswick, and Nova Scotia Railway Company," applied to the New Brunswick Legislature for a Charter of Incorporation, and also to Nova Scotia; but with much good sense they refused to suffer any interference with the company chartered and expressly sanctioned by Her Majesty the Queen, for carrying out this good and great work, and "The Canada, New Brunswick, and Nova Scotia Railway Company" rely with confidence that the Imperial Government will not sanction any opposition or rival company to impede the successful completion of this most important railway. I shall hope to have the honour to place the result of their labours before your Lordship, as well as the different friends proposing to supply the capital, soon after the alterations in the charter of the company, now before this Legislature, are completed, and which, the committee trust, will merit the support of the Imperial Government, that the work may be commenced with the least prudent delay.

The Right Hon. Earl Grey,  
&c. &c. &c.

I have, &c.  
(Signed) JOSIAH TIMMIS,  
Secretary of Provisional Committee of  
"The Canada, New Brunswick, and  
Nova Scotia Railway Company."

No. 17.

No. 17.

COPY of LETTER from JOSIAH TIMMIS Esq. to Earl GREY.

My LORD,

No. 42, Charing Cross, March 11, 1851.

I AM directed by the Provisional Committee of the Canada, New Brunswick, and Nova Scotia Railway Company to solicit the honour of an interview with your Lordship, for the purpose of explaining to your Lordship the views of the promoters of this undertaking in the colonies, and to obtain such sanction from your Lordship as the importance of the undertaking requires.

This interview is rendered necessary by the instructions intrusted to me by the shareholders in British America.

It is hoped your Lordship will be pleased to grant an early appointment.

The Right Hon. Earl Grey,  
&c. &c. &c.

I have, &c.  
(Signed) JOSIAH TIMMIS,  
Secretary.

No. 18.

No. 18.

COPY of LETTER from B. HAWES Esq., M.P., to JOSIAH TIMMIS Esq.

SIR,

Downing Street, March 15, 1851.

I AM directed by Earl Grey to acknowledge your letter of the 11th instant, requesting an interview with his Lordship; and I am to state that previously to complying with your application his Lordship wishes you would inform him in writing what are the objects of the company you represent, who are the parties concerned in it, and under what authority they are acting.

I have, &amp;c.

Josiah Timmis, Esq.

(Signed) B. HAWES.

No. 19.

No. 19.

COPY of LETTER from JOSIAH TIMMIS Esq. to EARL GREY.

42, Charing Cross, London, March 18, 1851.

(Answered March 30, 1851, Page 22.)

MY LORD,

I BEG to acknowledge the receipt of Mr. Hawes's favour of the 15th instant, and have the honour to inform your Lordship, that having been deputed by the Montreal Committee and other members of the Canada, New Brunswick, and Nova Scotia Railway Company to open the registration books for the shareholders to elect the directors, as required by the Charter of Incorporation, I have done so throughout the entire province of Canada and in New Brunswick, to the acknowledged satisfaction of those gentlemen, having obtained the signatures of all the chief residents in the province, including his Grace the archbishop, the bishops and other clergy, as well as the representatives of the wealthy seminaries and nunneries. I have also been sent "to show to your Lordship the progress made by the company, and explain all details connected with it to the present time, in order to obtain the sanction and sterling support of your Lordship and the Imperial Government, that the work may begin as soon as possible."

I have also been intrusted by the company with the renewed petitions for corresponding Charters of Incorporation, similar to those presented last year to the Legislatures of New Brunswick and Nova Scotia, for me to obtain the signatures of the shareholders in England, and then to have them presented.

The committee have likewise humbly to solicit your Lordship to forward those petitions through the Colonial Office to those respective Governments, as your Lordship must be aware how anxiously they desire to have this undertaking carried out.

I am enabled to assure your Lordship that it is the opinion of the best authorities in New Brunswick that the "integrity of British America depends upon it."

I have the honour to refer your Lordship to the accompanying prospectus, published in Canada, and circulated through British America, as containing some of the names connected with the undertaking there, and as showing the legislative authority under which they act.

Awaiting to know when a deputation of the committee may have the honour of an interview with your Lordship,

The Right Hon. Earl Grey,  
&c. &c. &c.I have, &c.  
(Signed) JOSIAH TIMMIS,  
Secretary.

No. 20.

No. 20.

COPY of LETTER from JOSIAH TIMMIS Esq. to B. HAWES Esq., M.P.

SIR,

42, Charing Cross, London, March 24, 1851.

IN reply to your letter of the 15th instant, in which you state that you are directed by Earl Grey to acknowledge my letter requesting an interview with his Lordship, but that previous to his Lordship's complying with my request he desired to be informed in writing what were the objects of the

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This Prospectus  
will be found  
printed at page 17.

company, who were the parties concerned, and under what authority they were acting, I had the honour to send the following letter.\*

Not having been honoured with any reply to the above, the committee fear that it may have been considered insufficient by his Lordship to effect the desired interview, and have directed me to put myself in communication with you in order to learn if anything further on their part be required.

I have, &c.

(Signed) JOSIAH TIMMIS,  
Secretary.

B. Hawes, Esq., M.P.  
&c. &c. &c.

No. 21.

No. 21.

COPY of a LETTER from B. HAWES Esq., M.P., to JOSIAH TIMMIS Esq.

SIR,

Downing Street, March 30, 1851.

I AM directed by Earl Grey to acknowledge the receipt of your letters of the 18th and 24th instant in answer to the communication addressed to you from this office on the 15th instant, on the subject of your application for an interview with his Lordship.

Lord Grey directs me to inform you, that as he is not in possession of any report from the Governor of Canada stating that you are entitled to be recognized as the authorized agent or secretary of any legally constituted company, and as the accompanying extract from a Report of the Committee of the Executive Council of Canada, dated the 30th June 1849, shows that the Provincial Government consider the charter of the company in which you are interested to be forfeited, his Lordship is under the necessity of declining to communicate with you on the subject which you have brought under his notice.

I have, &c.

(Signed) B. HAWES.

No. 22.

No. 22.

COPY of a LETTER from JOSIAH TIMMIS Esq. to Earl GREY.

MY LORD,

42, Charing Cross, London, April 16, 1851.

I HAVE the honour to acknowledge the receipt of a letter from the Under Secretary of State for the Colonies, dated 30th March 1851, in answer to a reply given by me to the query as to what authority I had for representing in England the company, and the objects contemplated by it, and in which I am informed that your Lordship has not received from the Governor of Canada any report stating that I am entitled to be recognized as the authorized agent or secretary of any legally constituted company; and further, I have to acknowledge the receipt of an enclosure conveying a Report of the Committee of the Executive Council, dated 30th June 1849, wherein I am informed that the deposit of the documents referred to was not a sufficient compliance with the requirements of the Act 10 & 11 Vict. c. 122., and that the charter of the company I represent was forfeited.

I should have done myself the honour of forwarding an immediate reply to the letter received on the 30th instant from the Colonial Office, were it not that I awaited ere doing so an important communication from the Provisional Committee in Canada, conveying further instructions as to the course recommended for the recognition by the Imperial authorities of the rights, powers, and privileges conferred absolutely by the Provincial Government upon the company I have the honour to represent, and which are in full force as confirmed by the Act of Incorporation and the Royal assent which was given by Her Majesty in Council on the 15th April 1848, and which the law officers of the Crown in Canada have given their unqualified opinion of its existence at the present moment unrepealed.

\* See letter of 18th March, previous page.

It is necessary for me to submit to your Lordship the views of the committee acting in London upon the correspondence which has passed between the Colonial Office and myself; and in the first place neither they nor I were aware that it is customary that the representative of a public company from any one of the British colonies should be accredited by a certificate from the Governors of any such colony or province confirming his authority to act. The Canada, New Brunswick, and Nova Scotia Railway Company is a legally chartered body, having certain commercial duties and privileges conferred upon it; but further, neither the committee, shareholders, or officers thereof are appointed or receive office from Her Majesty's Representative, and consequently the movements of their body are not usually officially ordered or reported upon by the Governor General.

I have arrived in England with the written orders and authority to act of the Provisional Committee, dated Montreal, 7th December 1850, and duly signed by the chairman, the Honourable Adam Ferrie, Member of the Legislative Council, J. Bouchette, Esq., Deputy Surveyor General of Crown Lands, James Porteous Esq., Postmaster, Montreal, Peter Warren Dease and Allen M'Donell, Esquires, of the Honourable Hudson Bay Company, and sixty other signatures. A copy of this document I have the honour to enclose. See Appendix A.

The above, my Lord, are my credentials, and the authority under which I act.

On arrival in England I came prepared to carry out the views of the company, which is incorporated by Royal consent, and towards the perfect completion of whose objects and powers no further delay was anticipated from the Imperial authorities. To my surprise I did not at once receive that assistance which I expected as the representative of an important company, numbering already above 1,200 registered shareholders, whose signatures to the book of enregistration are in my possession, and which embraces the names of the most wealthy, influential, and respected colonists in every profession and service. The signatures to this legal document are of no distant date, for I would especially refer your Lordship to that of his Honour the Vice Chancellor of Canada, whose name appears recorded one year after the date of the minute referred to of the Executive Council, dated 30th June 1849. I would also refer to the name of the Attorney General, who framed the Act incorporating the company, as well as to those of the great ecclesiastical dignitaries of the Roman Catholic Church on behalf of their seignories and houses.

I must authenticate the position of these persons by the following certificate from the Earl Cathcart the Governor General of Canada at the time of the formation of the company, signed and dated only twelve days ago:—

“ April 5th, 1851.

“ From a personal knowledge of the gentlemen of the Provisional Committee named in the Act of Incorporation, and of many of the others who are also included in the list contained in the prospectus, I am perfectly satisfied that they would not lend themselves to any transaction that was not of an honourable and bonâ fide character. Viewing, therefore, as I do, the proposed railway as an object of the highest importance to the prosperity and welfare of Canada, as well as of the other British possessions in North America, I have no objection to allow my name to be associated with theirs in this undertaking, to show that I feel a warm interest in the successful completion of a measure of such acknowledged advantage both to the provinces themselves and to the mother country.”

Surely, my Lord, some grave and erroneous representation must have caused a delay in my receiving from your Lordship that audience and assistance which the importance and the objects of the Canada, New Brunswick, and Nova Scotia Railway Company should have demanded.

But to clear away these unaccountable obstacles offered at the Colonial Office I feel to be a duty no less to the Company than to myself.

Your Lordship will perceive I have arrived in England as the sole and only authorized agent of the Canada, New Brunswick, and Nova Scotia Railway Company, and as such I am compelled to confirm my authority, and at once to seek from the Imperial Government that recognition which it is incumbent

upon me, as the representative of 1,200 shareholders, to obtain without farther delay, either from your Lordship as Her Majesty's Secretary of State for the Colonies or from the Imperial Parliament, to whose aid I would unwillingly apply for that which I am assured your Lordship's courtesy would accord if informed of the real bearings of the case.

I am informed that the Honourable J. Howe has been recognized as a representative of the railway from Canada through New Brunswick; if such be the case, it must have arisen from some erroneous impression. I further learn that Mr. Howe has stated he has received from Her Majesty's Government full powers to enter into negotiations for the commencement of the line laid down in the Act of Incorporation of the Canada, New Brunswick, and Nova Scotia Railway Company; if such powers have been conferred, they are nullified by the rights the company have had conferred upon it, and which no authority can sever or hand over to other unauthorized persons.

I must refer your Lordship to the correspondence \* which has passed on the subject of Mr. Howe's mission, and which appears published in the parliamentary paper issued on the 8th instant. In the first letter addressed by Mr. Howe to your Lordship, and dated November 25th, 1850, I find this passage, "As representative from the province of Nova Scotia." I further find, in the same letter, that the line to Quebec is not recommended by that gentleman, for he remarks, "*A railroad to Portland* offers many advantages which one to Quebec does not." It is also recorded in a second letter, "I have no authority to speak for the other colonies."

From these extracts it will be seen that Mr. Howe himself acknowledges he has "no authority" to represent the line as surveyed for my Company in Canada and New Brunswick.

It is necessary to refer to these extracts as having removed the erroneous impression that an authorized agent had arrived in England before me. I now am enabled to take my stand as the sole authorized and recognized representative of the Canada, New Brunswick, and Nova Scotia line of railway, incorporated by Act of the Provincial Parliament, approved of by Her Majesty in Council, and in full force and existence at the present hour, unrepealed, and as legally constituted and with as full power as any of the great English incorporated lines.

It is now necessary to lay before your Lordship a brief summary of the history of the Canada, New Brunswick, and Nova Scotia Railway Company from its formation to the present hour, tracing from year to year its recognized powers, and bringing down to the present time those facts which cannot fail to enlighten your Lordship as to the position we hold and the legal powers we decline for one moment to compromise or resign; in short, I will define and elucidate those rights and privileges, landed and otherwise, without the total repeal of which no line but the Canada, New Brunswick, and Nova Scotia can be commenced in the surveyed course of country approved of by Her Majesty's Government, and on the unoccupied waste Crown lands on ten miles of either side of the line, which have been confirmed and accorded for the purpose specially named in the Act of Incorporation. I deny (and will prove the correctness of my assertion) that any powers conferred upon the Canada, New Brunswick, and Nova Scotia Railway Company have lapsed. I have the authority of his Excellency the Earl of Elgin and Kincardine, Governor General of Canada, no later than September last, in refutation of such an idea.

I am compelled, my Lord, to be thus copious and lengthy in my communication, for the manner in which my company has been received demands a clear and unmistakeable defence. In the years 1843 and 1844 Her Majesty's Government caused a survey to be made for a line of military road, extending from the head of the Peticodiac to Quebec; during the progress of this survey I suggested for the first time to his Excellency Lord Metcalfe the idea of constructing a line of rail along the military road, and that five miles on each side of the road should be laid out for settlements. I further suggested that the line of railroad should extend from Halifax to Quebec and Montreal. This idea of mine had never before been mooted, and I was the first to originate the contemplated line. In reply, I received from his Excellency's private secretary, Captain Higginson, a letter, dated Government House, Montreal,

\* See correspondence in reference to the projected railway from Halifax to Quebec.

November 26th, 1844, acknowledging the receipt of my letter of the 20th suggesting a railroad from Quebec to Halifax, from which I make the following extract:

“ His Excellency is of opinion that the formation of the proposed railroad would be of the highest importance and most desirable ; and his Excellency entertains no doubt the project will receive the earnest attention of both Her Majesty’s and the Provincial Governments.”

Hence commenced the first official letter on the subject of railroads in British North America, originated by myself. At the suggestion of his Excellency I accompanied Mr. Bouchette, the Deputy Surveyor General of Crown lands, and waited upon the Honourable Mr. Papineau, the Commissioner of Crown lands, to obtain a promise of his assistance in obtaining a grant of Crown lands on either side of the proposed line of railroad through the province of Lower Canada ; to this Mr. Papineau gave his cordial assurance of assistance as far as his authority extended. I also immediately placed myself in communication with the heads of the Royal Engineer Department, and was favoured by a sight of the military surveys, and obtained such further information of the features of the proposed route as guided me in my after operations. I did this at the express command of his Excellency the Earl Metcalfe. I then at once proceeded along the line of survey, and reported upon the difficulties met by the engineers, and suggested a route of favourable gradients. In consequence of my report two officers were despatched from England, Major Robinson and Captain Henderson, whose report confirmed the information I had previously acquired by personal survey that favourable gradients indicated themselves for the entire distance.

On my return to Montreal in 1846 I waited upon his Excellency the Earl Cathcart, and suggested the formation of a railway company, to be denominated the Canada, New Brunswick, and Nova Scotia Railway, which his Excellency highly approved of, and advised me to organize a provisional committee, which I at once did. The committee consisted of the following gentleman, whose names appear in the Act of Incorporation afterwards obtained :

The Honourable the Speaker of the Legislative Assembly, Sir Allan Napier MacNab, Knight.

The Honourable John Molson.

The Honourable Adam Ferrie.

The Honourable James Ferrier.

The Honourable John Nelson.

The Honourable Robert W. Harwood.

Sir George Simpson.

Peter Warren Dease,

Allen M'Donell,

Robert Armour,

Charles H. Castle,

John Try,

Henry Corse,

John Matthewson,

William B. Jarvis,

Joseph Cary, and

Josiah Timmis junior,

} Esquires.

It was resolved by the committee to draw up an Act of Incorporation to be submitted to the Legislature of the province. This Act was compiled by myself, with the assistance of the Honourable Henry Sherwood and the Law Clerk of the house, and was passed on the 28th July 1847, entitled “ An Act to incorporate the Canada, New Brunswick, and Nova Scotia Railway Company.” This Act received the Royal assent of Her Majesty in Council on the 15th April 1848. By clause 56 it is enacted, “ If such map or plan and book of reference be not so made and deposited within the said twelve months, or if the said railway shall not be so made and completed within the period of twelve years so as to be used by the public as aforesaid, then and in either case this Act, and every matter and thing therein contained, shall cease and be utterly null and void.” On the 28th June 1848 proclamation was made thereof by his Excellency the Earl of Elgin and Kincardine in the Canada Gazette.

In conformity with clause 56, above specially referred to, making the first requirements of a deposit of "map, plan, and book of reference," I, as secretary of the Canada, New Brunswick, and Nova Scotia Railway Company, deposited in the proper office, that of the Surveyor General of the Crown Land Department, the maps, plans, and book of reference required before the 20th June 1849, and in acknowledgment of the complete and perfect obedience to the clause referred to, I received the following letter from the Crown Land Department, marked B., and appended hereto.

Upon the powers conferred on the company we at once opened our offices in Montreal by public advertisement as required by the Act, and shareholders were enrolled from the 28th February 1849 until the present time. In the books of registration appear the names of nearly 1,200 individuals subscribing for nearly 400,000*l.*, upon 82,800*l.* of which a deposit has been already paid on the faith of the Act of Incorporation.

The original books of registration containing the names of the shareholders are open for inspection at the offices of the company, 42, Charing Cross.

From the acknowledgment of the completion of the requirements of the Act of Incorporation we assert that our powers are in full force, and naught, save an adverse decision of Her Majesty's Court of Privy Council, could annul those powers.

Your Lordship will understand that upon the best legal advice we distinctly deny the power of any committee of the Executive Council of Canada by their *opinion* to annul and repeal an Act which has received the assent of Her Majesty given in the Imperial Council; such powers we do not recognize, nor will we submit to. We claim the protection of the Imperial Government from such a novel and unprecedented measure.

I have traced the progress of this company from its very commencement, passing from year to year in its operations and proceedings; and now, with 400,000*l.* subscribed for, upon which a deposit has been paid upon 82,800*l.* by shareholders,—with an Act of Incorporation, and having by its existence and unceasing labours brought before the notice of the public the vast benefit which will be derived by the British North American Provinces from its completion,—now that the originators are in a position to realize the great expense incurred, to reap the fruit of years and years of toil and advocacy,—now, at the eleventh hour, in the first gleam of the realization of our hopes, we are met with the chilling reception it has been my lot to receive from Her Majesty's Government.

My Lord, it behoves the company I represent at once to bring this question to an issue. From your Lordship we anticipate that attention our labours deserve. We are not an unrecognized body, acting without power, speculating upon theory; we are an incorporated company, numbering in our body the names of the chief men in the provinces, commercial, legal, and ecclesiastical; therefore, my Lord, is it that I must verge upon importunity in demanding the recognition of our just rights.

I have arrived in England as an authorized representative of a powerful company; as such, I request for that company the assistance which we have a right to expect from Her Majesty's Government, which has been assured to us by the representatives of the Crown in British North America.

I feel confident that, had not some unaccountably erroneous impression prevailed, I should long since have had the honour of an audience with your Lordship. This, I must infer, has arisen from the following paragraph contained in Mr. Howe's letter to your Lordship, of the 25th November 1850, with reference to the Quebec and Halifax Railroad, wherein it is most unwarrantably and falsely asserted "the project has been for the present reluctantly abandoned."\* This is untrue and unfounded in every respect, as your Lordship must now perceive.

I believe I have now placed in the clearest light my credentials, the existence of the Canada, New Brunswick, and Nova Scotia Railway Company, and the necessity there is for an early recognition by and cordial support from the Imperial authorities.

\* See page 39 of correspondence, 8th April, before alluded to.

In conclusion I once more request your Lordship to grant me the audience I am unwilling to believe can be any longer denied me.

I have, &c.

The Right Hon. Earl Grey,  
&c. &c. &c.

(Signed) JOSIAH TIMMIS,  
Secretary and Representative of the  
Canada, New Brunswick, and Nova  
Scotia Railway Company.

Enclosure 1 in No. 22.

Encl. 1 in No. 22.

APPENDIX A.

At a Meeting of the Provisional Committee and other shareholders of the Canada, New Brunswick, and Nova Scotia Railway Company, held at Montreal this 7th day of December 1850, at Mr. Corse's New Buildings, Great St. James Street.

The Hon. Adam Ferrie, M.L.C., was called to the chair.'

After the Secretary had reported the progress made by the company since the last meeting, and also the loss by the Lewiston and Junction Railway Company of a trunk containing the enregistration books, and some of the most valuable documents belonging to the company, arranged for presentation to the Imperial and Provincial Governments, for which legal steps have been taken to obtain compensation, provided they are not restored within a reasonable time; and also reported that the application to the Provincial Legislature for an amendment to the Act of Incorporation, to allow a deviation in the line as required to be surveyed between Melbourne and Drummondville from Point Levy (in continuation of the survey as completed from Halifax to that place, as by maps or plans, reports, and books of reference duly deposited), and also to authorize its junction at the most eligible point with the railroad between Montreal, St. Hyacinth, and Melbourne, was deferred till the next session, on the plea that sufficient legal notice had not been given, six months being required; the committee therefore gave due notice in official Gazette, and renew their application to the Legislature for these alterations, and revival of the Act, as well as an extension of the charter to the sister provinces of New Brunswick and Nova Scotia, for which purpose the legal notices have been given. And the petitions to the Legislature of each province being submitted to the meeting,—

It was resolved unanimously, that the petitions now read be adopted, and that those to the Legislature of this province be delivered to the Hon. Adam Ferrie, M.L.C., for presentation to His Excellency the Governor General and to the Legislative Council, and to the Hon. Henry Sherwood, M.P.P., for presentation to the Legislative Assembly; and that those gentlemen, and the Members for this city and county, as well as all the Members of the committee in the Legislature, be respectfully and urgently requested to support the same; and that Mr. Timmis the secretary be deputed to present those to the Legislatures of New Brunswick and Nova Scotia in such manner as he may find most desirable, conducive to the interests of the company.

On motion of Peter Warren Dease, Esq., seconded by Thomas C. Panton, Esq., supported by H. Corse, Esq.:—

It was further resolved, that the cordial thanks of the committee and company at large are due to Mr. Timmis, the Secretary, for his great exertions and commendable perseverance to effect the national undertaking, and that the committee cannot withhold expressing their gratification at the success which has attended his efforts here and in New Brunswick, and in having throughout the whole extent of this province enrolled so large portion of the chief residents, and particularly in Toronto, where nearly all the most opulent citizens have become members of the Company; and they unanimously request, that he will continue the enrolment of shareholders in the company as heretofore, amply authorized and deputed; and they also desire that all details connected with the company to the present time, shall be submitted by him to the Right Honourable the Secretary of State for the Colonies, for the sanction and sterling support of the Imperial Government, that the work may begin as soon as possible.

Signed by

The Hon. ADAM FERRIE, Chairman of the Legislative Council.

J. BOUCHETT, Esq., Deputy Surveyor General of Crown Lands.

JAMES PORTEOUS, Esq., Postmaster, Montreal.

PETER WARREN DEASE, Esq., and ALLEN M'DONELL, Esq., of the Honourable Hudson Bay Company; and

Sixty others.

Encl. 2 in No. 22.

Enclosure 2 in No. 22.

## APPENDIX B.

Crown Land Department, Montreal,  
June 20, 1849.

SIR,

I HAVE the honour to transmit you herewith a copy of the plan of the Canada, New Brunswick, and Nova Scotia Railway Company, and the therewith accompanying book of reference, duly certified in conformity with the requirements of the Act passed in the 10th and 11th year of Her Majesty's reign, and intituled "An Act to incorporate the Canada, New Brunswick, and Nova Scotia Railway Company," which copy and book of reference are now deposited in your office, agreeably to the 5th clause of the said Act.

I have, &amp;c.

(Signed) F. BOUTHILLIER,  
Ass<sup>t</sup> Com<sup>r</sup> C.L.Josiah Timmis, Esq  
Secretary.

No. 23.

No. 23.

COPY of a LETTER from B. HAWES Esq. to J. TIMMIS Esq.

SIR,

Downing Street, April 30, 1851.

I AM directed by Earl Grey to acknowledge the receipt of your letter (and its annexures) of the 16th instant, and to acquaint you that after an attentive perusal of its contents his Lordship is unable to discover anything in it to justify him in altering the view he has already taken of your application. His Lordship cannot, therefore, consent to give you an interview, or communicate with you, on the subject of the proposed railway, until he is in possession of some official assurance that you are the accredited agent of a company which the local Government acknowledge as being legally constituted.

I have, &amp;c.

J. Timmis, Esq.

(Signed) B. HAWES.

No. 24.

(No. 600.)

No. 24.

COPY of a DESPATCH from Earl GREY to the Earl of ELGIN AND KINCARDINE.

MY LORD,\*

Downing Street, May 30, 1851.

I TRANSMIT for your information copies of a correspondence between this department and Mr. Josiah Timmis, on the subject of his connexion with the Canada, New Brunswick, and Nova Scotia Railway Company.

I have, &amp;c.

The Earl of Elgin and Kincardine,  
&c. &c. &c.

(Signed) GREY.

Mr. Timmis, 11th, 18th,  
and 24th March 1851.Do. 16th Apr. 1851.Mr. Hawes, 15th and  
30th March 1851.Do. 30th Apr. 1851.See pages 20, 21, 22,  
28, of this paper.

No. 25.

(No. 41.)

No. 25.

COPY of a DESPATCH from Sir E. W. HEAD Bart. to Earl GREY.

Government House, Fredericton, N.B.,  
June 30, 1851.

(Received July 21, 1851.)

MY LORD,

I HAVE had the honour of receiving your Lordship's Despatch of May 30, covering copies of a correspondence with Mr. Josiah Timmis.

Mr. Josiah Timmis visited New Brunswick in 1850, and called upon me at Fredericton. I asked him precisely the same question as was put in Mr. Hawes's letter of March 30, viz.—"How he came to have no credentials or authority of any kind from his Excellency the Governor General?"

\* Similar Despatches addressed to the Lieutenant Governors of New Brunswick (No. 263.) and Nova Scotia (No. 272.) 30th May 1851.

I cannot say that I thought his reply satisfactory, and I do not believe that he obtained any sanction or authority from the Legislature here.

I have, &c.

The Right Hon. Earl Grey,  
&c. &c. &c.

(Signed) EDMUND HEAD.

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(No. 4.)

No. 26.

No. 26.

COPY of a DESPATCH from Acting Governor BAZALGETTE to Earl GREY.

Government House, Halifax,

July 10, 1851.

(Received July 21, 1851.)

MY LORD,

WITH reference to your Lordship's Despatch of the 30th May last, No. 272., inclosing copies of a correspondence on the subject of the connexion of Mr. Josiah Timmis with the Canada, New Brunswick, and Nova Scotia Railway Company, I have the honour to acquaint your Lordship that the Company or its agents are not officially known, and have not in any way been recognized by the Legislature or the Government of this Province.

I have, &c.

The Right Hon. Earl Grey,  
&c. &c. &c.

(Signed) JOHN BAZALGETTE.

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