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JOURNAL

AND

PROCEEDINGS

OF HER MAJESTY'S

LEGISLATIVE COUNCIL,

OF THE

PROVINCE OF NOVA-SCOTIA.

1849.

HALIFAX:

PRINTED BY JOHN S. THOMPSON,

PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY.

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PROCLAMATION.

By His Excellency Lieutenant-General

SIR JOHN HARVEY,

Knight Commander of the Most Honorable Military Order of the Bath, Knight Commander of the Royal Hanoverian Guelphic Order, Lieutenant-Governor and Commander in Chief in and over Her Majesty's Province of Nova-Scotia, and its Dependencies, &c. &c. &c.

L. S. J. HARVEY.

WHEREAS the General Assembly of this Province stands prorogued to Thursday, the First day of June next :

I have thought fit further to prorogue the said General Assembly until Thursday, the Third day of August next—of which all persons concerned are desired to take notice and govern themselves accordingly.

Given under my Hand and Seal at Arms, at Halifax, this 26th day of May, in the eleventh year of Her Majesty's Reign.

BY HIS EXCELLENCY'S COMMAND.

JOSEPH HOWE.

God save the Queen.

PROCLAMATION.

By His Excellency Lieutenant-General

SIR JOHN HARVEY,

Knight Commander of the Most Honorable Military Order of the Bath, Knight Commander of the Royal Hanoverian Guelphic Order, Lieutenant-Governor and Commander in Chief in and over Her Majesty's Province of Nova-Scotia, and its Dependencies, &c. &c. &c.

L. S. J. HARVEY.

WHEREAS the General Assembly of this Province stands prorogued to Thursday, the Third day of August next :

I have thought fit further to prorogue the said General Assembly until Thursday, the Fifth day of October next—of which all persons concerned are desired to take notice and govern themselves accordingly.

Given under my Hand and Seal at Arms, at Halifax, this 26th day of July, in the twelfth year of Her Majesty's Reign.

BY HIS EXCELLENCY'S COMMAND.

*JOSEPH HOWE.

God save the Queen.



PROCLAMATION.

By His Excellency Lieutenant-General

SIR JOHN HARVEY,

Knight Commander of the Most Honorable Military Order of the Bath, Knight Commander of the Royal Hanoverian Guelphic Order, Lieutenant-Governor and Commander in Chief, in and over Her Majesty's Province of Nova-Scotia, and its Dependencies, &c. &c. &c.

L. S. J. HARVEY.

WHEREAS the General Assembly of this Province stands prorogued to Thursday, the Fifth day of October next :

I have thought fit further to prorogue the said General Assembly until Thursday, the Twenty-third day of November next; of which all persons concerned are to take notice and govern themselves accordingly.

Given under my Hand and Seal at Arms, at Halifax, this 27th day of September, in the twelfth year of Her Majesty's Reign.

BY HIS EXCELLENCY'S COMMAND.

JOSEPH HOWE.

God Save the Queen.

PROCLAMATION.

By His Excellency Lieutenant-General

SIR JOHN HARVEY,

Knight Commander of the Most Honorable Military Order of the Bath, Knight Commander of the Royal Hanoverian Guelphic Order, Lieutenant Governor and Commander in Chief, in and over Her Majesty's Province of Nova-Scotia, and its Dependencies, &c. &c. &c.

L. S. J. HARVEY.

WHEREAS the General Assembly of this Province stands prorogued to Thursday the Twenty-third day of November instant :

I have thought fit further to prorogue the said General Assembly until Thursday, the Twenty-eighth day of December next; of which all persons concerned are to take notice and govern themselves accordingly.

Given under my Hand and Seal at Arms, at Halifax, this 15th day of November, in the twelfth year of Her Majesty's Reign.

BY HIS EXCELLENCY'S COMMAND.

JOSEPH HOWE.

God Save the Queen.



PROCLAMATION.

By His Excellency Lieutenant-General

SIR JOHN HARVEY,

Knight Commander of the Most Honorable Military Order of the Bath, Knight Commander of the Royal Hanoverian Guelphic Order, Lieutenant-Governor and Commander in Chief, in and over Her Majesty's Province of Nova-Scotia, and its Dependencies, &c. &c. &c.

L. S. J. HARVEY.

WHEREAS the General Assembly of this Province stands prorogued to Thursday, the Twenty-eighth day of December instant :

I have thought fit further to prorogue the said General Assembly until Thursday, the Eighteenth day of January next—*Then to meet for the Despatch of Business*—of which all persons concerned are to take notice and govern themselves accordingly.

Given under my Hand and Seal at Arms, at Halifax,
at Halifax, this 7th day of December, in the
twelfth year of Her Majesty's Reign.

BY HIS EXCELLENCY'S COMMAND.

JOSEPH HOWE.

God Save the Queen.



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JOURNAL
OF THE
PROCEEDINGS
OF THE
LEGISLATIVE COUNCIL
OF THE
PROVINCE OF NOVA-SCOTIA.

SECOND SESSION OF THE NINETEENTH GENERAL ASSEMBLY.

ANNO DUODECIMO VICTORIÆ REGINÆ.

AT HALIFAX, IN THE PROVINCE OF NOVA-SCOTIA.

LEGISLATIVE COUNCIL CHAMBER,

Thursday, 18th January, 1849.

The General Assembly having been by Proclamation prorogued to this day, the Council met.

PRESENT—

The Honorable MICHAEL TOBIN, President.

The Right Reverend and Honorable the LORD BISHOP.

The Honorable HUGH BELL,
STAYLEY BROWN,
ALEXANDER McDUGALL,
MATHER B. ALMON,
EDWARD KENNY,

The Honorable WILLIAM A. BLACK,
JOHN E. FAIRBANKS,
JAMES McNAB,
WILLIAM STAIRS.

At three of the clock, P. M., His Excellency Lieutenant-General SIR JOHN HARVEY, Knight Commander of the Most Honorable Military Order of the Bath, Knight Commander of the Royal Hanoverian Guelphic Order, Lieutenant-Governor and Commander in Chief, in and over Her Majesty's Province of Nova-Scotia, and its Dependencies, &c. &c. &c., came to the Council Chamber, attended as usual, and, being seated, the Gentleman Usher of the Black Rod received His Excellency's command to let the House of Assembly know, "It is His Excellency's will and pleasure they attend him immediately in this House"—who being come, with their Speaker, His Excellency was pleased to open the Session with a Speech to both Houses, as follows :

H. E. comes to
Council Chamber.

H. A. attend.

Mr.

*Mr. President, and Honorable Gentlemen of the Legislative Council :
Mr. Speaker, and Gentlemen of the House of Assembly :*

I have called you together at as early a period as I conceived would be convenient for you to enter upon the consideration of the public business of the country.

During the year which has just closed, we have witnessed, in foreign countries, a succession of startling events : the downfall of ancient dynasties—the violent disruption of the relations of established society, and sanguinary civil conflicts—and have learned, by contrast, to prize more highly the blessings of rational liberty, union, peace, and industrial developement, secured to the Empire, of which Nova-Scotia forms a part, by the mild sway of a Sovereign whose prerogatives in their exercise express the national will, and derive their strength from the People's affections.

It becomes my pleasing duty to inform you that, with two exceptions, all the Acts passed during the last Session have received the Royal assent. To a reconsideration of those two I shall invite your attention, so soon as the usages of Parliament permit me to lay before you the views of Her Majesty's Government, as expressed by the Right Honorable the Secretary of State for the Colonies.

During the recess, the Engineers employed by Her Majesty's Government in the exploration of a line for an inter-Colonial Railway from the Atlantic to Quebec, have finished their labors. Copies of their Report, with the accompanying Plans and Sections, will be promptly laid before you. An equitable adjustment of the expences of the Survey, having been satisfactorily arranged, the proportion for which the faith of Nova Scotia was pledged has been paid.

You will be gratified to learn that this Report fully establishes the practicability, while it variously illustrates the importance of the proposed enterprise, in the speedy accomplishment of which there is every reason to hope the resources of these northern Provinces may be combined, liberally aided by the co-operation, and skilfully guided by the influence, of the Imperial Government. I shall lose no time in submitting to you Despatches of a very important character, in which the views of Her Majesty's Ministers, and of the Governments of Canada and New Brunswick, in relation to this great work, are fully explained.

Deeply sensible of the influence which this National Highway must exercise upon the destinies and future prosperity of this portion of the Empire, I trust I shall be enabled, before the close of the Session, to invite your grave consideration to some measure within the compass of our means, and in which the wisdom and prudence of both branches of the Legislature will be ready to concur.

It affords me pleasure to state, that the Survey, which I was authorised to direct, under the grant of last Session, has fully established the practicability of Railroad communication between Halifax and Windsor. To connect with the capital of Nova Scotia, that singular Estuary, around the shores of which, and upon the banks of the numerous Rivers that empty into it, our richest lands, and most thriving Agricultural Communities are situated, is an enterprise apparently full of promise. The Report and plans prepared by the Engineer, now undergoing a careful revision and inspection, will shortly be laid before you, I trust in sufficient time to enable you to give to them a careful consideration, and, if deemed judicious, to adopt such measures as may ensure a successful completion of the work.

I have to regret that the Electric Telegraph, to extend from the Capital to the northern frontier of Nova Scotia, contemplated to be built by the Act of last Session, has not yet been erected. Early in the season effective measures were adopted by me to obtain accurate information, relative to the most approved models and the cost of construction. The necessary arrangements for continuing the lines to Canada, on the one hand, and to the United States, by the southern shores of New Brunswick

on

on the other, not having been completed, I thought it would be premature under those circumstances to authorize any expenditure.

The establishment, throughout British North America, of a uniform low rate of Postage,—the adjustment of a system of inter-Colonial Trade, as also the arrangements indispensable for the collection of statistics, and the subdivision of the expenses of the Railway exploration, (all incident to the Legislation of the last Session,) having appeared to me to render deputations to the adjoining Provinces desirable, some members of my Council were sent in May last to Canada and New Brunswick. The Reports and documents connected with those missions I shall cause to be laid before you, and you will be gratified to perceive the cordial spirit in which the proposals made were met, and which must ultimately lead to a final and satisfactory adjustment of these important questions.

Full powers having been conferred upon me by Her Majesty's Government, I have, acting in the spirit of the measure passed last Session, directed a consolidation of the Crown Land Department, which I trust will lead to an improvement in the management of this branch of the Public Service, and to an ultimate saving of expense.

During the Recess I have endeavoured to carry out the wishes of the Legislature relative to the mineral resources of this Province. A Survey and Report of a portion of them have been made, in accordance with the Address of the Assembly, and these, together with the correspondence conducted with the Secretary of State, as developing the views of Her Majesty's Government upon the subject, will be promptly submitted for your consideration.

The Acts which provide for the support of Education, and for the encouragement of Agriculture, will shortly expire; and I shall be gratified if, in the renewed consideration of those very prominent interests, the experience of the past conduct you to harmonious and successful legislation.

It is pleasing to me to be able to inform you that the quantities of Fish taken around our Coasts have proved as abundant as in ordinary seasons; and, if any depression is felt in that highly important branch of our industry, it is owing to general causes, that tend to lessen the price of this great staple in the markets abroad.

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

Detailed Accounts of the Receipts and Expenditures of the past year will be laid before you, without delay, together with the Estimates of the expenses of the current year.

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

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

The general derangement of Commerce has, for a season, injuriously affected every branch of Colonial Trade. The partial failure of the Crops, during three successive years, has necessarily diminished the circulation, and, while it depressed the spirit of enterprise, curtailed, among all classes, the means of consumption. You will however, be gratified to learn, that while taxation has been light, the Revenue has been sufficiently productive to enable the Government to meet with promptitude every demand upon the Treasury, and to make such advances as were necessary to repair the damages occasioned by heavy floods in some of the Eastern Counties, and to discharge, towards the diseased and the unfortunate cast upon our Coasts, the obligations of humanity.

Let us, while thankful to Divine Providence for the mercies with which the trials of the past have been tempered, contemplate with renewed hope the unerring signs of a more generally prosperous condition, to which we may confidently look for the supplies

supplies necessary to maintain the public credit, and stimulate the improvement of the country.

H. A. withdraw,
H. E. retires.

The House of Assembly then withdrew and His Excellency was pleased to retire soon after.

Bill pro forma read.

Mr. Brown presented a Bill, entitled, An Act to amend the Act for relieving Insolvent Debtors from Imprisonment—which was read a first time.

Ordered, That the said Bill be read a second time at a future day.

Speech reported.

The President reported His Excellency's Speech, and the same being read by the Clerk,

Address in answer
moved.

Mr. Brown moved that an Address be presented to His Excellency in answer to his Speech—which he read in his place, and afterwards delivered it to the Clerk, who read the same as follows :

Address.

To His Excellency Lieutenant-General

SIR JOHN HARVEY,

Knight Commander of the Most Honorable Military Order of the Bath, Knight Commander of the Royal Hanoverian Guelphic Order, Lieutenant-Governor and Commander in Chief, in and over Her Majesty's Province of Nova-Scotia, and its Dependencies, &c. &c. &c.

THE ADDRESS OF THE LEGISLATIVE COUNCIL.

MAY IT PLEASE YOUR EXCELLENCY :

We, Her Majesty's Loyal Subjects the Legislative Council of Nova-Scotia, thank Your Excellency for the Speech with which you have been pleased to open the present Session of the General Assembly.

We participate in the feeling of gratification expressed by Your Excellency on the continued peace and happiness enjoyed by this portion of the Dominions of a beloved Sovereign, whose power, resting on affection and influenced by Constitutional Government, shields us from the anarchy and confusion now existing in other nations.

We thank Your Excellency for the information which you have conveyed to us relative to several important subjects now engaging the attention of Your Excellency for the advancement of the Colony.

The Railway designed to connect this Province with Canada, by which the productions of a large and fertile portion of the Colonial Dependencies in North America may be conveyed to our Ports—a similar undertaking through the Western Counties which will necessarily facilitate the transit of Agricultural Products from a fine District to the Capital—the measures adopted for the establishment of a uniform rate of Postage—and the Electric Telegraph, by which new and extraordinary methods have been effected for the most rapid transmission of thought—demand all our attention ; and we may well assure Your Excellency that our best efforts shall be directed to bring these projects to a successful result.

For several years the failure of the Crops, and the general depression of business in the Commercial world, necessarily diminished the private as well as the public resources of this country ; but the Fisheries having for the past year been attended with an average degree of success—and the taxation on those articles more immediately required by

the people diminished, the pressure has in our Province been felt perhaps as little as in any of the adjacent Colonies ; and we unite with Your Excellency in an humble reliance on Divine Providence again to bless the labours of the husbandman, and to restore and increase our prosperity.

Our attention and deliberation shall be given to every subject submitted to us for consideration ; and we shall endeavour cordially to co-operate with Your Excellency in the various measures designed to promote the welfare of Nova-Scotia.

Ordered, That the said Address be read a second time at a future day.

Ordered, That Mr. Black be a member of the Committee to consider of the Orders and Customs of this House and Privileges of Parliament, in place of Mr. Tobin, the President.

Mr. Black added to Com. of Privileges.

On motion made and seconded—the House adjourned until To-morrow, at Twelve o'clock.

Adjourn.

Friday, 19th January, 1849.

The House met pursuant to adjournment.

P R E S E N T—

The Honorable MICHAEL TOBIN, President.

The Right Reverend and Honorable the LORD BISHOP.

The Honorable HUGH BELL,
STAYLEY BROWN,
ALEXANDER McDUGALL,
MATHER B. ALMON,

The Honorable EDWARD KENNY,
JAMES McNAB,
WILLIAM STAIRS.

PRAYERS.

The Minutes of yesterday were read.

The Address of this House in answer to the Speech of His Excellency the Lieutenant-Governor at the opening of the Session, was read a second time, and, by order, the said Address was read a third time, and the question was put by the President,

Address to H. E. read 2d and 3d time.

Whether this Address do pass ?

It was resolved in the affirmative.

Agreed to.

Ordered, That the said Address be presented to His Excellency the Lieutenant-Governor by the whole House.

Ordered, That a Committee be appointed to wait upon His Excellency the Lieutenant-Governor, and ascertain when he will be pleased to receive this House with their Address.

Com. to ascertain when H. E. will receive Address.

Ordered, That Mr. Brown, Mr. Stairs, and Mr. McDougall, be a Committee for that purpose.

Committee.

The Committee proceeded to the Government House, and being returned to the Council Chamber, Mr. Brown reported that His Excellency had been pleased to appoint half-past three o'clock, P. M. of this day for receiving the said Address.

Report.

At half-past three o'clock, P. M., the House proceeded to the Government House with their Address, and being returned to the Council Chamber, the President reported that His Excellency had been pleased to receive the said Address and to make the following reply thereto :

House wait on H. E. with Address.

Reply

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

I receive your Address with great gratification, and beg you to believe that I derive peculiar satisfaction from the assurance which it conveys, that I shall have the cordial support of the Legislative Council of this loyal Province, in advancing the various measures designed to promote its welfare.

J. HARVEY.

Government House, January 19th, 1849.

Adjourn.

On motion made and seconded—the House adjourned until Monday, at Twelve o'clock.

Monday, 22d January, 1849.

The House met pursuant to adjournment.

P R E S E N T —

The Honorable MICHAEL TOBIN, President.

The Honorable ROBERT M. CUTLER,
JOHN MORTON,
HUGH BELL,
STAYLEY BROWN,
ALEXANDER MCDUGALL,
MATHER B. ALMON,

The Honorable EDWARD KENNY,
JOHN E. FAIRBANKS,
JAMES McNAB,
WILLIAM STAIRS.

PRAYERS.

The Minutes of Friday were read.

Message from H. E.
with Report and
Despatches rel. to
Rail Road.

Mr. Bell, by the command of His Excellency the Lieutenant-Governor, laid before the House the following Papers and Despatches relative to the Rail Road between Halifax and Quebec :

1. Report of Major Robinson.
2. Despatch, dated April 19, 1848, Sir John Harvey to Earl Grey.
3. Despatch, dated 10th May, 1848, Earl Grey to Sir John Harvey.
4. Despatch, dated 8th May, 1848, Sir John Harvey to the Governor-General.
5. Despatch, dated 19th June, 1848, Sir John Harvey to Earl Grey.
6. Despatch, dated 14th August, 1848, Earl Grey to Sir John Harvey, enclosing Letter, dated 4th August, 1848, Mr. Trevelyan to Mr. Merivale.
7. Despatch, dated 18th October, 1848, Sir John Harvey to Earl Grey.
8. Despatch, dated 17th November, 1848, Earl Grey to Sir John Harvey.
9. Despatch, dated 8th December, 1848, Sir John Harvey to Earl Grey.

(*Vide Appendix No. 1.*)

The same were read and ordered to lie on the Table.

A Message was brought from the House of Assembly by Mr. Whidden, with the following Resolution :

Com. of Public Ac-
counts of H. A.

Ordered, That Mr. Fraser, Mr. Killam, Mr. Mott, Mr. Taylor, and Mr. Mignowitz, be a Committee of this House for the purpose of examining the Public Accounts, jointly with a Committee of the Legislative Council.

On

On motion, *resolved*, that Mr. Brown, Mr. Stairs, and Mr. Morton, be a Committee Do. of Council.
of this House to join a Committee of the House of Assembly to examine the Public
Accounts, and that the Clerk do acquaint the House of Assembly therewith.

On motion made and seconded—the House adjourned until Wednesday, at Two Adjourn.
o'clock.

Wednesday, 24th January, 1849.

The House met pursuant to adjournment.

P R E S E N T—

The Honorable MICHAEL TOBIN, President.

The Honorable ROBERT M. CUTLER, JOHN MORTON, HUGH BELL, STAYLEY BROWN, ALEXANDER McDUGALL,	The Honorable MATHER B. ALMON, EDWARD KENNY, JOHN E. FAIRBANKS, JAMES McNAB, WILLIAM STAIRS.
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PRAYERS.

The Minutes of Monday were read.

Mr. Bell, by the command of His Excellency the Lieutenant Governor, laid before the House the following Despatches and Papers, relative to the Post Office and Inter-Colonial Postage : Message from H. E. with Despatches &c., rel. to Post Office.

- Despatch, dated 18th April, 1848, Sir John Harvey to Earl Grey.
- Report of the Hon. James B. Uniacke, Attorney General.
- Despatch, dated 16th August, 1848, Sir John Harvey to Sir Edmund Head.
- Despatch, dated 7th November, 1848, Sir Edmund Head to Sir John Harvey.
- Despatch, dated 7th November, 1848, Sir Edmund Head to the Governor General.

(*Vide Appendix No. 2.*)

Mr. Bell, by the like command, laid before the House the following Despatches Do. rel. to Free Ports.
relative to Free Ports :

- Despatch, dated 18th April, 1848, Sir John Harvey to Earl Grey.
- Despatch, dated 14th November, 1848, Earl Grey to Sir John Harvey, enclosing Letter dated 17th October, 1848, Mr. Trevelyan to Mr. Merivale.

(*Vide Appendix No. 3.*)

Mr. Bell, by the like command, also laid before the House the following Despatches Do. Barque Lulan.
relative to the Bark "Lulan:"

- Despatch, dated 15th November, 1848, Sir John Harvey to Sir D. Campbell.
- Despatch, dated 17th November, 1848, Sir D. Campbell to Sir John Harvey.
- Despatch, dated 30th November, 1848, Sir John Harvey to Sir D. Campbell.

(*Vide Appendix No. 4.*)

The same were read, and ordered to lie on the Table.

Despatch,

Mr. McNab, by the like command, laid before the House the following Despatches and Papers :

Do. receipt of Ad. on
birth of Princess.

Despatch, dated 15th April, 1848, Sir John Harvey to Earl Grey, accompanying Address to Her Majesty on the Birth of a Princess.

Despatch, dated 9th May, 1848, Earl Grey to Sir John Harvey, informing him that the Address had been laid before Her Majesty.

(Vide Appendix No. 5.)

Do. com. death of
Princess Sophia.

Also Despatch, dated 1st June, 1848, Earl Grey to Sir John Harvey, communicating Death of the Princess Sophia.

(Vide Appendix No. 6.)

Do. on removal of
Judges Bill.

Also Despatch, dated 24th June, 1848, Earl Grey to Sir John Harvey, with observations relative to the removal of Judges Bill.

(Vide Appendix No. 7.)

Do. rel. to Honorary
Distinction.

Also the following Despatches relative to Honorary Distinctions :

Despatch, dated 26th June, 1848, Earl Grey to Sir John Harvey.

Despatch, dated 21st July, 1848, Sir John Harvey to Earl Grey.

Despatch, dated 10th August, 1848, Earl Grey to Sir John Harvey.

(Vide Appendix No. 8.)

Do. Inter-Colonial
Trade.

Also the following Despatches relative to the Inter-Colonial Trade :

Despatch, dated 7th June, 1848, Sir John Harvey to the Governor-General.

Report of the Honorable Michael Tobin, dated 20th June, 1848.

Despatch, dated 21st June, 1848, Sir John Harvey, to the Governor-General.

(Vide Appendix No. 9.)

Do. Crown Land
Department Bill.

Also the following Despatches, relative to the Crown Land Department :

Despatch, dated 17th April, 1848, Sir John Harvey to Earl Grey.

Despatch, dated 20th June, 1848, Earl Grey to Sir John Harvey.

Despatch, dated 21st July, 1848, Sir John Harvey to Earl Grey.

(Vide Appendix No. 10.)

The same were read and ordered to lie on the Table.

Petition of D. Heffernan.

Mr. McDougall presented the Petition of Dennis Heffernan, praying compensation for services performed at the Fever Hospital at Richmond, Halifax, which was ordered to lie on the Table.

Message from H. E.
with Despatches
&c. rel. to Depart-
mental Bill.

Mr. Bell, by the command of His Excellency the Lieutenant-Governor, laid before the House the following Despatches and Papers relative to the Bill to provide for a more accurate Audit and Inspection of Public Accounts, and for the appointment of certain Officers :

Despatch, dated 18th April, 1848, Sir John Harvey to Earl Grey.

Memorial of Mr. Fairbanks, dated 18th April, 1848.

Despatch, dated 23rd June, 1848, Earl Grey to Sir John Harvey.

Despatch, dated 21st July, 1848, Sir John Harvey to Earl Grey,

Minute of the Executive Council, dated 21st July, 1848.

Despatch, dated 18th August, 1848, Sir John Harvey to Earl Grey.

Despatch,

Despatch, dated 2nd November, 1848, Sir John Harvey to Earl Grey.
 Letter, dated 2nd November, 1848, Mr. Fairbanks to Sir John Harvey.
 Letter, dated 2nd November, 1848, Mr. Fairbanks to Earl Grey.
 Despatch, dated 15th November, 1848, Earl Grey to Sir John Harvey.
 Despatch, dated 8th December, 1848, Sir John Harvey to Earl Grey.

(*Vide Appendix No. 11.*)

The said Despatches and Papers were read, and ordered to lie on the Table.

On motion made and seconded—the House adjourned until Friday, at Twelve o'clock. Adjourn.

Friday, 26th January, 1849.

The House met pursuant to adjournment.

P R E S E N T—

The Honorable MICHAEL TOBIN, President.

The Honorable ROBERT M. CUTLER, JOHN MORTON, HUGH BELL, STAYLEY BROWN, ALEXANDER McDUGALL,	The Honorable MATHER B. ALMON, EDWARD KENNY, JOHN E. FAIRBANKS, JAMES McNAB, WILLIAM STAIRS.
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PRAYERS.

The Minutes of Wednesday were read.

Mr. McNab, by the command of His Excellency the Lieutenant-Governor, laid before the House—

A Despatch, dated 24th June, 1848, from Earl Grey to Sir John Harvey, relative to the office of Queen's Advocate.

Message from H. E. with Despatch rel. to Queen's Advocate.

(*Vide Appendix No. 12.*)

The same was read and ordered to lie on the Table.

Mr. Bell, by the like command, laid before the House the following Despatches and Papers relative to the Act to provide for the collection of the Revenue.

Do. rel. to Act for Collection of Revenue.

Despatch, dated 15th April, 1848, Sir John Harvey to Earl Grey.

Memorial, Thomas A. S. Dewolf, Esquire, Collector of Excise at Halifax, to Earl Grey.

Despatch, dated 8th September, 1848, Earl Grey to Sir John Harvey, enclosing order in Council, dated 4th September, 1848, allowing the Act.

(*Vide Appendix No. 13.*)

The same were read and ordered to lie on the Table.

Mr. Bell, by the like command, laid before the House the following Despatches and Papers relative to the Civil List Bill:

Do. Civil List.

Despatch, dated 15th April, 1848, Sir John Harvey to Earl Grey.

Despatch, dated 18th April, 1848, Sir John Harvey to Earl Grey.

Memorial from the Chief Justice and other Officers to Her Majesty.
 Despatch, dated 20th April, 1848, Sir John Harvey to Earl Grey.
 Letter, dated 17th April, 1848, Mr. Johnston to Earl Grey.
 Minute of Executive Council, dated 20th April, 1848.
 Extract from a Despatch, dated 19th June, 1848, Earl Grey to Sir John Harvey.
 Minute of the Executive Council, dated 20th July, 1848.
 Extract from a Despatch, dated 15th November, 1848, Earl Grey to Sir John Harvey.

(*Vide Appendix No. 14.*)

The same were read and ordered to lie on the Table.

Do. Copyright Bill.

Mr. Bell, by the like command, laid before the House the following Despatches and Order in Council relative to the Copyright Act :
 Despatch, dated 8th May, 1848, Sir John Harvey to Earl Grey.
 Despatch, dated 13th September, 1848, Earl Grey to Sir John Harvey, enclosing Order in Council allowing Act.

(*Vide Appendix No. 15.*)

The same were read and ordered to lie on the Table.

Do. Treasurer's Accounts.

Mr. McNab, by the like command, laid before the House the Provincial Treasurer's Accounts for the year 1848.

(*Vide Appendix No. 16.*)

Ref. to Com. on Pub. Accounts.

Ordered, That the said Accounts be referred to the Committee of Public Accounts.

Adjourn.

On motion made and seconded—the House adjourned until Monday, at Twelve o'clock.

Monday, 29th January, 1849.

The House met pursuant to adjournment.

P R E S E N T—

The Honorable MICHAEL TOBIN, President.

The Honorable ROBERT M. CUTLER,
 JOHN MORTON,
 HUGH BELL,
 STAYLEY BROWN,
 ALEXANDER MCDUGALL,

The Honorable EDWARD KENNY,
 JOHN E. FAIRBANKS,
 JAMES McNAB,
 WILLIAM STAIRS.

PRAYERS.

The Minutes of Friday were read.

Supervisors Public Grounds Cornwallis Bill read 1st time.

Mr. Morton presented a Bill to authorise the Supervisors of Public Grounds in the Township of Cornwallis, to lease the Public Grounds therein, which was read a first time.

Ref. to Sel. Com.

Ordered, That the said Bill be referred to a Select Committee, to examine and report upon.

Ordered,

Ordered, That Mr. Morton, Mr. Kenny, and Mr. Brown, be a Committee for that purpose. Committee.

Mr. McDougall, by the command of His Excellency the Lieutenant-Governor, laid before the House the following Despatch and Act relative to Passengers : Message from H. E. with Despatch rel. to Passenger Act.
 Despatch, dated 7th April, 1848, Earl Grey to Sir John Harvey, enclosing Act to make provision for one year, and to the end of the then next Session of Parliament, for the carriage of Passengers by sea to North America.

(Vide Appendix No. 17.)

The same were read and ordered to lie on the Table.

Mr. McDougall, by the like command, laid before the House the following Despatches and Letter relative to the Coal Mines : Do. rel. to Coal Mines.
 Despatch, dated 25th May, 1848, Sir John Harvey to Earl Grey.
 Despatch, dated 20th June, 1848, Earl Grey to Sir John Harvey, enclosing Letter, dated 16th May, 1848, Mr. Cunard to Earl Grey.

(Vide Appendix No. 18.)

The same were read and ordered to lie on the Table.

On motion made and seconded—the House adjourned until To-Morrow, at Two o'clock. Adjourn.

Tuesday, 30th January, 1849.

The House met pursuant to adjournment.

P R E S E N T—

The Honorable MICHAEL TOBIN, President.

The Honorable ROBERT M. CUTLER, JOHN MORTON, HUGH BELL, STAYLEY BROWN, ALEXANDER McDUGALL,	The Honorable MATHER B. ALMON, EDWARD KENNY, WILLIAM A. BLACK, JOHN E. FAIRBANKS, JAMES McNAB.
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PRAYERS.

The Minutes of yesterday were read.

Mr. McDougall, by the command of His Excellency the Lieutenant-Governor, laid before the House the following Despatches relative to the case of William MacGuire : Message from H. E. with Despatches rel. to case of W. MacGuire.
 Despatch, dated 12th April, 1848, Earl Grey to Sir John Harvey.
 Despatch, dated 8th June, 1848, Earl Grey to Sir John Harvey.

(Vide Appendix No. 19.)

Also the following Despatches relative to the independence of Judges, or Judges' Removal Bill : Do. independence of Judges.

Despatch, dated 19th April, 1848, Sir John Harvey to Earl Grey.
 Despatch, dated 24th June, 1848, Earl Grey to Sir John Harvey.

Despatch,

Despatch, dated 18th August, 1848, Earl Grey to Sir John Harvey, enclosing Order in Council allowing Act.

(*Vide Appendix No. 20.*)

Do. confirming Acts. Also a Despatch, dated 8th November, 1848, Earl Grey to Sir John Harvey, enclosing Order in Council allowing fifty-two Acts.

(*Vide Appendix No. 21.*)

Do. do. Also a Despatch, dated 22d December, 1848, Earl Grey to Sir John Harvey, enclosing Order in Council allowing six Acts.

(*Vide Appendix No. 22.*)

Do. Address respecting Rev. Bills. Also a Despatch, dated 9th March, 1848, Earl Grey to Sir John Harvey, relative to the Address of the House of Assembly respecting three Revenue Bills.

(*Vide Appendix No. 23.*)

Do. Custom House. Also a Despatch, dated 18th April, 1848, Earl Grey to Sir John Harvey, relative to the Custom House Officers to be retained.

(*Vide Appendix No. 24.*)

Do. rel. to Collection of Rev. Act. Also a Despatch, dated 12th September, 1848, Earl Grey to Sir John Harvey, enclosing Order in Council allowing "An Act to provide for the Collection of the Revenue."

(*Vide Appendix No. 25.*)

Report of Comms. of Light Houses. Also a Report of the Commissioners of Light Houses.

(*Vide Appendix No. 26.*)

The said Despatches, Orders in Council, and Report, were read, and ordered to lie on the Table.

Adjourn. On motion made and seconded—the House adjourned until Thursday, at Twelve o'clock.

Thursday, 1st February, 1849.

The House met pursuant to adjournment.

P R E S E N T—

The Honorable MICHAEL TOBIN, President.

The Honorable ROBERT M. CUTLER,	The Honorable EDWARD KENNY,
JOHN MORTON,	WILLIAM A. BLACK,
STAYLEY BROWN,	JOHN E. FAIRBANKS,
ALEXANDER McDUGALL,	JAMES McNAB.

PRAYERS.

The Minutes of Tuesday were read.

Adjourn. On motion made and seconded—the House adjourned until To-morrow, at Two o'clock.

Friday,

Friday, 2d February, 1849.

The House met pursuant to adjournment.

P R E S E N T—

The Honorable MICHAEL TOBIN, President.

<p>The Honorable ROBERT M. CUTLER, JOHN MORTON, HUGH BELL, STAYLEY BROWN, ALEXANDER McDUGALL, MATHER B. ALMON,</p>	<p>The Honorable EDWARD KENNY, WILLIAM A. BLACK, JOHN E. FAIRBANKS, WILLIAM STAIRS. JONATHAN McCULLY.</p>
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PRAYERS.

The Minutes of yesterday were read.

Mr. McDougall, by the command of His Excellency the Lieutenant-Governor, laid before the House the following Despatches and Report relative to the Electric Telegraph :

Message from H. E. with Despatches rel. to Electric Telegraph.

Despatch, dated 11th March, 1848, Sir John Harvey to Earl Grey.

Despatch, dated 6th April, 1848, Earl Grey to Sir John Harvey.

Despatch, dated 18th April, 1848, Sir John Harvey to Earl Grey.

Report of the Honorable George R. Young and the Honorable Michael Tobin.

(*Vide Appendix No. 27.*)

The same were read and ordered to lie on the Table.

A Message was brought from the House of Assembly by Mr. Whidden, with A Bill, entitled, An Act to amend the Law relating to the appointment of Sheriffs. To which Bill they desired the concurrence of this House.

Sheriffs' Bill,

The said Bill was read a first time.

Read 1st time, and

Ordered, That the said Bill be referred to a Select Committee, to examine and report upon.

Ref. to Sel. Com.

Ordered, That Mr. Fairbanks, Mr. Morton, and Mr. McCully, be a Committee for that purpose.

Committee.

Mr. Morton presented a Petition from Abraham Gesner, praying aid towards the publication of a work on the industrial resources of Nova-Scotia—which was read and ordered to lie on the Table.

Pet. of A. Gesner.

On motion made and seconded—the House adjourned until Tuesday next, at Twelve o'clock.

Adjourn.

Tuesday, 6th February, 1849.

The House met pursuant to adjournment.

P R E S E N T—

The Honorable MICHAEL TOBIN, President.

The Honorable ROBERT M. CUTLER,
JOHN MORTON,
HUGH BELL,
STAYLEY BROWN,
ALEXANDER McDUGALL,
MATHER B. ALMON,
EDWARD KENNY,

The Honorable ALEXANDER KEITH,
WILLIAM A. BLACK,
DAVID CRICHTON,
JOHN E. FAIRBANKS,
JAMES McNAB,
WILLIAM STAIRS,
JONATHAN McCULLY.

PRAYERS.

The Minutes of Friday were read.

Com. on Sheriffs'
Bill report.

Mr. Fairbanks, the Chairman of the Committee to whom a Bill, entitled, An Act to amend the Law relating to the appointment of Sheriffs, was referred, reported that the Committee had examined the said Bill, and recommended it to the further consideration of the House.

Read 2d time,

The said Bill was read a second time.

And ord. to Com.

Ordered, That the said Bill be committed to a Committee of the whole House at a future day.

Pet. of R. Innes &
al.

Mr. Fairbanks presented the Petition of Robert Innes and others, praying aid to an Oat Mill at Lake Porter—which was ordered to lie on the Table.

King's Co. Court
House Bill,

Mr. Morton presented a Bill, entitled, An Act to enable the Inhabitants of the County of King's County to rebuild their Court House and Jail, lately destroyed by Fire—which was read a first time.

Read 1st time,

Ordered, That the said Bill be referred to a Select Committee, to examine and report upon.

And ref. to Sel. Com.

Committee.

Ordered, That Mr. McDougall, Mr. Morton, and Mr. Fairbanks, be a Committee for that purpose.

Pet. of S. Cunard

Mr. McNab presented the Petition of the Honorable Samuel Cunard, praying aid towards Steam Communication between Pictou and Prince Edward's Island—which was read, and ordered to lie on the Table.

Com. on King's Co.
Court House Bill
report.

Mr. McDougall, the Chairman of the Committee to whom a Bill, entitled, An Act to enable the Inhabitants of the County of King's County to rebuild their Court House and Jail, lately destroyed by Fire, was referred, reported that the Committee had examined the said Bill, and recommended it to the favorable consideration of the House.

Ordered, That the said Report be received, and the said Bill be read a second time at a future day.

Pet. of J. Findley &
al.

Mr. McCully presented a Petition from James Findley and others, of Amherst, praying that the Township of Amherst may be divided into separate Districts for the support of the Poor.

Adjourn.

On motion made and seconded—the House adjourned until To-morrow, at Two o'clock.

Wednesday,

Wednesday, 7th February, 1849.

The House met pursuant to adjournment.

P R E S E N T—

The Honorable MICHAEL TOBIN, President.

The Honorable ROBERT M. CUTLER, JOHN MORTON, HUGH BELL, STAYLEY BROWN, ALEXANDER McDUGALL, MATHER B. ALMON, EDWARD KENNY,	The Honorable WILLIAM A. BLACK, DAVID CRICHTON, JOHN E. FAIRBANKS, JAMES McNAB, WILLIAM STAIRS, JONATHAN McCULLY.
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PRAYERS.

The Minutes of yesterday were read.

A Bill, entitled, An Act to enable the Inhabitants of King's County to rebuild their Court House and Jail, lately destroyed by Fire, was read a second time.

King's Co. Court
 House Bill read 2d
 time,
 And ord. to Com.

Ordered, That the said Bill be committed to a Committee of the whole House at a future day.

On motion, the House was adjourned, during pleasure, and put into a Committee on Bills.—After some time the House was resumed, and Mr. Cutler reported that the Committee had made some progress.

Com. on Bills.

The Chairman also reported that the Committee had gone through a Bill entitled, An Act to amend the Law relating to the appointment of Sheriffs, and had agreed to the same without amendment.

Report Sheriffs' Bill
 without amdt.

Ordered, That the said Bill be read a third time at a future day.

Mr. Almon presented the Petition of the Trustees of the National School, praying aid to that Institution—which was read, and ordered to lie on the Table.

Pet. of the Trustees
 of Nat. School.

Mr. Almon presented the Petition of the Venerable Archdeacon Willis, praying aid to the African School—which was read, and ordered to lie on the Table.

Do. Dr. Willis for
 African School.

On motion made and seconded—the House adjourned until To-Morrow, at Two o'clock.

Adjourn.

Thursday,

Thursday, 8th February, 1849.

The House met pursuant to adjournment.

P R E S E N T—

The Honorable MICHAEL TOBIN, President.

The Honorable ROBERT M. CUTLER,
JOHN MORTON,
HUGH BELL,
STAYLEY BROWN,
ALEXANDER McDUGALL,
MATHER B. ALMON,
EDWARD KENNY,

The Honorable ALEXANDER KEITH,
WILLIAM A. BLACK,
DAVID CRICHTON,
JOHN E. FAIRBANKS,
JAMES McNAB,
WILLIAM STAIRS,
JONATHAN McCULLY.

PRAYERS.

The Minutes of yesterday were read.

Message from H. E.
with Despatches,
&c. rel. to Inter-
Colonial Trade.

Mr. Bell, by the command of His Excellency the Lieutenant-Governor, laid before the House the following Despatches and Report, relative to the Inter-Colonial Trade :
Despatch, dated 20th May, 1848, the Governor General to Sir John Harvey, enclosing a Report of the Inspector General of Canada.
Despatch, dated 30th May, 1848, Sir Edmond Head to Sir John Harvey.

(*Vide Appendix No. 28.*)

(*For other Papers vide Appendix No. 9.*)

The same were read and ordered to lie on the Table.

Pet. of Acadian
School.

Mr. Bell presented the Petition of the Committee of the Acadian School, praying aid to that Institution—which was read, and ordered to lie on the Table.

Pet. Caledonia Aca-
demy.

Mr. Keith presented the Petition of the Committee of the Caledonia Academy, praying aid to that Institution—which was read, and ordered to lie on the Table.

Message from H. E.
with Cas. Rev.
Accounts.

Mr. Bell, by the command of His Excellency the Lieutenant-Governor, laid before the House, the Accounts of the Treasurer of Her Majesty's Casual and Territorial Revenue for the year 1849—which were ordered to lie on the Table.

(*Vide Appendix No. 29.*)

Sheriffs' Bill read 3d
time,

A Bill, entitled, An Act to amend the Law relating to the appointment of Sheriffs, was read a third time, and the question was put by the President,
Whether this Bill shall pass ?

Agreed to,

It was resolved in the affirmative.

And sent to H. A.

A Message was sent to the House of Assembly by the Clerk,
To return the said Bill, and acquaint them that this House have agreed to the same, without any amendment.

Adjourn.

On motion made and seconded—the House adjourned until Monday, at Two o'clock.

Monday,

Monday, 12th February, 1849.

The House met pursuant to adjournment.

P R E S E N T—

The Honorable MICHAEL TOBIN, President.

The Right Reverend and Honorable the LORD BISHOP.

The Honorable ROBERT M. CUTLER,
JOHN MORTON,
HUGH BELL,
STAYLEY BROWN,
ALEXANDER McDUGALL,
MATHER B. ALMON,
EDWARD KENNY,
ALEXANDER KEITH,

The Honorable WILLIAM A. BLACK,
DAVID CRICHTON,
HENRY G. PINEO,
JOHN E. FAIRBANKS,
JAMES McNAB,
WILLIAM STAIRS,
JONATHAN McCULLY.

PRAYERS.

The Minutes of Thursday were read.

Mr. McDougall presented a Bill, entitled, An Act for improving the Law of Evidence—which was read a first time.

Evidence Bill read 1st time,

Ordered, That the said Bill be referred to a Select Committee, to examine and report upon.

And ref. to Sel. Com.

Ordered, That Mr. McDougall, Mr. McCully, and Mr. Almon, be a Committee for that purpose.

Committee.

A Message was brought from the House of Assembly by Mr. Whidden, with the following Resolutions and Bill :

Whereas it has become indispensable, in order to avoid litigation and simplify the administration of the Law, that the Statutes of this Province should be amended and improved, so as to render the same more intelligible—

Res. rel. to consolidation of the Laws.

1st. Resolved unanimously, That the said Statutes be consolidated, simplified in their language, and republished as one uniform code.

2nd. Resolved unanimously, That His Excellency the Lieutenant Governor be respectfully requested forthwith to employ a sufficient number of competent persons, not to exceed five, for the purpose of carrying into effect the object of the foregoing Resolutions without delay, so as to have the said code prepared and submitted to the Executive Government at least one month before the next Session of the Legislature, in order that the same may be submitted at the opening thereof—this House engaging to provide for the necessary expence, such expence, however, before payment to be previously submitted to this House.

3rd. Resolved unanimously, That His Excellency the Lieutenant Governor be also respectfully requested to convene the next Session of the Legislature not less than fourteen days earlier than its accustomed time, in order that such period should be exclusively devoted to the consideration and passage of such revised code.

A Bill, entitled, An Act to extend to the Town of Sydney an Act relating to Streets and Highways.

Streets Sydney Bill,

To which Resolutions and Bill they desired the concurrence of this House.

The same were read a first time.

Read 1st time.

Ordered, That the said Resolutions be read a second time at a future day.

Ordered,

Bill referred to Sel. Committee. *Ordered*, That the said Bill be referred to a Select Committee, to examine and report upon.

Committee. *Ordered*, That Mr. McDougall, Mr. Morton, and Mr. Cutler, be a Committee for that purpose.

Pet. of T. S. Harding and al. Mr. Morton presented the Petition of T. S. Harding and others, praying for the incorporation of the Windsor Temperance Hall Company—which was read, and ordered to lie on the Table.

Pet. of Governors of King's College. The Lord Bishop presented the Memorial of the Governors of King's College of Nova-Scotia, praying this House not to assent to a Bill introduced into the House of Assembly to repeal the 1st Clause of the Act 29, Geo. 3, c. 14—which was read, and ordered to lie on the Table.

Address to H. M. on Departmental Bill. Mr. Morton moved that the following Address be presented to Her Majesty :

TO THE QUEEN'S MOST EXCELLENT MAJESTY.

The Humble Address of the Legislative Council of the Province of Nova-Scotia.

MAY IT PLEASE YOUR MAJESTY.

Address. The Legislative Council beg leave to approach Your Majesty's Throne with sentiments of devoted attachment to Your Royal Person and Government, and pray Your Majesty to accept their grateful acknowledgments for affording the Legislative Council an opportunity of reconsidering the provisions of the Act passed at the last Session of the General Assembly of Nova-Scotia, "To provide for the more accurate Audit and Inspection of Public Accounts in this Province, and for the appointment of certain Public Officers therein," subject to a Clause suspending the same until Your Majesty's pleasure shall be declared thereon, and from which Your Majesty has hitherto withheld Your Royal Assent.

His Excellency the Lieutenant-Governor having submitted to the Legislative Council the Despatches of the Right Honorable Earl Grey, Your Majesty's Principal Secretary of State for the Colonies, and other Documents on the subject of this Act, which have been maturely considered by them, the Legislative Council have been induced to adopt the views of Earl Grey contained in his Despatches of the 23d June and 15th November last; and the Legislative Council concur with him in thinking that "the measure would be extremely prejudicial to the public interests of the Province and unjust towards the present Provincial Treasurer."

The Legislative Council therefore humbly pray Your Majesty not to give Your Royal Assent to this Act.

Read 1st time. The said Address was read a first time.

Ordered, That it be the order of the day for to-morrow for the said Address to be read a second time.

Adjourn. On motion made and seconded—the House adjourned until To-morrow, at Twelve o'clock.

Tuesday,

Tuesday, 13th February, 1849.

The House met pursuant to adjournment.

P R E S E N T—

The Honorable MICHAEL TOBIN, President.

<p>The Honorable ROBERT M. CUTLER, ALEXANDER CAMPBELL, JOHN MORTON, STAYLEY BROWN, ALEXANDER McDUGALL, MATHER B. ALMON, EDWARD KENNY,</p>	<p>The Honorable WILLIAM A. BLACK, DAVID CRICHTON, HENRY G. PINEO, JOHN E. FAIRBANKS, JAMES McNAB, WILLIAM STAIRS, JONATHAN McCULLY.</p>
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PRAYERS.

The Minutes of yesterday were read.

The Resolution received from the House of Assembly yesterday, relative to the revision and consolidation of the Laws, was read a second time, and the question was put by the President,

Res. rel. to revision
of Laws read 2d
time,

Whether this Resolution be agreed to?

It was resolved in the affirmative.

Agreed to,

A Message was sent to the House of Assembly by the Clerk,

To return the said Resolution, and acquaint them that this House have agreed to the same, without any amendment.

And sent to H. A.

Mr. McDougall, the Chairman of the Committee to whom a Bill, entitled, An Act for improving the Law of Evidence, was referred, reported that the Committee had examined the said Bill, and recommended it to the favorable consideration of the House.

Com. on Evidence
Bill report.

The said Bill was read a second time.

Bill read 2d time,

Ordered, That the said Bill be committed to a Committee of the whole House at a future day.

And ord. to Com.

Mr. Morton presented a Bill, entitled, An Act in further amendment of the Act relating to Highways, Roads, and Bridges—which was read a first time.

Highways Bill read
1st time,

Ordered, That the said Bill be referred to a Select Committee, to examine and report upon.

And ref. to Sel. Com.

Ordered, That Mr. Bell, Mr. Cutler, and Mr. McCully, be a Committee for that purpose.

Committee.

The Order of the Day being read for the second reading of the Address to Her Majesty on the Departmental Bill, the same was read a second time—and, after short debate,

Order of Day, 2d
reading of Address
on Departmental
Bill.

Mr. McCully moved that the House do adjourn until To-morrow: which being seconded, and the question being put, it was resolved in the affirmative.

Motion for adjourn-
ment carried.

The House was accordingly adjourned until To-morrow, at One o'clock.

Adjourn.

Wednesday,

Wednesday, 14th February, 1849.

The House met pursuant to adjournment.

P R E S E N T—

The Honorable MICHAEL TOBIN, President.

The Right Reverend and Honorable the LORD BISHOP.

<p>The Honorable ROBERT M. CUTLER, ALEXANDER CAMPBELL, JOHN MORTON, HUGH BELL, STAYLEY BROWN, ALEXANDER MCDUGALL, MATHER B. ALMON, EDWARD KENNY,</p>	<p>The Honorable ALEXANDER KEITH, WILLIAM A. BLACK, DAVID CRICHTON, HENRY G. PINEO, JOHN E. FAIRBANKS, JAMES MCNAB, WILLIAM STAIRS, JONATHAN McCULLY.</p>
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PRAYERS.

The Minutes of yesterday were read.

Pet. of E. Evans &
al.

Mr. Bell presented the Petition of Ephraim Evans and others, praying aid to the Wesleyan School—which was read, and ordered to lie on the Table.

Consideration of
Address on De-
partmental Bill
resumed.

Motion for adjourn-
ment negatived.

Debate resumed,
Resolution in am-
moved.

On motion, the House proceeded to the further consideration of the Address to Her Majesty on the Departmental Bill.—After long debate, it was moved that this House do adjourn : which being seconded, and the question being put, there appeared for the motion, eight ; against the motion, nine. So it passed in the negative.

The debate was then resumed—whereupon Mr. McCully moved the following Preamble and Resolution :

“To the end, that the usual forms and customs of Parliament may not be departed from without some urgent cause, and bearing in mind that the Right Honorable the Secretary of State for the Colonies, by a Despatch, No. 180, dated the 15th day of November last, in reference to an Act passed during the last Session of the General Assembly of this Province, to provide for the more accurate audit and inspection of Accounts, has, among other things, stated that he “will not refuse to submit the said Act to the Queen for confirmation, if, after a full consideration of all that has been advanced on the subject, the Provincial Legislature shall, by an Address to the Crown, signify their wish that the said Bill should be so confirmed :” *Resolved therefore*, that it is as unnecessary as it is unwise, to pass an Address to the Queen, praying that she will withhold her confirmation to the said Act, and that any attempt to pass such an Address through this House by the presence of an accidental majority opposed to the confirmation of said Act, is a direct violation of the principles which usually govern Legislative Assemblies.

“*Resolved therefore*, That the said Address be not agreed to.”

Motion for adjourn-
ment negatived.

Which being seconded, it was moved that the debate be adjourned : which being seconded, and the question being put, there appeared for the motion, eight ; against the motion, nine. So it passed in the negative.

Amtd. to Address
lost, division being
equal.

Then the question was put whether the amendment be agreed to, and the House dividing thereon, there appeared for the amendment, nine ; against the amendment, nine :

For

For the Amendment—

The President,
Mr. McDougall,
Mr. Stairs,
Mr. Kenny,
Mr. McCully,
Mr. McNab,
Mr. Campbell,
Mr. Brown,
Mr. Bell.

Against the Amendment—

Mr. Cutler,
Mr. Black,
Mr. Pineo,
Mr. Almon,
Mr. Fairbanks,
Mr. Crichton,
Mr. Morton,
Mr. Keith,
The Lord Bishop,

And the votes being equal, then, according to the ancient rule in like cases,

“*Semper præsimitur pro negante.*”

Then the question was put whether the Address be agreed to, and the House dividing thereon, there appeared for agreeing to the Address, nine; against agreeing to it, nine:

Address lost, division being equal.

For the Address—

Mr. Cutler,
Mr. Black,
Mr. Pineo,
Mr. Almon,
Mr. Fairbanks,
Mr. Crichton,
Mr. Morton,
Mr. Keith,
The Lord Bishop,

Against the Address—

The President,
Mr. McDougall,
Mr. Stairs,
Mr. Kenny,
Mr. McCully,
Mr. McNab,
Mr. Campbell,
Mr. Brown,
Mr. Bell.

And the votes being equal, then, according to the ancient rule in like cases,

“*Semper præsimitur pro negante.*”

A Message was brought from the House of Assembly by Mr. Whidden, with the following Bills:

A Bill, entitled, An Act to extend to the Town of Sydney the several Acts respecting Firewards.

Firewards, Sydney, and

A Bill, entitled, An Act to Incorporate a Temperance Hall Company in Windsor. To which Bills they desired the concurrence of this House.

Tem. Hall Co. Bills,

The said Bills were read a first time.

Read 1st time.

Ordered, That the said Bills be read a second time at a future day.

On motion made and seconded—the House adjourned until To-Morrow, at One o'clock.

Adjourn.

Thursday, 15th February, 1849.

The House met pursuant to adjournment.

P R E S E N T—

The Honorable MICHAEL TOBIN, President.

The Right Reverend and Honorable the LORD BISHOP.

The Honorable ROBERT M. CUTLER,
ALEXANDER CAMPBELL,
JOHN MORTON,
HUGH BELL,
STAYLEY BROWN,
ALEXANDER McDUGALL,
MATHER B. ALMON,
EDWARD KENNY,

The Honorable ALEXANDER KEITH,
WILLIAM A. BLACK,
DAVID CRICHTON,
HENRY G. PINEO,
JOHN E. FAIRBANKS,
JAMES McNAB,
WILLIAM STAIRS,
JONATHAN McCULLY.

PRAYERS.

The Minutes of yesterday were read.

Motion to receive
Resolution nega-
tived on equal di-
vision.

Mr. Almon rose in his place and read a Resolution, and moved that the same be received and read by the Clerk : which being seconded, and the question being put, there appeared for the motion, nine ; against the motion, nine :

For the Motion—

Mr. Fairbanks,
Mr. Pineo,
Mr. Crichton,
Mr. Black,
Mr. Keith,
Mr. Almon,
Mr. Morton,
Mr. Cutler,
The Lord Bishop.

Against the Motion—

Mr. McCully,
Mr. Stairs,
Mr. McNab,
Mr. Kenny,
Mr. McDougall,
Mr. Brown,
Mr. Bell,
Mr. Campbell,
The President.

And the votes being equal, then, according to the ancient rule in like cases,

“Semper præsumitur pro negante.”

Second motion to
receive Resolution
negatived.

Mr. Almon again rose in his place and read a second Resolution, and moved that the same be received and read by the Clerk : which being seconded, and the question being put, there appeared for the motion, eight ; against the motion, nine :

For the Motion—

Mr. Fairbanks,
Mr. Pineo,
Mr. Crichton,
Mr. Black,
Mr. Keith,
Mr. Almon,
Mr. Morton,
Mr. Cutler.

Against the Motion—

Mr. McCully,
Mr. Stairs,
Mr. McNab,
Mr. Kenny,
Mr. McDougall,
Mr. Brown,
Mr. Bell,
Mr. Campbell,
The President.

So it passed in the negative.

The

The Lord Bishop presented a Petition from the Rev. John Stannage and others, praying this House not to assent to a Bill before the House of Assembly relative to King's College at Windsor—which was ordered to lie on the Table.

Pet. of Rev. J. Stannage and al.

Mr. McCully presented a Bill, entitled, An Act to amend the Acts concerning the performance of Statute Labor on the Highways—which was read a first time.

Statute Labor Bill read 1st time,

Ordered, That the said Bill be referred to a Select Committee, to examine and report upon.

And ref. to Sel. Com.

Ordered, That Mr. Campbell, Mr. McCully, and Mr. Morton, be a Committee for that purpose.

Committee.

A Bill, entitled, An Act to extend to the Town of Sydney the several Acts respecting Firewards, was read a second time.

Firewards Sydney Bill read 2d time,

Ordered, That the said Bill be referred to a Select Committee, to examine and report upon.

And referred to Sel. Committee.

Ordered, That Mr. McDougall, Mr. Morton, and Mr. Brown, be a Committee for that purpose.

Committee.

A Bill, entitled, An Act to Incorporate a Temperance Hall Company in Windsor, was read a second time.

Tem. Hall Com. Windsor Bill read 2d time,

Ordered, That the said Bill, together with the Petition of S. Harding and others, in reference thereto, be referred to a Select Committee, to examine and report upon.

And ref. to Sel. Com.

Ordered, That Mr. McCully, Mr. Stairs, and Mr. Morton, be a Committee for that purpose.

Committee.

A Message was brought from the House of Assembly by Mr. Whidden, with the following Bills:

A Bill, entitled, An Act to continue the Act for dividing the Township of Douglas into separate Districts for the support of the Poor.

Poor, Douglas,

A Bill, entitled, An Act to continue the Act for the Regulation of the Fisheries at Chedabucto Bay.

Fisheries, Che. Bay,

A Bill, entitled, An Act to continue the Act for the Regulation of the Fisheries in the County of Richmond.

Do. Richmond,

A Bill, entitled, An Act to continue the Act to prevent Injuries to the Fisheries within the County of Lunenburg, by Mill Dams or any other obstruction.

Fisheries, Lunenburg,

A Bill, entitled, An Act to continue the Acts to prevent Disorderly Riding, and to regulate the Driving of Carriages on the Streets of Halifax, or other Towns, or on the Public Roads of this Province.

Disorderly Riding,

A Bill, entitled, An Act to continue the Act in amendment of the Act for the Settlement of the Poor in the several Townships within this Province.

Settlement of Poor,

A Bill, entitled, An Act to continue the Act for setting off a part of the Township of Sherbrooke, in the District of St. Mary's, as a separate District for the Support of the Poor.

Poor, Sherbrooke,

A Bill, entitled, An Act to continue the Act respecting the Collection of Pools Rates of Pictou, as amended.

Pools Rates, Pictou,

A Bill, entitled, An Act to continue the several Acts to provide for the Accommodation and Billetting of Her Majesty's Troops, or of the Militia, when on their march from one part of the Province to another.

Billetting Troops,

A Bill, entitled, An Act to continue the Act to revive the Act to amend the Act to regulate the Assize of Bread.

Bread,

A Bill, entitled, An Act to continue the Act to prevent Damage to the Nets of Fishermen by Coasting Vessels.

Nets of Fishermen,

Poor Districts, Pictou,	A Bill, entitled, An Act to continue the Acts for dividing the Township of Pictou into separate Districts for the Support of the Poor.
Do. Maxweltown,	A Bill, entitled, An Act to continue the Acts to divide the Township of Maxweltown into separate Districts for the Support of the Poor.
Poors Rates, Egerton,	A Bill, entitled, An Act to continue the Act to extend to the Township of Egerton the Act respecting the Collection of Poors Rates of Pictou, and to amend the said Act.
Poor, Egerton,	A Bill, entitled, An Act to continue the Act for setting off a part of the Township of Egerton as a separate District for the Support of the Poor.
Moose,	A Bill, entitled, An Act to continue the Act for the Preservation of Moose.
Moose Snares,	A Bill, entitled, An Act to continue the Act for making regulations relative to the setting of Snares for catching Moose.
Sable Island,	A Bill, entitled, An Act to continue the Act for the better regulation of Sable Island in this Province.
Landing, Windsor,	A Bill, entitled, An Act to continue the Act to regulate the Public Landing at Windsor.
Landing, King's Cy.	A Bill, entitled, An Act to continue the Act to regulate certain Landings in the County of Kings County.
Sea Manure, Chester,	A Bill, entitled, An Act to continue the Act in relation to the gathering of Sea Manure in the Township of Chester.
Quarantine,	A Bill, entitled, An Act to continue the Act to prevent the spreading of Contagious Diseases, and for the performance of Quarantine.
Lotteries,	A Bill, entitled, An Act to continue the Act for the Suppression of Lotteries.
Infectious Diseases,	A Bill, entitled, An Act to continue the Acts more effectually to provide against the introduction of Infectious or Contagious Diseases, and the spreading thereof in this Province.
Town Officers,	A Bill, entitled, An Act to continue the Acts in amendment of the Acts for the choice of Town Officers and regulating of Townships.
Supervisors Public Grounds,	A Bill, entitled, An Act to continue the Acts for appointing Supervisors to take charge of Public Grounds, and for other purposes.
Notes,	A Bill, entitled, An Act to continue the Act in relation to Promissory Notes, or undertakings payable in Produce or otherwise than in money.
Fisheries, Shubenacadie,	A Bill, entitled, An Act to continue the Acts for regulating the Fishery in the River Shubenacadie.
Beef,	A Bill, entitled, An Act to continue the Act to regulate the Weighing and Selling of Beef.
Insolvent Debtors,	A Bill, entitled, An Act to continue the Act for Relieving Insolvent Debtors from imprisonment.
Crown Lands, and	A Bill, entitled, An Act to continue the Acts relative to the disposal of Crown Lands.
Penitentiary Bills,	A Bill, entitled, An Act to continue the Acts for the Government and Regulation of the Provincial Penitentiary.
Read 1st time,	To which Bills they desired the concurrence of this House.
And ref. to Sel. Com.	The said Bills were read a first time.
Committee.	<i>Ordered</i> , That the said Bills be referred to a Select Committee, to examine and report upon.
Message from H. E. with Estimate.	<i>Ordered</i> , That Mr. McDougall, Mr. McCully, and Mr. Brown, be a Committee for that purpose.
	Mr. McNab, by the command of His Excellency the Lieutenant Governor, laid before the House the Estimate for the expences of the Civil Government for the year 1849—which was ordered to lie on the Table.

(Vide Appendix No. 30.)

Mr.

Mr. McNab presented the Petition of the Reverend Fitzgerald Uniacke, praying aid to certain Schools in the North Suburbs of Halifax—which was read, and ordered to lie on the Table.

Pet. of Rev. R. F. Uniacke.

Mr. McDougall presented a Bill, entitled, An Act for the amendment of the Law and the better advancement of Justice—which was read a first time.

Law Amendment Bill, read 1st time.

Ordered, That the said Bill be read a second time at a future day.

On motion made and seconded—the House adjourned until Monday next, at One o'clock.

Adjourn.

Monday, 19th February, 1849.

The House met pursuant to adjournment.

P R E S E N T—

The Honorable MICHAEL TOBIN, President.

The Honorable WILLIAM RUDOLF,
ROBERT M. CUTLER,
ALEXANDER CAMPBELL,
JOHN MORTON,
HUGH BELL,
STAYLEY BROWN,
ALEXANDER McDUGALL,
MATHER B. ALMON,
EDWARD KENNY,

The Honorable ALEXANDER KEITH,
WILLIAM A. BLACK,
DAVID CRICHTON,
HENRY G. PINEO,
JOHN E. FAIRBANKS,
JAMES McNAB,
WILLIAM STAIRS,
JONATHAN McCULLY.

PRAYERS.

The Minutes of Thursday were read.

A Message was brought from the House of Assembly by Mr. Whidden, with the following Resolution :

Resolved, That the sum of Three Hundred Pounds be granted and placed at the disposal of the Governor for the benefit of the Indians for the present year.

£300 Indians,

To which Resolution they desired the concurrence of this House.

The said Resolution was read a first time.

Read 1st time.

Ordered, That the said Resolution be read a second time at a future day.

A Bill, entitled, An Act for the amendment of the Law and the better advancement of Justice, was read a second time.

Amend. of Law Bill read 2nd time,

Ordered, That the said Bill be committed to a Committee of the whole House at a future day.

And ord. to Com.

On motion, the House was adjourned, during pleasure, and put into a Committee on Bills.—After some time the House was resumed, and Mr. Rudolf reported that the Committee had made some progress.

Com. on Bills,

The Chairman also reported that the Committee had gone through a Bill, entitled, An Act for improving the Law of Evidence, and had made an amendment thereto.

Rep. Evidence Bill, with am.

Which amendment being read twice by the Clerk, was agreed to by the House.

Am. agreed to.

Ordered, That the said Bill be engrossed, and read a third time at a future day.

Com. on Statute Labor Bill Report.

Mr. Campbell, the Chairman of the Committee to whom a Bill, entitled, An Act to amend the Acts concerning the performance of Statute Labor on Highways, was referred, reported that the Committee had examined the said Bill, and recommended it to the favorable consideration of the House.

Report of Com. on continuing Bills.

Mr. McDougall, the Chairman of the Committee to whom the thirty-two Bills received from the House of Assembly on Thursday, for continuing various Acts about to expire, were referred, reported that the Committee had examined the said Bills, and recommended them to the favorable consideration of the House.

Bills read 2nd time, and ord. to Com.

The said Bills were read a second time.

Ordered, That the said Bills be committed to a Committee of the whole House at a future day.

Report of Com. on Tem. Hall Windsor, Bill,

Mr. McCully, the Chairman of the Committee to whom a Bill, entitled, An Act to Incorporate a Temperance Hall Company at Windsor, was referred, reported that the Committee had examined the said Bill, and if it did not come within the Standing Orders relative to Private and Local Bills, recommended it to the favourable consideration of the House.

Not within Standing Orders.

Resolved, That the said Bill does not come within the meaning of the Standing Orders relative to Private and Local Bills.

Bill ord. to Com.

Ordered, That the said Bill be committed to a Committee of the whole House at a future day.

Adjourn.

On motion made and seconded—the House adjourned until To-morrow, at Two o'clock.

Tuesday, 20th February, 1849.

The House met pursuant to adjournment.

P R E S E N T—

The Honorable MICHAEL TOBIN, President.

The Right Reverend and Honorable the LORD BISHOP.

The Honorable WILLIAM RUDOLF,
ROBERT M. CUTLER,
ALEXANDER CAMPBELL,
JOHN MORTON,
HUGH BELL,
STAYLEY BROWN,
ALEXANDER McDUGALL,
MATHER B. ALMON,
EDWARD KENNY,

The Honorable JAMES D. HARRIS,
ALEXANDER KEITH,
WILLIAM A. BLACK,
DAVID CRICHTON,
HENRY G. PINEO,
JOHN E. FAIRBANKS,
JAMES McNAB,
WILLIAM STAIRS,
JONATHAN McCULLY.

PRAYERS.

The Minutes of yesterday were read.

Pres. mentions Pro. not according to Standing Orders.

The President informed the House that, conceiving two Protests filed yesterday by the Hon. Mr. Almon were couched in language contrary to the Standing Orders of this House Nos. 10 and 14, he had directed the Clerk not to enter such Protests upon the Journals—whereupon,

Mr.

<p>Mr. Almon moved that the said Protests be read : which being seconded, and the question being put, there appeared for the motion, ten ; against the motion, ten : And the votes being equal, then, according to the ancient rule in like cases, “ <i>Semper præsumitur pro negante.</i>”</p>	<p>Motion for reading Protest, Neg., numbers being equal.</p>
<p>Mr. McNab, by the command of His Excellency the Lieutenant-Governor, laid before the House the Accounts of the Asylum for the Poor in the Town of Halifax for the year 1848—which were ordered to lie on the Table.</p>	<p>Message from H. E. with Poor House Accounts.</p>
<p>The Lord Bishop presented the Petitions of Thomas Ritchie and others ; of the Rev. George Townshend and others ; of the Rev. Alfred Gilpin and others ; of George W. Richardson and others ; and of the Rev. W. M. Godfrey and others, against the repeal of the Grant to King's College at Windsor—which were ordered to lie on the Table.</p>	<p>Petitions relative to Kings' College.</p>
<p>Mr. Pineo presented the Petition of the Rev. T. C. Leaver and others, against the repeal of the Grant to King's College at Windsor—which was ordered to lie on the Table.</p>	<p>Do. do.</p>
<p>A Bill, entitled, An Act for improving the Law of Evidence, was read a third time, and the question was put by the President, Whether this Bill shall pass ? It was resolved in the affirmative. A Message was sent to the House of Assembly by the Clerk, To carry down the said Bill, and desire their concurrence thereto.</p>	<p>Evidence Bill, read 3rd time, Agreed to and sent to H. A.</p>
<p>A Bill, entitled, An Act to amend the Acts concerning the performance of Statute Labor on Highways, was read a second time. <i>Ordered,</i> That the said Bill be committed to a Committee of the whole House at a future day.</p>	<p>Statute Labor Bill read 2nd time, And ord. to Com.</p>
<p>The Resolution for granting the sum of £300 for the relief of the Indians, was read a second time, and the question was put by the President, Whether this Resolution be agreed to ? It was resolved in the affirmative. A Message was sent to the House of Assembly by the Clerk, To return the said Resolution, and acquaint them that this House have agreed to the same, without any amendment.</p>	<p>£300 Indians read 2nd time, Agreed to, And sent to H. A.</p>
<p>On motion, the House was adjourned, during pleasure, and put into a Committee on Bills.—After some time the House was resumed, and Mr. Rudolf reported that the Committee had made some progress.</p>	<p>Com. on Bills.</p>
<p>The Chairman also reported that the Committee had gone through thirty-one Bills for continuing various Acts about to expire, entitled as follows :</p>	<p>Report,</p>
<p>A Bill, entitled, An Act to continue the Act for dividing the Township of Douglas into separate Districts for the support of the Poor.</p>	<p>Poor, Douglas,</p>
<p>A Bill, entitled, An Act to continue the Act for the Regulation of the Fisheries at Chedabucto Bay.</p>	<p>Fisheries, Che. Bay,</p>
<p>A Bill, entitled, An Act to continue the Act for the Regulation of the Fisheries in the County of Richmond.</p>	<p>Do. Richmond,</p>
<p>A Bill, entitled, An Act to continue the Act to prevent Injuries to the Fisheries within the County of Lunenburg, by Mill Dams or any other obstruction.</p>	<p>Fisheries, Lunenburg,</p>
<p>A Bill, entitled, An Act to continue the Act in amendment of the Act for the Settlement of the Poor in the several Townships within this Province.</p>	<p>Settlement of Poor,</p>

Poor, Sherbrooke,	A Bill, entitled, An Act to continue the Act for setting off a part of the Township of Sherbrooke, in the District of St. Mary's, as a separate District for the Support of the Poor.
Poors Rates, Pictou,	A Bill, entitled, An Act to continue the Act respecting the Collection of Poors Rates of Pictou, as amended.
Billeting Troops,	A Bill, entitled, An Act to continue the several Acts to provide for the Accommodation and Billeting of Her Majesty's Troops, or of the Militia, when on their march from one part of the Province to another.
Bread,	A Bill, entitled, An Act to continue the Act to revive the Act to amend the Act to regulate the Assize of Bread.
Nets of Fishermen,	A Bill, entitled, An Act to continue the Act to prevent Damage to the Nets of Fishermen by Coasting Vessels.
Poor Districts, Pictou,	A Bill, entitled, An Act to continue the Acts for dividing the Township of Pictou into separate Districts for the Support of the Poor.
Do. Maxwelltown,	A Bill, entitled, An Act to continue the Acts to divide the Township of Maxwelltown into separate Districts for the Support of the Poor.
Poors Rates, Egerton,	A Bill, entitled, An Act to continue the Act to extend to the Township of Egerton the Act respecting the Collection of Poors Rates of Pictou, and to amend the said Act.
Poor, Egerton,	A Bill, entitled, An Act to continue the Act for setting off a part of the Township of Egerton as a separate District for the Support of the Poor.
Moose,	A Bill, entitled, An Act to continue the Act for the Preservation of Moose.
Moose Snares,	A Bill, entitled, An Act to continue the Act for making regulations relative to the setting of Snares for catching Moose.
Sable Island,	A Bill, entitled, An Act to continue the Act for the better regulation of Sable Island in this Province.
Landing, Windsor,	A Bill, entitled, An Act to continue the Act to regulate the Public Landing at Windsor.
Landing, King's Cy.	A Bill, entitled, An Act to continue the Act to regulate certain Landings in the County of Kings County.
Sea Manure, Chester,	A Bill, entitled, An Act to continue the Act in relation to the gathering of Sea Manure in the Township of Chester.
Quarantine,	A Bill, entitled, An Act to continue the Act to prevent the spreading of Contagious Diseases, and for the performance of Quarantine.
Lotteries,	A Bill, entitled, An Act to continue the Act for the Suppression of Lotteries.
Infectious Diseases,	A Bill, entitled, An Act to continue the Acts more effectually to provide against the introduction of Infectious or Contagious Diseases, and the spreading thereof in this Province.
Town Officers,	A Bill, entitled, An Act to continue the Acts in amendment of the Acts for the choice of Town Officers and regulating of Townships.
Supervisors Public Grounds,	A Bill, entitled, An Act to continue the Acts for appointing Supervisors to take charge of Public Grounds, and for other purposes.
Notes,	A Bill, entitled, An Act to continue the Act in relation to Promissory Notes, or undertakings payable in Produce or otherwise than in money.
Fisheries, Shubenacadie,	A Bill, entitled, An Act to continue the Acts for regulating the Fishery in the River Shubenacadie.
Beef,	A Bill, entitled, An Act to continue the Act to regulate the Weighing and Selling of Beef.
Insolvent Debtors,	A Bill, entitled, An Act to continue the Act for Relieving Insolvent Debtors from imprisonment.
Crown Lands, and	A Bill, entitled, An Act to continue the Acts relative to the disposal of Crown Lands.

<p>A Bill, entitled, An Act to continue the Acts for the Government and Regulation of the Provincial Penitentiary. And had agreed to the same without any amendment. <i>Ordered</i>, That the said Bills be read a third time. <i>Resolved unanimously</i>, That the Standing Order of this House, No. 72, relative to Bills not being read or proceeded with twice in the same day, be suspended as respects the said Bills. The said Bills were then read a third time, and the question was put by the President on each Bill, Whether this Bill shall pass? It was resolved in the affirmative. A Message was sent to the House of Assembly by the Clerk, To return the said Bills, and acquaint them that this House have agreed to the same, without any amendment.</p>	<p>Penitentiary Bills, Without am. Standing Order suspended. Bills read 3rd time, Agreed to, And sent to H. A.</p>
<p>Mr. McCully presented the Petition of James S. Morse and others, in favor of the Railroad between Halifax and Quebec—which was ordered to lie on the Table.</p>	<p>Petition of James S. Morse and al.</p>
<p>Mr. Morton, the Chairman of the Committee to whom a Bill, entitled, An Act to authorize the Supervisors of Public Grounds for the Township of Cornwallis to lease the Public Grounds therein, was referred, reported that the Committee had examined the said Bill, and recommended it to the favorable consideration of the House. <i>Ordered</i>, That the said Report be received.</p>	<p>Report of Com. on Cornwallis Public Grounds Bill,</p>
<p>Mr. McCully presented the Petition of John Bent and others, in favor of the Railroad between Halifax and Quebec—which was ordered to lie on the Table.</p>	<p>Petition of John Bent and al.</p>
<p>On motion made and seconded—the House adjourned until To-Morrow, at Two o'clock.</p>	<p>Adjourn.</p>

Wednesday, 21st February, 1849.

The House met pursuant to adjournment.

P R E S E N T—

The Honorable MICHAEL TOBIN, President.

The Honorable WILLIAM RUDOLF,
 ROBERT M. CUTLER,
 ALEXANDER CAMPBELL,
 JOHN MORTON,
 HUGH BELL,
 STAYLEY BROWN,
 ALEXANDER McDUGALL,
 MATHER B. ALMON,
 EDWARD KENNY,
 JAMES D. HARRIS,

The Honorable ALEXANDER KEITH,
 WILLIAM A. BLACK,
 DAVID CRICHTON,
 HENRY G. PINEO,
 JOHN E. FAIRBANKS,
 JAMES McNAB,
 WILLIAM STAIRS,
 JONATHAN McCULLY,
 WILLIAM GRIGOR.

PRAYERS.

The Minutes of yesterday were read.

William Grigor, Esquire, M. D., was introduced, and presented a Commission from His Excellency the Lieutenant-Governor, appointing him a Member of the Legislative Council,

Dr. Grigor introduced and takes oaths,

Council, provisionally, until Her Majesty's pleasure should be known—whereupon the Oath of Allegiance and the Oath of Office were administered to him by the Honorable the Provincial Secretary, (as Commissioner,) and, after giving and receiving salutations to and from the Members present, his seat was assigned to him next to Mr. McCully.

Adjourn.

On motion made and seconded—the House adjourned until Friday, at Two o'clock.

Friday, 23rd Febuary, 1849.

The House met pursuant to adjournment.

P R E S E N T—

The Honorable MICHAEL TOBIN, President.

The Honorable WILLIAM RUDOLF,
ROBERT M. CUTLER,
ALEXANDER CAMPBELL,
JOHN MORTON,
HUGH BELL,
STAYLEY BROWN,
ALEXANDER McDUGALL,
MATHER B. ALMON,
EDWARD KENNY,

The Honorable JAMES D. HARRIS,
WILLIAM A. BLACK,
DAVID CRICHTON,
HENRY G. PINEO,
JOHN E. FAIRBANKS,
JAMES McNAB,
WILLIAM STAIRS,
JONATHAN McCULLY,
WILLIAM GRIGOR.

PRAYERS.

The Minutes of Wednesday were read.

Address to H. M.
on Departmental
Bill moved.

Mr. McDougall moved that the following Address be presented to Her Majesty :

TO THE QUEEN'S MOST EXCELLENT MAJESTY.

The Humble Petition and Address of the Legislative Council of Nova-Scotia.

RESPECTFULLY SHEWETH,—

Address.

That we, Your Majesty's Loyal Subjects the Legislative Council of Nova-Scotia, have had under consideration the Act of last Session, entitled, " An Act to provide for a more accurate Audit and Inspection of the Public Accounts in this Province, and for the appointment of certain Public Officers therein,"—that we have given due weight and reflection to the various Despatches which have lately passed between His Excellency the Lieutenant-Governor and the Right Honorable the Secretary of State for the Colonies in relation to the said Act, and, after deliberate review, have come to the conclusion that this House should adhere to the policy which guided the Legislature at its last Session.

That the Legislative Council therefore humbly pray Your Majesty may be graciously pleased to give Your Majesty's assent to the said Act.

Motion against Ad-
dress.

Which being seconded, Mr. Almon moved that the following Resolution be adopted :
Resolved, That the subject of this Address, having been already before the House and fully debated, it cannot be again brought before this House this Session.

Which being seconded, and the House dividing thereon, there appeared for the Resolution, eight ; against it, eleven :

For

For the Resolution—

Mr. Fairbanks,
Mr. Pineo,
Mr. Crichton,
Mr. Black,
Mr. Harris,
Mr. Almon,
Mr. Morton,
Mr. Cutler.

Against the Resolution—

Mr. Grigor,
Mr. McCully,
Mr. Stairs,
Mr. McNab,
Mr. Kenny,
Mr. McDougall,
Mr. Brown,
Mr. Bell,
Mr. Campbell,
Mr. Rudolf,
Mr. Tobin.

So it passed in the negative.

The said Address was then read a first time.

Ordered, That the said Address be read a second time at a future day.

Mr. Brown, the Chairman of the Committee of this House, appointed to join a Committee of the House of Assembly to examine the Public Accounts, made his Report—which he read in his place.

Ordered, That the said Report do lie on the Table.

(Vide Appendix No. 31.)

A Message was brought from the House of Assembly by Mr. Whidden, with the following Bills :

A Bill, entitled, An Act to repeal the first clause of the Act for founding, establishing, and maintaining a College in this Province.

A Bill, entitled, An Act for transferring the Crown Revenues of Nova-Scotia, and providing for the Civil List thereof.

To which Bills they desired the concurrence of this House.

The said Bills were read a first time.

Ordered, That the said Bills be read a second time at a future day.

Mr. Morton presented a Bill, entitled, An Act to amend the Acts for the Regulation of Juries—which was read a first time.

Ordered, That the said Bill be referred to a Select Committee, to examine and report upon.

Ordered, That Mr. McDougall, Mr. McCully, and Mr. Morton, be a Committee for that purpose.

Mr. Cutler presented the Petition of the Rev. James Robertson and others, against the Bill to withdraw the Grant to King's College, Windsor—which was ordered to lie on the Table.

Mr. Bell presented the Petition of John Northrup and others, praying aid to the Wesleyan Academy at Sackville—which was ordered to lie on the Table.

On motion, the House was adjourned, during pleasure, and put into a Committee on Bills.—After some time the House was resumed, and Mr. Rudolf reported that the Committee had made some progress.

The Chairman also reported that the Committee had gone through a Bill, entitled, An Act to amend the Acts concerning the performance of Statute Labor on Highways, and had made an amendment thereto.

Which amendment being read twice by the Clerk, was agreed to by the House.

Ordered, That the said Bill be engrossed, and read a third time at a future day.

Negatived.

Address read 1st time.

Report of Com. of Public Accounts.

College, and

Civil List Bills,

Read 1st time.

Jury Bill read 1st time,

And ref. to Sel. Com.

Committee.

Pet. of Rev. J. Robertson and al.

Pet. of J. Northrup and al.

Com. on Bills.

Report Statute Labor Bill with am.

Am. agreed to.

The

Report Disorderly
Riding Bill with-
out am.

The Chairman also reported that the Committee had gone through a Bill, entitled, An Act to continue the Acts to prevent Disorderly Riding, and to regulate the Driving of Carriages on the Streets of Halifax, or other Towns, or on the Public Roads of this Province, and had agreed to the same, without any amendment.

Ordered, That the said Bill be read a third time at a future day.

Summary Trials, &

A Message was brought from the House of Assembly by Mr. Whidden, with the following Bills :

A Bill, entitled, An Act to continue the Acts for the Summary Trial of Actions before Justices of the Peace.

County Rates Bills,

A Bill, entitled, An Act in further amendment of the Acts respecting County Rates. To which Bills they desired the concurrence of this House.

Read 1st time, and
Ref. to Sel. Com.

The said Bills were read a first time.

Ordered, That the said Bills be referred to a Select Committee, to examine and report upon.

Committee,

Ordered, That Mr. McDougall, Mr. McCully, and Mr. Morton, be a Committee for that purpose.

Adjourn

On motion made and seconded—the House adjourned until Monday next, at Two o'clock.

Monday, 26th February, 1849.

The House met pursuant to adjournment.

P R E S E N T—

The Honorable MICHAEL TOBIN, President.

The Right Reverend and Honorable the LORD BISHOP.

The Honorable WILLIAM RUDOLF,
ROBERT M. CUTLER,
ALEXANDER CAMPBELL,
JOHN MORTON,
HUGH BELL,
STAYLEY BROWN,
ALEXANDER MCDUGALL,
MATHER B. ALMON,
EDWARD KENNY,
JAMES D. HARRIS,

The Honorable ALEXANDER KEITH,
WILLIAM A. BLACK,
DAVID CRICHTON,
HENRY G. PINEO,
JOHN E. FAIRBANKS,
JAMES MCNAB,
WILLIAM STAIRS,
JONATHAN MCCULLY.
WILLIAM GRIGOR.

PRAYERS.

The Minutes of Friday were read.

A Message was brought from the House of Assembly by Mr. Whidden, with the following Resolution :

Resolved, That the sum of Twenty Thousand Pounds be granted for the service of Roads and Bridges for the present year.

To which Resolution they desired the concurrence of this House.

The said Resolution was read a first time.

Ordered, That the said Resolution be read a second time at a future day.

£20,000 Roads and
Bridges.

Read 1st time.

Mr.

Mr. McNab, by the command of His Excellency the Lieutenant-Governor, laid before the House the following Despatch and Report relative to the Railway between Halifax and Quebec :

Message from H. E. with Railroad Despatches, &c.

Despatch, dated 26th January, 1849, Earl Grey to Sir John Harvey, enclosing Report, dated 12th January, 1849, from H. D. Harness, Secretary of the Commissioners of Railways, to Mr. Merivale.

(Vide Appendix No. 32.)

The same were read and ordered to lie on the Table.

A Bill, entitled, An Act to amend the Acts concerning the performance of Statute Labor on Highways, was read a third time, and the question was put by the President, Whether this Bill shall pass ?

Statute Labor Bill read 3d time,

It was resolved in the affirmative.

Agreed to,

A Message was sent to the House of Assembly by the Clerk, To carry down the said Bill, and desire their concurrence thereto.

And sent to H. A.

A Bill, entitled, An Act to continue the Acts to prevent Disorderly Riding, and to regulate the Driving of Carriages on the Streets of Halifax, or other Towns, or on the Public Roads of this Province, was read a third time, and the question was put by the President,

Disorderly Riding Bill read 3d time,

Whether this Bill shall pass ?

It was resolved in the affirmative.

Agreed to,

A Message was sent to the House of Assembly by the Clerk,

To return the said Bill, and acquaint them that this House have agreed to the same, without any amendment.

And sent to H. A.

Mr. McDougall, the Chairman of the Committee to whom

A Bill, entitled, An Act to continue the Acts for the Summary Trial of Actions before Justices of the Peace ; also,

Report of Com on Summary Trials, and

A Bill, entitled, An Act in further amendment of the Acts respecting County Rates, Were referred, reported that the Committee had examined the said Bills, and recommended them to the favorable consideration of the House.

County Rates Bills.

The said Bills were read a second time.

Bills read 2d time,

Ordered, That the said Bills be committed to a Committee of the whole House at a future day.

And ord. to Com.

Mr. McDougall, the Chairman of the Committee to whom a Bill, entitled, An Act to amend the Acts for the Regulation of Juries was referred, reported that the Committee had examined the said Bill, and that the majority of the Committee recommended it to the favorable consideration of the House.

Com. on Juries Bill report.

The said Bill was read a second time.

Read 2d time,

Ordered, That the said Bill be committed to a Committee of the whole House at a future day.

And ord. to Com.

A Bill, entitled, An Act for transferring the Crown Revenues of Nova Scotia, and providing for the Civil List thereof, was read a second time.

Civil List Bill read 2d time,

Ordered, That the said Bill be committed to a Committee of the whole House at a future day.

And ord. to Com.

The Address to Her Majesty, presented on Friday, praying Her assent to a Bill passed last Session, entitled, An Act to provide for a more accurate Audit and Inspection of Public Accounts in this Province, and for the appointment of certain officers therein, was read a second time.

Address on Departmental Bill read 2d time,

And agreed to.

After long debate the question was put by the President, whether this Address be agreed to? And the House dividing thereon, there appeared for agreeing to the Address, eleven; against agreeing to it, ten.

For the Address—

Mr. Grigor,
Mr. McCully,
Mr. Stairs,
Mr. McNab,
Mr. Kenny,
Mr. McDougall,
Mr. Brown,
Mr. Bell,
Mr. Campbell,
Mr. Rudolf,
Mr. Tobin.

Against the Address—

Mr. Fairbanks,
Mr. Pineo,
Mr. Crichton,
Mr. Black,
Mr. Keith,
Mr. Harris,
Mr. Almon,
Mr. Morton,
Mr. Cutler.
The Lord Bishop.

So it passed in the affirmative.

This reason obliterated by order, 28th Feby., 1849.

DISSENTIENT.—1st.	*	*	*	*	*
*	*	*	*	*	*
*	*	*	*	*	*

2d—Because the true and permanent interests of the Inhabitants of this Province will not be promoted by persevering in passing the Act under consideration in its present shape, and because this opinion of these Dissentients is confirmed by the Despatch of the Right Honorable the Secretary of State for the Colonies, of the 15th November, 1848.

This reason obliterated by order, 28th Feby., 1849.

3d—	*	*	*	*	*
	*	*	*	*	*
	*	*	*	*	*

4th—Because the Bill will inflict a severe and unmerited injury upon an excellent Public Officer, whose value is universally admitted and as the interests of the Province will be as effectually promoted if that officer be continued in his present office as if he be removed from it, the injury will be as unnecessary as it will be unjust, and therefore we concur entirely in the opinion expressed by the Right Honorable Her Majesty's Secretary of State for the Colonies, "that this Bill will inflict hardship upon Mr. Fairbanks, who now has a strong claim to be maintained in his present position," and still further, because a neglect of such claim so justly brought before the Legislature cannot fail to have an injurious effect upon the public character of the Province.

JOHN NOVA SCOTIA, for reasons 2 and 4.
JOHN MORTON.
R. M. CUTLER.
M. B. ALMON.
JOHN E. FAIRBANKS.
W. A. BLACK.
DAVID CRICHTON.
H. G. PINEO.
JAMES D. HARRIS.
A. KEITH.

Ordered, That the said Address be engrossed.

The

The Lord Bishop presented the Petition of Rev. W. H. Snyder, and others—of Thomas B. Campbell and others—of Rev. J. T. T. Moody and others—of Rev. H. L. Owen and others—of Rev. A. Gray and others—of Rev. Lewis Hill and others—of Elijah Forsyth and others—of Rev. George Townshend and others—against the Bill for repealing the endowment of King's College at Windsor—which were ordered to lie on the Table.

Petitions relative to King's College.

On motion made and seconded—the House adjourned until To-Morrow, at Two o'clock.

Adjourn.

Tuesday, 27th February, 1849.

The House met pursuant to adjournment.

P R E S E N T—

The Honorable MICHAEL TOBIN, President.

The Right Reverend and Honorable the LORD BISHOP.

The Honorable WILLIAM RUDOLF,
ROBERT M. CUTLER,
ALEXANDER CAMPBELL,
JOHN MORTON,
HUGH BELL,
STAYLEY BROWN,
ALEXANDER McDUGALL,
MATHER B. ALMON,
EDWARD KENNY,

The Honorable JAMES D. HARRIS,
WILLIAM A. BLACK,
DAVID CRICHTON,
HENRY G. PINEO,
JOHN E. FAIRBANKS,
JAMES McNAB,
WILLIAM STAIRS,
JONATHAN McCULLY,
WILLIAM GRIGOR.

PRAYERS.

The Minutes of yesterday were read.

The Lord Bishop presented the Petition of Jacob Bogart and others, against the Bill for repealing the Endowment of King's College at Windsor—which was ordered to lie on the Table.

Pet. of J. Bogart and al.

Ordered, That it be the Order of the Day for Friday next for a Bill, entitled, An Act to repeal the first Clause of the Act for founding, establishing, and maintaining a College in this Province, to be read a second time.

College Bill order of day.

The Resolution for granting the sum of £20,000 for the service of Roads and Bridges, was read a second time, and the question was put by the President, Whether this Resolution be agreed to?

£20,000 Roads and Bridges read 2d time,

It was resolved in the affirmative.

Agreed to,

A Message was sent to the House of Assembly by the Clerk,

To return the said Resolution, and acquaint them that this House have agreed to the same, without any amendment.

And sent to H. A.

The Address to Her Majesty praying Her assent to the Bill passed last Session, entitled, An Act to provide for a more accurate Audit and Inspection of Public Accounts in this Province, and for the appointment of certain Public Officers therein, was read a third time, and the question was put by the President,

Address to H. M. on Departmental Bill read 3d time and agreed to.

Whether this Address shall pass?

It was resolved in the affirmative.

Mr.

Address to H. E.
moved.

Mr. McDougall presented an Address to His Excellency the Lieutenant-Governor, which he read in his place, and afterwards delivered it to the Clerk, who read the same as follows :

To His Excellency Lieutenant-General

SIR JOHN HARVEY,

Knight Commander of the Most Honorable Military Order of the Bath, Knight Commander of the Royal Hanoverian Guelphic Order, Lieutenant-Governor and Commander in Chief, in and over Her Majesty's Province of Nova-Scotia, and its Dependencies, &c. &c. &c.

THE ADDRESS OF THE LEGISLATIVE COUNCIL.

Address.

MAY IT PLEASE YOUR EXCELLENCY :

The Legislative Council have passed an Address to Her Majesty, humbly praying that Her Majesty may be graciously pleased to give Her assent to a Bill passed last Session, entitled, "An Act to provide for a more accurate Audit and Inspection of Public Accounts in this Province, and for the appointment of certain Public Officers therein," which they respectfully request Your Excellency will be pleased to transmit to the Right Honorable the Secretary of State for the Colonies, to be laid at the foot of the Throne.

Adopted.

On motion, *resolved*, that the said Address be received and adopted.

Com. to present.

Ordered, That Mr. McDougall, Mr. Bell, and Mr. Brown, be a Committee to present the said Addresses to His Excellency the Lieutenant-Governor.

Com. on Streets
Sydney Bill re-
port.

Mr. McDougall, the Chairman of the Committee to whom a Bill, entitled, An Act to extend to the Town of Sydney an Act relating to Streets and Highways, was referred, reported that the Committee had examined the said Bill, and recommended it to the favorable consideration of the House.

Bill read 2d time,

The said Bill was read a second time.

And ord. to Com.

Ordered, That the said Bill be committed to a Committee of the whole House at a future day.

Com. on Firewards
Sydney Bill report.

Mr. McDougall, the Chairman of the Committee to whom a Bill, entitled, An Act to extend to the Town of Sydney the several Acts respecting Firewards, was referred, reported that the Committee had examined the said Bill, and recommended it to the favorable consideration of the House.

Bill ord. to Com.

Ordered, That the said Bill be committed to a Committee of the whole House at a future day.

Com. on Bills.

On motion, the House was adjourned, during pleasure, and put into a Committee on Bills.—After some time the House was resumed, and Mr. Cutler reported that the Committee had made some progress.

Report,

The Chairman also reported that the Committee had gone through

Tem. Hall Windsor,
and

A Bill, entitled, An Act to Incorporate a Temperance Hall Company in Windsor ; also,

<p>A Bill, entitled, An Act for transferring the Crown Revenues of Nova-Scotia, and providing for the Civil List thereof— And had agreed to the same without any amendment. <i>Ordered</i>, That the said Bills be read a third time at a future day. The Chairman also reported that the Committee had had under consideration a Bill, entitled, An Act to continue the Acts for the Summary Trial of Actions before Justices of the Peace, and recommended that the said Bill should be again referred to a Select Committee, to examine and report upon. <i>Ordered</i>, That the said Report be received, and the said Bill be again referred to a Select Committee, to examine and report upon. <i>Ordered</i>, That Mr. McCully, Mr. Morton, and Mr. Rudolf, be a Committee for that purpose. On motion made and seconded—the House adjourned until To-morrow, at Two o'clock.</p>	<p>Civil List Bills, Without amdt. Recommend Sum. Trials J. P. Bill to be again ref. to Sel. Com. Report received and Bill referred. Committee. Adjourn.</p>
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Wednesday, 28th February, 1849.

The House met pursuant to adjournment.

P R E S E N T—

The Honorable MICHAEL TOBIN, President.

<p>The Honorable WILLIAM RUDOLF, ROBERT M. CUTLER, ALEXANDER CAMPBELL, JOHN MORTON, HUGH BELL, STAYLEY BROWN, ALEXANDER McDUGALL, MATHER B. ALMON, EDWARD KENNY,</p>	<p>The Honorable JAMES D. HARRIS, WILLIAM A. BLACK, DAVID CRICHTON, HENRY G. PINEO, JOHN E. FAIRBANKS, JAMES McNAB, WILLIAM STAIRS, JONATHAN McCULLY, WILLIAM GRIGOR.</p>
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PRAYERS.

The Minutes of yesterday were read.

Mr. McDougall moved the following Resolution:

Resolved, That the first and third Sections of a Protest entered on the Journals of this House on Monday, the 26th day of February, instant, signed by the Honorables John Morton, R. M. Cutler, M. B. Almon, John E. Fairbanks, W. A. Black, David Crichton, H. G. Pineo, James D. Harris, and A. Keith, be expunged therefrom, inasmuch as the objection contained in the first Clause thereof is not applicable to the facts as they appear on the Journals of this House; and because the third Clause of such Protest is an attempt at interference with the exercise of the Royal Prerogative—contains language derogatory to the character of an Honorable Member of this House—tends to a subversion of its privileges, and is therefore of dangerous consequence.

Which being seconded, and the question being put by the President, whether this Resolution be agreed to? there appeared for agreeing to the Resolution, eleven; against agreeing to it, eight:

For the Resolution—

Mr. Grigor,
 Mr. McCully,
 Mr. Stairs,
 Mr. McNab,
 Mr. Kenny,
 Mr. McDougall,
 Mr. Brown,
 Mr. Bell,
 Mr. Campbell,
 Mr. Rudolf,
 Mr. Tobin.

Against the Resolution—

Mr. Fairbanks,
 Mr. Pineo,
 Mr. Crichton,
 Mr. Black,
 Mr. Harris,
 Mr. Almon,
 Mr. Morton,
 Mr. Cutler.

So it passed in the affirmative.

Temper. Hall Com., Windsor,	A Bill, entitled, An Act to Incorporate a Temperance Hall Company in Windsor ; also,
And Civil List Bills,	A Bill, entitled, An Act for transferring the Crown Revenues of Nova Scotia, and providing for the Civil List thereof,
Read 3rd time,	Were read a third time, and the question was put by the President on each Bill, Whether this Bill shall pass ?
Agreed to,	It was resolved in the affirmative.
And sent to H. A.	A Message was sent to the House of Assembly by the Clerk, To return the said Bills, and acquaint them that this House have agreed to the same, without any amendment.
Com. on Bills	On motion, the House was adjourned, during pleasure, and put into a Committee on Bills.—After some time the House was resumed, and Mr. Rudolf reported that the Committee had made some progress.
Report, Streets, Sydney,	The Chairman also reported that the Committee had gone through A Bill, entitled, An Act to extend to the Town of Sydney an Act relating to Streets and Highways ; also,
And Firewards, Sydney Bills,	A Bill, entitled, An Act to extend to the Town of Sydney the several Acts respecting Firewards,
Without amdt.	And had agreed to the same, without any amendment.
Recommend Jury Bill to be defd. 3 months.	<i>Ordered</i> , That the said Bills be read a third time at a future day. The Chairman also reported that the Committee had had under consideration a Bill, entitled, An Act to amend the Acts for the Regulation of Juries, and recommended that the further consideration of the said Bill should be deferred to this day three months.
Report rec. and Bill def.	<i>Ordered</i> , That the said Report be received, and the further consideration of the said Bill be deferred to this day three months.
Adjourn.	On motion made and seconded—the House adjourned until Friday, at Two o'clock.

Friday,

Friday, 2nd March, 1849.

The House met pursuant to adjournment.

P R E S E N T—

The Honorable MICHAEL TOBIN, President.

The Right Reverend and Honorable the LORD BISHOP.

The Honorable WILLIAM RUDOLF,
ROBERT M. CUTLER,
ALEXANDER CAMPBELL,
JOHN MORTON,
HUGH BELL,
STAYLEY BROWN,
ALEXANDER MCDUGALL,
MATHER B. ALMON,
JAMES D. HARRIS,

The Honorable ALEXANDER KEITH,
WILLIAM A. BLACK,
DAVID CRICHTON,
HENRY G. PINEO,
JOHN E. FAIRBANKS,
JAMES McNAB,
WILLIAM STAIRS,
JONATHAN MCCULLY,
WILLIAM GRIGOR.

PRAYERS.

The Minutes of Wednesday were read.

A Bill, entitled, An Act to extend to the Town of Sydney an Act relating to Streets and Highways ; also, Streets Sydney,

A Bill, entitled, An Act to extend to the Town of Sydney the several Acts respecting Firewards, And Firewards, Sydney, Bills,

Were read a third time, and the question was put by the President on each Bill, Read 3d time,
Whether this Bill shall pass ?

It was resolved in the affirmative. Agreed to,

A Message was sent to the House of Assembly by the Clerk,

To return the said Bills, and acquaint them that this House have agreed to the same, without any amendment. And sent to H. A.

The Lord Bishop presented the Petition of the Rev. Thomas H. White and others ; of the Rev. Joshua W. Weeks and others ; and of the Rev. William Taylor and others, against the Bill for withdrawing the Endowment of King's College at Windsor—which were ordered to lie on the Table. Petition of Rev. T. H. White, and al.,
Petition of J. W. Weeks, and al.,
Petition of W. Taylor and al.

The order of the day for the second reading of a Bill, entitled, An Act to repeal the first Clause of the Act for founding, establishing, and maintaining a College in this Province being read, Order of Day 2nd reading of College Bill postponed.

On motion, *resolved*, that the order of the day be postponed until Monday.

On motion, the House was adjourned, during pleasure, and put into a Committee on Bills.—After some time the House was resumed, and Mr. Cutler reported that the Committee had made some progress. Com. on Bills.

The Chairman also reported that the Committee had gone through a Bill, entitled, An Act for the amendment of the Law, and the better advancement of Justice, and had agreed to the same, without any amendment. Rep. Law Amtd. Bill without am.

Ordered, That the said Bill be engrossed, and read a third time at a future day.

The Chairman also reported that the Committee had gone through a Bill, entitled, An Act in further amendment of the Acts respecting County Rates, and had agreed to the same, without any amendment. Rep. County Rates Bill without amt.

Ordered, That the said Bill be read a third time at a future day.

A Message was brought from the House of Assembly by Mr. Whidden, with the following Bills :

- Court House, King's Cy.,
Highways,
And Nat. Wm. Doat Bills,
Read 1st time.
King's Cy. Court House Bill ref. to Sel. Com.,
Committee.
Highways Bill ref. to Sel. Com.,
Committee.
Wm. Doat's Bill ref. to Sel. Com.,
Committee.
Adjourn.
1. A Bill, entitled, An Act to enable the inhabitants of the County of King's County to rebuild their Court House and Jail, lately destroyed by fire.
2. A Bill, entitled, An Act further in addition to the Act relating to Highways, Roads, and Bridges.
3. A Bill, entitled, An Act to naturalize William Doat.
To which Bills they desired the concurrence of this House.
The said Bills were read a first time.
- Ordered,* That the first Bill be referred to a Select Committee, to examine and report upon.
- Ordered,* That Mr. Morton, Mr. Campbell, and Mr. Brown, be a Committee for that purpose.
- Ordered,* That the second Bill be referred to a Select Committee, to examine and report upon.
- Ordered,* That Mr. McDougall, Mr. Stairs, and Mr. Rudolf, be a Committee for that purpose.
- Ordered,* That the third Bill be referred to a Select Committee, to examine and report upon.
- Ordered,* That Mr. McDougall, Mr. McCully, and Mr. Grigor, be a Committee for that purpose.
- On motion made and seconded—the House adjourned until Monday, at Two o'clock.

Monday, 5th March, 1849.

The House met pursuant to adjournment.

P R E S E N T—

The Honorable MICHAEL TOBIN, President.

The Right Reverend and Honorable the LORD BISHOP.

The Honorable WILLIAM RUDOLF,	The Honorable ALEXANDER KEITH,
ROBERT M. CUTLER,	WILLIAM A. BLACK,
ALEXANDER CAMPBELL,	DAVID CRICHTON,
JOHN MORTON,	HENRY G. PINEO,
HUGH BELL,	JOHN E. FAIRBANKS,
STAYLEY BROWN,	JAMES McNAB,
ALEXANDER McDUGALL,	WILLIAM STAIRS,
MATHER B. ALMON,	JONATHAN McCULLY,
EDWARD KENNY,	WILLIAM GRIGOR.
JAMES D. HARRIS,	

PRAYERS.

The Minutes of Friday were read.

County Rates Bill,
Read 3d time,

A Bill, entitled, An Act in further amendment of the Acts respecting County Rates, was read a third time, and the question was put by the President,

Whether this Bill shall pass?

Agreed to,

It was resolved in the affirmative.

A Message was sent to the House of Assembly by the Clerk,
To return the said Bill, and acquaint them that this House have agreed to the same,
without any amendment.

And sent to H. A.

A Bill, entitled, An Act for the amendment of the Law and the better advancement
of Justice, was read a third time, and the question was put by the President,
Whether this Bill shall pass?

Law amdt. Bill read
3d time,

It was resolved in the affirmative.

Agreed to,

A Message was sent to the House of Assembly by the Clerk,
To carry down the said Bill, and desire their concurrence thereto.

And sent to H. A.

The Lord Bishop presented Petitions from D. Palmer, and others; the Rev.
Charles Lloyd and others; the Rev. R. Jamison and others; the Honble. E. J. Jarvis
and others; the Rev. A. W. Milledge and others; the Rev. James A. Shaw and others;
the Rev. W. H. Cooper and others; and the Rev. D. Wiggins and others, against the
Bill for the withdrawing the Endowment to King's College at Windsor—which were
ordered to lie on the Table.

8 Petitions rel. to
King's College.

Mr. Morton, the Chairman of the Committee to whom a Bill, entitled, An Act to
enable the inhabitants of the County of King's County to rebuild their Court House
and Jail, lately destroyed by fire, was referred, reported that the Committee had ex-
amined the said Bill, and recommended it to the favorable consideration of the House.

Com. on King's Cy.
Court Bill rep.,

The said Bill was read a second time.

Bill read 2d time,

Ordered, That the said Bill be committed to a Committee of the whole House at
a future day.

And ord. to Com.

Pursuant to the order of the day, a Bill, entitled, An Act to repeal the first Clause
of the Act for founding, establishing, and maintaining a College in this Province, was
read a second time.

College Bill read 2d
time,

Whereupon the Lord Bishop moved that the further consideration of the said Bill
be deferred to this day three months: which being seconded, and, after long debate, the
question being put by the President, there appeared for the motion, twelve; against the
motion, nine:

Motion to defer 3
months,

For the Motion.

Mr. Grigor,
Mr. Fairbanks,
Mr. Pineo,
Mr. Crichton,
Mr. Black,
Mr. Keith,
Mr. Harris,
Mr. Almon,
Mr. Morton,
Mr. Cutler,
Mr. Rudolf,
The Lord Bishop.

Against the Motion.

Mr. McCully,
Mr. Stairs,
Mr. McNab,
Mr. Kenny,
Mr. McDougall,
Mr. Brown,
Mr. Bell,
Mr. Campbell,
Mr. Tobin.

So it passed in the affirmative.

Carried.

A Message was brought from the House of Assembly by Mr. Joseph Whidden,
with the following Bill and Resolution:

A Bill, entitled, An Act further to improve the administration of the Law:
Resolved, That the sum of Three Thousand Pounds be granted and placed at the dis-

Admn. of Law Bill,
£3000 Main Post
Roads.

posal of the Governor, to improve the Main Post Road between Halifax and Amherst, Truro and Pictou, and Halifax and Annapolis.

To which Bill and Resolution they desired the concurrence of this House.

Read 1st time,

The same were read a first time.

Ordered, That the said Bill and Resolution be read a second time at a future day.

Petition of C. Hubert and al.

Mr. Crichton presented the Petition of C. Hubert and others, against the Act for the Inspection of Pickled Fish—which was ordered to lie on the Table.

Adjourn.

On motion made and seconded—the House adjourned until To-Morrow, at Two o'clock.

Tuesday, 6th March, 1849.

The House met pursuant to adjournment.

P R E S E N T—

The Honorable MICHAEL TOBIN, President.

The Honorable WILLIAM RUDOLF,
ROBERT M. CUTLER,
ALEXANDER CAMPBELL,
JOHN MORTON,
HUGH BELL,
STAYLEY BROWN,
ALEXANDER McDUGALL,
MATHER B. ALMON,
EDWARD KENNY,

The Honorable JAMES D. HARRIS,
WILLIAM A. BLACK,
DAVID CRICHTON,
HENRY G. PINEO,
JOHN E. FAIRBANKS,
JAMES McNAB,
WILLIAM STAIRS,
JONATHAN McCULLY,
WILLIAM GRIGOR.

PRAYERS.

The Minutes of yesterday were read.

Administration of
Law Bill read 2d
time,
And ref. to Sel. Com.
Committee.

A Bill, entitled, An Act further to improve the Administration of the Law, was read a second time.

Ordered, That the said Bill be referred to a Select Committee, to examine and report upon.

Ordered, That Mr. McDougall, Mr. McCully, and Mr. Bell, be a Committee for that purpose.

£3000 Roads and
Bridges, read 2d
time,

The Resolution for granting the sum of £3000 for the Main Post Roads was read a second time, and the question was put by the President,

Whether this Resolution be agreed to?

Agreed to,

It was resolved in the affirmative.

And sent to H. A.

A Message was sent to the House of Assembly by the Clerk,
To return the said Resolution, and acquaint them that this House have agreed to the same, without any amendment.

Com. on Wm. Doat's
Bill report.

Mr. McDougall, the Chairman of the Committee to whom a Bill, entitled, An Act to naturalize William Doat, was referred, reported that the Committee had examined the said Bill, and recommended it to the favorable consideration of the House.

Bill read 2nd time,

The said Bill was read a second time.

Ordered,

Ordered, That the said Bill be committed to a Committee of the whole House at a future day. And ord. to Com.

Mr. McDougall, the Chairman of the Committee to whom a Bill, entitled, An Act further in addition to the Act relating to Highways, Roads, and Bridges, was referred, reported that the Committee had examined the said Bill, and did not recommend it to favorable consideration of the House. Com. on Highways
Bill report.

The said Bill was read a second time ; and, after short debate,

Ordered, That the said Bill be committed to a Committee of the whole House at a future day. Bill read 2d time,
And ord. to Com.

Mr. McCully presented the Petition of M. Gordon and others, relative to the Railroad between Halifax and Quebec—which was ordered to lie on the Table. Pet. of M. Gordon
and al.

Mr. Kenny presented the Petition of His Lordship the Right Reverend Bishop Walsh, praying aid to the Roman Catholic Schools in the City of Halifax—which was ordered to lie on the Table. Do. of Bishop Walsh.

On motion, the House was adjourned, during pleasure, and put into a Committee on Bills.—After some time the House was resumed, and Mr. Rudolf reported that the Committee had made some progress. Com. on Bills.

On motion made and seconded—the House adjourned until Thursday, at Two o'clock. Adjourn.

Thursday, 8th March, 1849.

The House met pursuant to adjournment.

P R E S E N T—

The Honorable MICHAEL TOBIN, President.

The Honorable WILLIAM RUDOLF,
ALEXANDER CAMPBELL,
JOHN MORTON,
HUGH BELL,
STAYLEY BROWN,
ALEXANDER MCDUGALL,
MATHER B. ALMON,
EDWARD KENNY,
JAMES D. HARRIS,

The Honorable WILLIAM A. BLACK,
DAVID CRICHTON,
HENRY G. PINEO,
JOHN E. FAIRBANKS,
JAMES MCNAB,
WILLIAM STAIRS,
JONATHAN MCCULLY,
WILLIAM GRIGOR.

PRAYERS.

The Minutes of Tuesday were read.

On motion, *resolved*, that a Committee be appointed to take into consideration the Contingent Expenses of this House for the present Session. Com. on Contingent
Expenses.

Ordered, That Mr. McNab, Mr. Crichton, and Mr. Rudolf, be a Committee for that purpose. Committee.

A Message was brought from the House of Assembly by Mr. Joseph Whidden :

To inform the House that the House of Assembly agreed to a Bill, entitled, An Act for the amendment of the Law and the better advancement of Justice, without any amendment. Message from H. A.
agreeing to Law
amdt. Bill.

At

H. E. comes to Council Chamber.	At three of the clock, P. M., His Excellency Lieutenant-General SIR JOHN HARVEY, Knight Commander of the Most Honorable Military Order of the Bath, Knight Commander of the Royal Hanoverian Guelphic Order, Lieutenant-Governor and Commander in Chief, in and over Her Majesty's Province of Nova-Scotia, and its Dependencies, &c. &c. &c., came to the Council Chamber, attended as usual, and, being seated, the Gentleman Usher of the Black Rod received His Excellency's commands to let the House of Assembly know "It is His Excellency's will and pleasure they attend him immediately in this House," who being come, with their Speaker, His Excellency was pleased to give his assent to thirty-nine Bills, entitled as follows :
H. A. attend.	
H. E. assents to 39 Bills, viz : Sheriffs.	An Act to amend the Law relating to the appointment of Sheriffs.
Poor, Douglas.	An Act to continue the Act for dividing the Township of Douglas into separate Districts for the support of the Poor.
Fisheries, Chedabucto Bay.	An Act to continue the Act for the Regulation of the Fisheries at Chedabucto Bay.
Fisheries, Richmond.	An Act to continue the Act for the Regulation of the Fisheries in the County of Richmond.
Fisheries, Lunenburg.	An Act to continue the Act to prevent Injuries to the Fisheries within the County of Lunenburg, by Mill Dams or any other obstruction.
Settlement of Poor.	An Act to continue the Act in amendment of the Act for the Settlement of the Poor in the several Townships within this Province.
Poor, Sherbrooke.	An Act to continue the Act for setting off a part of the Township of Sherbrooke, in the District of St. Mary's, as a separate District for the support of the Poor.
Poors Rates, Pictou.	An Act to continue the Act respecting the Collection of Poors Rates of Pictou, as amended.
Billeting Troops.	An Act to continue the several Acts to provide for the Accommodation and Billeting of Her Majesty's Troops, or of the Militia, when on their march from one part of the Province to another.
Assize of Bread.	An Act to continue the Act to revive the Act to amend the Act to regulate the Assize of Bread.
Nets of Fishermen.	An Act to continue the Act to prevent Damage to the Nets of Fishermen by Coasting Vessels.
Poor, Pictou.	An Act to continue the Acts for dividing the Township of Pictou into separate Districts for the Support of the Poor.
Poor, Egerton.	An Act to continue the Act to extend to the Township of Egerton the Act respecting the Collection of Poors Rates of Pictou, and to amend the said Act.
Do. do.	An Act to continue the Act for setting off a part of the Township of Egerton as a separate District for the support of the Poor.
Moose.	An Act to continue the Act for the Preservation of Moose.
Snaring Moose.	An Act to continue the Act for making Regulations relative to the setting of Snares for catching Moose.
Sable Island.	An Act to continue the Act for the better Regulation of Sable Island in this Province.
Landing, Windsor.	An Act to continue the Act to regulate the Public Landing at Windsor.
Landings, King's County.	An Act to continue the Act to regulate certain Landings in the County of Kings County.
Sea Manure, Chester.	An Act to continue the Act in relation to the gathering of Sea Manure in the Township of Chester.
Quarantine.	An Act to continue the Act to prevent the spreading of Contagious Diseases, and for the performance of Quarantine.
Lotteries.	An Act to continue the Act for the Suppression of Lotteries.
Contagious Diseases.	An Act to continue the Acts more effectually to provide against the introduction of Infectious or Contagious Diseases, and the spreading thereof in this Province.
Town Officers.	An Act to continue the Acts in amendment of the Acts for the choice of Town Officers and regulating of Townships.

An Act to continue the Acts for appointing Supervisors to take charge of Public Grounds, and for other purposes.	Supervisors.
An Act to continue the Act in relation to Promissory Notes, or undertakings payable in Produce, or otherwise than in money.	Promissory Notes.
An Act to continue the Acts for regulating the Fishery in the the River Shubenacadie.	Fishery, Shubenacadie.
An Act to continue the Act to regulate the Weighing and Selling of Beef.	Weighing Beef.
An Act to continue the Act for Relieving Insolvent Debtors from Imprisonment.	Insolvent Debtors.
An Act to continue the Acts relative to the disposal of Crown Lands.	Crown Lands.
An Act to continue the Acts for the Government and Regulation of the Provincial Penitentiary.	Penitentiary.
An Act to continue the Acts to divide the Township of Maxweltown into separate Districts for the support of the Poor.	Poor, Maxweltown.
An Act to continue the Acts to prevent Disorderly Riding, and to regulate the Driving of Carriages on the Streets of Halifax, or other Towns, or on the Public Roads of this Province.	Disorderly Riding.
An Act to Incorporate a Temperance Hall Company at Windsor.	Tem. Hall Comy.
An Act for transferring the Crown Revenues of Nova-Scotia, and providing for the Civil List thereof.	Civil List.
An Act to extend to the Town of Sydney an Act relating to Streets and Highways.	Highways, Sydney.
An Act to extend to the Town of Sydney the several Acts respecting Firewards.	Firewards, Sydney.
An Act in further amendment of the Acts respecting County Rates.	County Rates.
An Act for the amendment of the Law and the better advancement of Justice.	Amdt. of Law.
The House of Assembly then withdrew, and His Excellency was pleased to retire soon after.	H. A. withdraw, H. E. retires.
On motion of Mr. Fairbanks, <i>resolved</i> , that Mr. Campbell and Mr. Pineo have leave of absence after Tuesday next, to return home on urgent private business.	Leave of absence to Mr. Campbell and Mr. Pineo.
On motion made and seconded—the House adjourned until Monday, at Two o'clock.	Adjourn.

Monday, 12th March, 1849.

The House met pursuant to adjournment.

P R E S E N T—

The Honorable MICHAEL TOBIN, President.

The Honorable WILLIAM RUDOLF,
ALEXANDER CAMPBELL,
JOHN MORTON,
HUGH BELL,
STAYLEY BROWN,
ALEXANDER McDougall,
MATHER B. ALMON,
EDWARD KENNY,
JAMES D. HARRIS,

The Honorable ALEXANDER KEITH,
WILLIAM A. BLACK,
DAVID CRICHTON,
HENRY G. PINEO,
JOHN E. FAIRBANKS,
JAMES McNAB,
WILLIAM STAIRS,
JONATHAN McCULLY,
WILLIAM GRIGOR.

PRAYERS.

The Minutes of Thursday were read.

Mr. McDougall, the Chairman of the Committee to whom a Bill, entitled, An Act further to improve the Administration of the Law, was referred, reported that the Com-

Com. on Admn. of
Law Bill rep.,

mittee had examined the said Bill, and recommended it to the favorable consideration of the House.

Bill ord. to Com.

Ordered, That the said Bill be committed to a Committee of the whole House at a future time.

Petition of H. McDonald, and al.

Mr. McDougall presented the Petition of Hugh McDonald and others, against a Road in the Counties of Guysborough and Sydney—which was ordered to lie on the Table.

Com. on Bills.

On motion, the House was adjourned, during pleasure, and put into a Committee on Bills.—After some time the House was resumed, and Mr. Morton reported that the Committee had made some progress.

Rep. Wm. Doat's,

The Chairman also reported that the Committee had gone through a Bill, entitled, An Act to naturalize William Doat; also,

And Highway Bills,

A Bill, entitled, An Act further in addition to the Act relating to Highways, Roads, and Bridges—

Without am.

And had agreed to the same, without any amendment.

Rep., Adm. of Law Bill with am.,

Ordered, That the said Bills be read a third time at a future day. The Chairman also reported that the Committee had gone through a Bill, entitled, An Act further to improve the Administration of the Law, and had made two amendments thereto.

Am. read,

The said amendments were read by the Clerk as follows :

FIFTH CLAUSE.

22d line.—Before the word “to” insert the words “for the said County.”

FIFTEENTH CLAUSE.

19th line.—After the word “preceding” insert the following Proviso : “*Provided always*, that in vacation the Plaintiff, or his Attorney, shall previously give to the Defendant, or his Attorney or Agent, notice in writing, of the same length of time as is required in notices of trial of his intention to procure such assessment of damages and.”

And agreed to,

And the said amendments being read a second time were agreed to by the House.

Report King's Cy. Court House Bill, with am.,

Ordered, That the said Bill be read a third time at a future day. The Chairman also reported that the Committee had gone through a Bill, entitled, An Act to enable the Inhabitants of the County of King's County to rebuild their Court House and Jail, lately destroyed by Fire, and had made several amendments thereto.

Am read,

The said amendments were read by the Clerk as follows :

FIRST CLAUSE.

11th line.—After the word “County” insert the words “last drawn.” After the word “attend” insert the words “by writ of *venire facias*, to be issued by the Deputy Prothonotary for the said County, and delivered to the Sheriff at least ten days before the sitting of the said Special Sessions as aforesaid.”

38th line.—After the word “Sessions,” insert the words “or a General Sessions.” After the word “shall,” insert the words “from time to time.”

SECOND CLAUSE.

3rd line.—After the the word “special,” insert the words “or general.”

Agreed to.

And the said amendments being read a second time were agreed to by the House.

Ordered, That the said Bill be read a third time at a future day.

Mr.

Mr. McCully presented a Bill, entitled, An Act to amend the Act for relieving Insolvent Debtors—which was read a first time.

Insolvent Debtor's Bill read 1st time.

Ordered, That the said Bill be read a second time at a future day.

A Message was brought from the House of Assembly by Mr. Joseph Whidden, with the following Bills :

1. A Bill, entitled, An Act further to amend the Act for the appointment of Commissioners of Sewers.

Sewers,

2. A Bill, entitled, An Act to incorporate the Digby Water Company.

Digby Water Com.,

3. A Bill, entitled, An Act concerning the Act for the regulation of Juries.

Juries,

4. A Bill, entitled, An Act relating to the Roman Catholic Cemetery in Halifax.

R. Cath. Cemetery,

5. A Bill, entitled, An Act additional to the Act regulating the Provincial Penitentiary.

Penitentiary,

6. A Bill, entitled, An Act respecting Suits against Collectors of Poores Rates.

And Poores Rates Bills,

To which Bills they desired the concurrence of this House.

The said Bills were read a first time.

Read 1st time.

Ordered, That the first Bill be referred to a Select Committee, to examine and report upon.

Sewers Bill ref to Sel. Com.,

Ordered, That Mr. Pineo, Mr. McCully, and Mr. Morton, be a Committee for that purpose.

Committee.

Ordered, That the second Bill be referred to a Select Committee, to examine and report upon.

Digby Water Com. Bill ref. to Sel. Com.,

Ordered, That Mr. Brown, Mr. Morton, and Mr. Pineo, be a Committee for that purpose.

Committee.

Ordered, That the third Bill be referred to a Select Committee, to examine and report upon.

Juries Bill ref. to Sel Com.,

Ordered, That Mr. McDougall, Mr. Stairs, and Mr. Black, be a Committee for that purpose.

Committee.

Ordered, That the fourth Bill be referred to a Select Committee, to examine and report upon.

R. Cath. Cemy. Bill ref. to Sel. Com.

Ordered, That Mr. Kenny, Mr. Bell, and Mr. Stairs, be a Committee for that purpose.

Committee.

Ordered, That the fifth and sixth Bills be read a second time at a future day.

A Message was brought from the House of Assembly by Mr. Joseph Whidden :

To inform the House that the House of Assembly agreed to a Bill, entitled, An Act to amend the Acts concerning the performance of Statute Labor on Highways, with amendments—to which amendments they desired the concurrence of this House.

H. A. agree to Stat. Labor Bill, with am.

Also with the following Resolution :

Resolved, That the sum of Seven Pounds and Nine Shillings, remaining undrawn, out of the sum of Thirty Pounds granted at the last Session to build South Branch Bridge, Maccan, and repair damage done by the Freshet, be applied to repair the Roads from South Branch Bridge past Alexander Hannah's.

£7 9 0, change of appropn., Cumberland,

To which Resolution they desired the concurrence of this House.

The said Resolution was read a first time.

Read 1st time.

Ordered, That the said Resolution be read a second time at a future day.

On motion made and seconded—the House adjourned until To-Morrow, at Two o'clock.

Adjourn.

Tuesday, 13th March, 1849.

The House met pursuant to adjournment.

P R E S E N T—

The Honorable MICHAEL TOBIN, President.

The Honorable WILLIAM RUDOLF,
ALEXANDER CAMPBELL,
JOHN MORTON,
HUGH BELL,
STAYLEY BROWN,
ALEXANDER McDUGALL,
MATHER B. ALMON,
JAMES D. HARRIS,

The Honorable ALEXANDER KEITH,
WILLIAM A. BLACK,
DAVID CRICHTON,
HENRY G. PINEO,
JOHN E. FAIRBANKS,
JAMES McNAB,
WILLIAM STAIRS,
JONATHAN McCULLY.

PRAYERS.

The Minutes of yesterday were read.

Highways', A Bill, entitled, An Act further in addition to the Act relating to Highways, Roads and Bridges ; also

And Wm. Doat's Bills, A Bill, entitled, An Act to Naturalize William Doat,
Read 3rd time, Were read a third time, and the question was put by the President on each Bill, Whether this Bill shall pass ?

Agreed to, It was resolved in the affirmative.

And sent to H. A. A Message was sent to the House of Assembly by the Clerk,
To return the said Bills, and acquaint them that this House have agreed to the same, without any amendment.

Admn of Law, A Bill, entitled, An Act further to improve the administration of the Law ; also,
And King's Co. A Bill, entitled, An Act to enable the inhabitants of the County of King's County
Court House Bills, to rebuild their Court House and Jail, lately destroyed by fire—

Read 3d time, Were read a third time, and the question was put by the President on each Bill,
Whether this Bill, with the amendments, shall pass ?

Agreed to, It was resolved in the affirmative.

And sent to H. A. A Message was sent to the House of Assembly by the Clerk,
To return the said Bills, and acquaint them that this House have agreed to the same, with amendments, to which amendments their concurrence is desired.

Insolvent Debtors, A Bill, entitled, An Act to amend the Act for relieving Insolvent Debtors ; also,
Penitentiary, A Bill, entitled, An Act additional to the Act regulating the Provincial Penitentiary ;
also,

And Collectors Poores Bills, A Bill, entitled, An Act respecting Suits against Collectors of Poores Rates,
Read 2d time, Were read a second time.

And ord. to Com. *Ordered*, That the said Bills be committed to a Committee of the whole House at a future day.

Com. on R. Cath. Cem. Bill rep., Mr. Bell, in the absence of Mr. Kenny, the Chairman of the Committee to whom a Bill, entitled, An Act relating to the Roman Catholic Cemetery in Halifax was referred, reported that the Committee had examined the said Bill, and recommended it to the favorable consideration of the House.

Bill read 2nd time, The said Bill was read a second time.

And ord. to Com. *Ordered*, That the said Bill be committed to a Committee of the whole House at a future day.

Mr.

Mr. Brown, the Chairman of the Committee to whom a Bill, entitled, An Act to incorporate the Digby Water Company was referred, reported that the Committee had examined the said Bill, and recommended it to the favorable consideration of the House.

Com. on Digby Water Com. Bill rep.

The said Bill was read a second time.

Bill read 2d time, And ord. to Com.

Ordered, That the said Bill be committed to a Committee of the whole House at a future day.

Mr. McDougall, the Chairman of the Committee to whom a Bill, entitled, An Act concerning the Act for the Regulation of Juries, was referred, reported that the Committee had examined the said Bill, and recommended it to the favorable consideration of the House.

Com. on Juries Bill rep.

The said Bill was read a second time.

Bill read 2nd time, And ord. to Com.

Ordered, That the said Bill be committed to a Committee of the whole House at a future day.

The Resolution for changing the appropriation of the sum of £7 9 in the County of Cumberland, was read a second time, and the question was put by the President, Whether this Resolution be agreed to?

£7 9 0, change of appropn. Cumberland, read 2d time,

It was resolved in the affirmative.

Agreed to,

A Message was sent to the House of Assembly by the Clerk,

And sent to H. A.

To return the said Resolution, and acquaint them that this House have agreed to the same, without any amendment.

On motion made and seconded—the House adjourned until To-morrow, at Two o'clock.

Adjourn.

Wednesday, 14th March, 1849.

The House met pursuant to adjournment.

P R E S E N T—

The Honorable MICHAEL TOBIN, President.

The Honorable WILLIAM RUDOLF,
ALEXANDER CAMPBELL,
JOHN MORTON,
HUGH BELL,
STAYLEY BROWN,
ALEXANDER McDUGALL,
MATHER B. ALMON,
EDWARD KENNY,
JAMES D. HARRIS,

The Honorable ALEXANDER KEITH,
WILLIAM A. BLACK,
DAVID CRICHTON,
HENRY G. PINEO,
JOHN E. FAIRBANKS,
JAMES McNAB,
WILLIAM STAIRS,
JONATHAN McCULLY.

PRAYERS.

The Minutes of yesterday were read.

The House proceeded to the consideration of the amendments proposed by the House of Assembly to a Bill, entitled, An Act to amend the Acts concerning the performance of Statute Labor on Highways.

Am. to Stat. Labor Bill,

The said amendments were read as follows:—

IN THE PREAMBLE.

4th line.—After the word “Counties” insert the words “or Districts.”

FIRST CLAUSE.

6th line.—After the word “Counties” insert the words “or Districts.”

8th line.—After the word “Counties” insert the words “or Districts.”

SECOND CLAUSE.

6th line.—After the word “Counties” insert the words “or Districts.”

Agreed to, And the said amendments being read a second and third time, were agreed to by the House.

And message sent to H. A. A Message was sent to the House of Assembly by the Clerk, To carry down the said Bill and amendments, and acquaint them that this House have agreed to their amendments to the said Bill.

Com. on Sewers Bill rep. Mr. Pinco, the Chairman of the Committee to whom a Bill, entitled, An Act further to amend the Act for the appointment of Commissioners of Sewers was referred, reported that the Committee had examined the said Bill and recommended it to the favorable consideration of the House.

Bill read 2d time, The said Bill was read a second time.

And ord. to Com. Ordered, That the said Bill be committed to a Committee of the whole House at a future day.

Com. on Bills. On motion, the House was adjourned, during pleasure, and put into a Committee on Bills.—After some time the House was resumed, and Mr. Rudolf reported that the Committee had made some progress.

Report Insolvent Debtor's Bill without am. The Chairman also reported that the Committee had gone through a Bill, entitled, An Act to amend the Act for relieving Insolvent Debtors, and had agreed to the same without any amendment.

Ordered, That the said Bill be engrossed, and read a third time at a future day.

Report, The Chairman also reported that the Committee had gone through
Collectors of Poors Rates, A Bill, entitled, An Act respecting Suits against Collectors of Poors Rates ; also,
Digby Water Com., A Bill, entitled, An Act to incorporate the Digby Water Company ; also,
R. Cath. Cemetery, A Bill, entitled, An Act relating to the Roman Catholic Cemetery in Halifax ; also,
And Juries' Bill, A Bill, entitled, An Act concerning the Act for the regulation of Juries—
Without am. And had agreed to the same without any amendment.

Ordered, That the said Bills be read a third time at a future day.

Recom. Penitentiary Bill to be ref. to Sel. Com. The Chairman also reported that the Committee had had under consideration a Bill, entitled, An Act additional to the Act regulating the Provincial Penitentiary, and recommended that the said Bill should be referred to a Select Committee, to examine and report upon.

Bill ref. to Sel. Com., Ordered, That the said Report be received, and the said Bill be referred to a Select Committee to examine and report upon.

Committee. Ordered, That Mr. Almon, Mr. Black, and Mr. Brown, be a Committee for that purpose.

A Message was brought from the House of Assembly by Mr. Joseph Whidden, with the following Bills :

Pub. Monies Highways, 1. A Bill, entitled, An Act to amend the Act in relation to the expenditure of Public Monies on the Highways.

Poor Districts, 2. A Bill, entitled, An Act for the division of Districts for the support of the Poor.

Pilotage, Sydney, 3. A Bill, entitled, An Act to continue the Acts to regulate the Pilotage of Vessels at Sydney, Cape Breton.

4. A Bill, entitled, An Act to continue the Act to preserve and regulate the Navigation of the Harbour of Antigonishe.

Antigonishe Harbor,

5. A Bill, entitled, An Act to continue the Act for establishing a Harbour Master at Bridgeport, in the Island of Cape Breton.

And Harbor Master
Bridgeport, Bills,

To which Bills they desired the concurrence of this House.

The said Bills were read a first time.

Read 1st time.

Ordered, That the first Bill be referred to a Select Committee, to examine and report upon.

Pub. Monies High-
ways Bill ref. to
Sel. Com.,

Ordered, That Mr. Morton, Mr. McCully, and Mr. Bell, be a Committee for that purpose.

Committee.

Ordered, That the second Bill be referred to a Select Committee, to examine and report upon.

Poor Districts Bill
ref to Sel. Com.,

Ordered, That Mr. McDougall, Mr. Crichton, Mr. McCully, Mr. Harris, and Mr. Campbell, be a Committee for that purpose.

Committee.

Ordered, That the three last Bills be read a second time at a future day.

On motion made and seconded—the House adjourned until To-Morrow, at Two o'clock.

Adjourn.

Thursday, 15th March, 1849.

The House met pursuant to adjournment.

PRESENT—

The Honorable MICHAEL TOBIN, President.

The Honorable WILLIAM RUDOLF,

The Honorable ALEXANDER KEITH,

ALEXANDER CAMPBELL,

WILLIAM A. BLACK,

JOHN MORTON,

DAVID CRICHTON,

HUGH BELL,

HENRY G. PINEO,

STAYLEY BROWN,

JOHN E. FAIRBANKS,

ALEXANDER McDUGALL,

JAMES McNAB,

MATHER B. ALMON,

WILLIAM STAIRS,

EDWARD KENNY,

JONATHAN McCULLY,

JAMES D. HARRIS,

PRAYERS.

The Minutes of yesterday were read.

A Bill, entitled, An Act respecting Suits against Collectors of Poors Rates; also,

Collectors Poor
Rates,

A Bill, entitled, An Act to incorporate the Digby Water Company; also

Digby Water Com.,

A Bill, entitled, An Act relating to the Roman Catholic Cemetery in Halifax; also,

R. Cath. Cem.,

A Bill, entitled, An Act concerning the Act for the regulation of Juries—

And Juries' Bills,

Were read a third time, and the question was put by the President on each Bill, Whether this Bill shall pass?

Read 3d time,

It was resolved in the affirmative.

Agreed to,

A Message was sent to the House of Assembly by the Clerk,

To return the said Bills, and acquaint them that this House has agreed to the same, without any amendment.

And sent to H. A.

A Bill, entitled, An Act to continue the Acts to regulate the Pilotage of Vessels at Sydney, Cape Breton; also,

Pilotage, Sydney,

- Harbor Antigonishe, A Bill, entitled, An Act to continue the Act to preserve and regulate the Navigation of the Harbour of Antigonishe ; also,
- And Harbor Master Bridgeport, Bills, A Bill, entitled, An Act to continue the Act for establishing a Harbour Master at Bridgeport, in the Island of Cape Breton,
- Read 2d time, and Were read a second time.
- Ord. to Com. *Ordered*, That the said Bills be committed to a Committee of the whole House at a future time.
- S. O. S. *Resolved unanimously*, That the Standing Order of this House, No. 72, relative to Bills not being read or proceeded with twice in the same day, be suspended as respects the said Bills.
- Insolvent Debtors' Bill read 3d time, A Bill, entitled, An Act to amend the Act for relieving Insolvent Debtors, was read a third time, and the question was put by the President,
- Agreed to, Whether this Bill shall pass ?
It was resolved in the affirmative.
- And sent to H. A., A Message was sent to the House of Assembly by the Clerk,
To carry down the said Bill, and desire their concurrence thereto.
- Com on Pub. Monies Highways Bill rep. unfavourably. Mr. Morton, the Chairman of the Committee to whom a Bill, entitled, An Act to amend the Act in relation to the expenditure of Public Monies on the Highways was referred, reported that the Committee had examined the said Bill and that the majority of the Committee did not recommend it to the favourable consideration of the House.
The said Bill was read a second time.
- Bill def. 3 months. On motion, *resolved*, that the further consideration of the said Bill be deferred to this day three months.
- Com. on Penitentiary Bill report unfavourably. Mr. Almon, the Chairman of the Committee to whom a Bill, entitled, An Act additional to the Act regulating the Provincial Penitentiary was referred, reported that the Committee had examined the said Bill, and did not recommend it to the favorable consideration of the House.
- Deferred 3 months. On motion, *ordered*, that the further consideration of the said Bill be deferred to this day three months.
- Message from H. E., with Despatch rel. to Postal Bill. Mr. Bell, by the command of His Excellency the Lieutenant Governor, laid before the House a Despatch dated 13th February, 1849, from Earl Grey to the Lieutenant-Governor, relative to the Post Office Act, which was read, and ordered to lie on the Table.
- (Vide Appendix No. 33.)
- Com on Bills. On motion the House was adjourned during pleasure and put into a Committee on Bills, after some time the House was resumed, and Mr. Rudolf reported, that the Committee had made some progress.
- Report, The Chairman also reported, that the Committee had gone through
- Pilotage, Sydney, A Bill, entitled, An Act to continue the Acts to regulate the Pilotage of Vessels at Sydney, Cape Breton ; also,
- Harbor Antigonishe, A Bill, entitled, An Act to continue the Act to preserve and regulate the Navigation of the Harbour of Antigonishe ; also,
- And Harbor Master Bridgeport Bills, A Bill, entitled, An Act to continue the Act for establishing a Harbour Master at Bridgeport, in the Island of Cape Breton—
- Without am. And had agreed to the same, without any amendment.
Ordered, That the said Bills be read a third time at a future day.
- H. A. agree to Stat. Labor Bill, as am. A Message was brought from the House of Assembly by Mr. Joseph Whidden :
To inform the House that the House of Assembly agreed to a Bill, entitled, An Act
to

to amend the Acts concerning the performance of Statute Labour on Highways, as amended.

Also with the following Bills and Resolution :

A Bill, entitled, An Act additional to the Act for providing Fire Engines for the Town of Yarmouth.

Fire Engines, Yarmouth,

A Bill, entitled, An Act to alter the Representation in the County of Colchester.

And Colchester Representation Bill. £350 Guysborough, £150 Richmond, for Bridges.

Resolved, That an extra sum of Three hundred and fifty pounds be granted and paid for the County of Guysborough, and One hundred and fifty pounds for the County of Richmond, to aid in the erection of Bridges destroyed or injured by the freshet of August last.

To which Bills and Resolution they desired the concurrence of this House.

The same were read a first time.

Read 1st time.

Ordered, That the first Bill be referred to a Select Committee, to examine and report upon.

Fire Engine Yar., Bill, ref to Sel. Com. Committee.

Ordered, That Mr. Brown, Mr. Kenny, and Mr. Bell, be a Committee for that purpose.

Ordered, That the second Bill be referred to a Select Committee, to examine and report upon.

Colchester Representation Bill ref. to Sel. Com. Committee.

Ordered, That Mr. Campbell, Mr. Almon, and Mr. Rudolf, be a Committee for that purpose.

Ordered, That the said Resolution be read a second time at a future day.

Mr. McNab, by the command of His Excellency the Lieutenant Governor, laid before the House a Despatch, dated 22d February, 1849, from Earl Grey to the Lieutenant Governor, relative to the Office of Advocate General, which was read, and ordered to lie on the Table.

Message from H. E. with Despatch rel. to Adv. General.

(Vide Appendix No. 34.)

On motion made and seconded—the House adjourned until To-morrow, at Two o'clock.

Adjourn.

Friday, 16th March, 1849.

The House met pursuant to adjournment.

P R E S E N T—

The Honorable MICHAEL TOBIN, President.

The Right Reverend and Honorable the LORD BISHOP.

The Honorable WILLIAM RUDOLF,
ALEXANDER CAMPBELL,
JOHN MORTON,
HUGH BELL,
STAYLEY BROWN,
ALEXANDER McDUGALL,
MATHER B. ALMON,
EDWARD KENNY,
JAMES D. HARRIS,

The Honorable ALEXANDER KEITH,
WILLIAM A. BLACK,
DAVID CRICHTON,
HENRY G. PINEO,
JOHN E. FAIRBANKS,
JAMES McNAB,
WILLIAM STAIRS,
JONATHAN McCULLY.
WILLIAM GRIGOR.

PRAYERS.

The Minutes of yesterday were read.

A Bill, entitled, An Act to continue the Acts to regulate the Pilotage of Vessels at Sydney, Cape Breton ; also,

Pilotage, Sydney,

- Antigonishe Harbor, A Bill, entitled, An Act to continue the Act to preserve and regulate the Navigation of the Harbour of Antigonishe ; also,
- And Harbor Master Bridgeport, Bills, A Bill, entitled, An Act to continue the Act for establishing a Harbour Master at Bridgeport, in the Island of Cape Breton,
Were read a third time, and the question was put by the President on each Bill, Whether this Bill shall pass ?
- Read 3d time, It was resolved in the affirmative.
- And sent to H. A. A Message was sent to the House of Assembly by the Clerk,
To return the said Bills, and acquaint them that this House has agreed to the same, without any amendment.
- Com. on Colchester Representation Bill rep., maj. in favor. Mr. Rudolf, in the absence of Mr. Campbell, the Chairman of the Committee to whom a Bill, entitled, An Act to alter the Representation in the County of Colchester, was referred, reported that the Committee had examined the said Bill, and that the majority of the Committee recommended it to the favorable consideration of the House.
- Motion not to receive rep. neg., division equal. Whereupon Mr. Almon moved that the said Report be not received, it not appearing that the requisites of the Standing Orders of this House relative to Local Bills have been complied with : which being seconded, and the question being put by the President, there appeared for the motion, nine ; against the motion, nine.
And the votes being equal, then, according to the ancient rule in like cases,
“ Semper præsumitur pro negante.”
- Motion to receive rep. neg., division equal. Then it was moved that the said Report be received : which being seconded, and the question being put, there appeared for the motion, nine ; against the motion, nine.
And the votes being equal, then, according to the ancient rule in like cases,
“ Semper præsumitur pro negante.”
- Com. on Poor Districts Bill rep., Mr. McDougall, the Chairman of the Committee to whom a Bill, entitled, An Act for the division of Districts for the support of the Poor, was referred, reported that the Committee had examined the said Bill, and recommended it to the favorable consideration of the House.
- Bill read 2d time, The said Bill was read a second time.
- And ord. to Com. *Ordered*, That the said Bill be committed to a Committee of the whole House at a future day.
- Mr. McDougall substituted for Mr. Campbell on Col. Reprn. Bill Com. On motion, *resolved*, that Mr. McDougall be substituted for Mr. Campbell (who has leave of absence) on the Committee on the Bill, entitled, An Act to alter the Representation of the County of Colchester.
- Address to H. E. for Despatches rel. to dismissal of J. P., moved. Mr. Pineo presented the draft of an Address to His Excellency the LIEUTENANT GOVERNOR, which he read in his place, and afterwards delivered it to the Clerk, who read the same, as follows :

To His Excellency Lieutenant-General

SIR JOHN HARVEY,

Knight Commander of the Most Honorable Military Order of the Bath, Knight Commander of the Royal Hanoverian Guelphic Order, Lieutenant-Governor and Commander in Chief, in and over Her Majesty's Province of Nova-Scotia, and its Dependencies, &c. &c. &c.

THE HUMBLE ADDRESS OF THE LEGISLATIVE COUNCIL.

MAY IT PLEASE YOUR EXCELLENCY :

The Legislative Council respectfully request that Your Excellency will be pleased to direct that the Despatches lately received from Her Majesty's Secretary of State for the Colonies, on the subject of the dismissal from office of certain Justices of the Peace, may be laid before this House for the information of the Legislative Council.

Address,

After long debate the question being put by the President, whether the said Address be agreed to? the House divided thereon, when there appeared for agreeing to the address eight, against agreeing to it eleven.

For the Address—

Mr. Fairbanks,
Mr. Pineo,
Mr. Crichton,
Mr. Black,
Mr. Keith.
Mr. Harris,
Mr. Almon,
Mr. Morton.

Against the Address—

Mr. Grigor,
Mr. McCully,
Mr. Stairs,
Mr. McNab,
Mr. Kenny,
Mr. McDougall,
Mr. Brown,
Mr. Bell,
Mr. Campbell,
Mr. Rudolf,
Mr. Tobin.

So it passed in the negative.

Negatived.

A Message was brought from the House of Assembly by Mr. Joseph Whidden, with the following Bill :

A Bill, entitled, An Act to regulate the Inspection of Pickled Fish.

Pickled Fish Bill,

To which Bill they desired the concurrence of this House.

The said Bill was read a first time.

Read 1st time, and

Ordered, That the said Bill be referred to a Select Committee, to examine and report upon.

Ref. to Sel Com.

Ordered, That Mr. McNab, Mr. Stairs, Mr. Almon, Mr. Crichton, and Mr. Rudolf, be a Committee for that purpose.

Committee.

A Message was brought from the House of Assembly by Mr. Joseph Whidden, with the following Bill :

A Bill, entitled, An Act for granting Duties of Impost for the support of Her Majesty's Government within this Province.

Impost Duties Bill,

To which Bill they desired the concurrence of this House.

The said Bill was read a first time.

Read 1st time,

Ordered,

And ref. to Sel. Com. Committee.	<i>Ordered</i> , That the said Bill be referred to a Select Committee, to examine and report upon.
Diocesan Ch. Soc. Bill, read 1st time.	<i>Ordered</i> , That Mr. McNab, Mr. Stairs, and Mr. Almon, be a Committee for that purpose.
And ref to Sel. Com. Committee.	The Lord Bishop presented a Bill, entitled, An Act to incorporate the Diocesan Church Society of Nova Scotia, which was read a first time.
Committee.	<i>Ordered</i> , That the said Bill be referred to a Select Committee, to examine and report upon.
Adjourn.	<i>Ordered</i> , That the Lord Bishop, Mr. Rudolf, and Mr. Almon, be a Committee for that purpose.
	On motion made and seconded—the House adjourned until Monday, at Two o'clock.

Monday, 19th March, 1849.

The House met pursuant to adjournment.

P R E S E N T—

The Honorable MICHAEL TOBIN, President.

The Right Reverend and Honorable the LORD BISHOP.

The Honorable WILLIAM RUDOLF,
ROBERT M. CUTLER,
JOHN MORTON,
HUGH BELL,
STAYLEY BROWN,
ALEXANDER McDougall,
MATHER B. ALMON,
EDWARD KENNY,

The Honorable JAMES D. HARRIS,
ALEXANDER KEITH,
WILLIAM A. BLACK,
DAVID CRICHTON,
JOHN E. FAIRBANKS,
JAMES McNAB,
WILLIAM STAIRS,
JONATHAN McCULLY.

PRAYERS.

The Minutes of Friday were read.

Petn. of Rev. W. T. Morris, and al. The Lord Bishop presented the Petition of the Rev. W. T. Morris and others, against the repeal of the Endowment to King's College at Windsor—which was ordered to lie on the Table.

Com. on Sum. Trials before J. P. rep. Mr. McCully, the Chairman of the Committee to whom a Bill, entitled, An Act to continue the Acts for the Summary Trial of Actions before Justices of the Peace, was referred, reported that the Committee had examined the said Bill, and recommended it to the favorable consideration of the House.

Bill ord. to Com. *Ordered*, That the said Bill be committed to a Committee of the whole House at a future day.

Cont. on Diocesan Ch. Soc. Bill rep. The Lord Bishop, the Chairman of the Committee to whom a Bill, entitled, An Act to Incorporate the Diocesan Church Society of Nova-Scotia, was referred, reported that the Committee had examined the said Bill, and recommended it to the favorable consideration of the House.

Bill read 2d time, The said Bill was read a second time.

Ordered,

Ordered, That the said Bill be committed to a Committee of the whole House at a future day. And ord. to Com.

Mr. McNab, the Chairman of the Committee to whom a Bill, entitled, An Act to regulate the Inspection of Pickled Fish, was referred, reported that the Committee had examined the said Bill, and that the majority of the Committee recommended it to the favorable consideration of the House. Com. on Pickled Fish Bill rep.

The said Bill was read a second time. Bill read 2d time,

Ordered, That the said Bill be committed to a Committee of the whole House at a future day. And ord. to Com.

Mr. McNab, the Chairman of the Committee to whom a Bill, entitled, An Act for granting Duties of Impost for the support of Her Majesty's Government within this Province, was referred, reported that the Committee had examined the said Bill, and recommended it to the favorable consideration of the House. Com. on Duties of Impost Bill rep.

The said Bill was read a second time. Bill read 2d time,

Ordered, That the said Bill be committed to a Committee of the whole House at a future day. And ord. to Com.

A Message was brought from the House of Assembly by Mr. Joseph Whidden, with the following Bills and Resolution :

A Bill, entitled, An Act to continue and amend certain Acts relating to the Colonial Revenue. Colonial Revenue

A Bill, entitled, An Act further to provide for the collection of the Revenue. Collection of Rev.

A Bill, entitled, An Act to continue the Act in relation to the Trade between the British North American Possessions. Trade B. N. A. Pos.

A Bill entitled, An Act to continue the Acts for granting Duties on Licences for the Sale of Spirituous Liquors. Licenses.

A Bill, entitled, An Act to continue the Acts for granting Duties on Licences for the Sale of Spirituous Liquors, and Sales by Auction in Halifax. Do. Halifax.

Resolved, That of the undrawn monies for the Roads and Bridges in the County of Inverness, as reported this Session by the Committee of Public Accounts, the aggregate amount of the first twelve items in the list thereof being £109 8s 0d., be paid, and applied as follows: £61 5s. 11d. in discharge of the advances from the Treasury for Roads within the said County, and the balance of £48 2s. 1d. in payment of Commissions or Relief Notes, as filed in the Treasurer's Office. £109 8s. 0d. change of approp. Inverness,

To which Bills and Resolution they desired the concurrence of this House.

The same were read a first time. Read 1st time.

Ordered, That the said Bills be referred to a Select Committee, to examine and report upon. Rev. Bills ref. to Sel. Com.,

Ordered, That Mr. McNab, Mr. Stairs, and Mr. Almon, be a Committee for that purpose. Committee.

Ordered, That the said Resolution be read a second time at a future day.

The Messenger also informed the House that the House of Assembly agreed to the amendments proposed by this House to a Bill, entitled, An Act to enable the Inhabitants of the County of King's County to rebuild their Court House and Jail, lately destroyed by Fire. H. A. agree to am. to King's Cy. Jail Bill.

On motion, the House was adjourned, during pleasure, and put into a Committee on Bills.—After some time the House was resumed, and Mr. Rudolf reported that the Committee had made some progress. Com. on Bills,

Rep., Poor Districts
Bill without am.

The Chairman also reported that the Committee had gone through a Bill, entitled, An Act for the division of Districts for the Support of the Poor, and had agreed to the same without, any amendment.

Ordered, That the said Bill be read a third time at a future day.

Adjourn.

On motion made and seconded—the House adjourned until To-morrow, at One o'clock.

Tuesday, 20th March, 1849.

The House met pursuant to adjournment.

PRESENT—

The Honorable MICHAEL TOBIN, President.

The Honorable WILLIAM RUDOLF,
ROBERT M. CUTLER,
JOHN MORTON,
HUGH BELL,
STAYLEY BROWN,
ALEXANDER McDUGALL,
MATHER B. ALMON,
EDWARD KENNY,
JAMES D. HARRIS,

The Honorable ALEXANDER KEITH,
WILLIAM A. BLACK,
DAVID CRICHTON,
JOHN E. FAIRBANKS,
JAMES McNAB,
WILLIAM STAIRS,
JONATHAN McCULLY,
WILLIAM GRIGOR.

PRAYERS.

The Minutes of yesterday were read.

Com. on Con. Ex-
penses rep.

Mr. McNab, the Chairman of the Committee appointed to consider of and report to the House the amount which will be required for its Contingent Expenses for the present Session, made his Report, which he read in his place, and afterwards delivered it to the Clerk, who read the same, as follows :

Report.

The Committee appointed to consider of and report to the House the amount which will be required for its Contingent Expenses for the present Session, report as follows : that there is required,

For the Salary of the Clerk,	£200	0	0
Law Clerk and Clerk of the Parliament,	150	0	0
Gentleman Usher of the Black Rod, and Ser- jeant at Arms,	75	0	0
Chaplain,	25	0	0
Messengers—First Messenger £45, Second do. £30,	75	0	0
C. H. Belcher's Account for Stationery, &c. balance of last year and the present, for Binding Laws, Journals, and Journals of Lords and Com- mons,	120	0	7½
Joseph Graham's Account, Stationery, his Account for last year,	27	12	5½
J. S. Thompson, Queen's Printer,	5	14	7
DeChezeau & Crow's Account,	22	11	3
Gossip & Coade's do. 16s., McLeod's do, for candles 7s.,	2	16	6
	1	3	0
			Fuel,

Fuel &c., to be accounted for by Clerk,	20	0	0
This sum for Contingencies to be expended under the direction of a Committee of the House,	66	0	0
To pay the Reporter,	50	0	0
Do. the Sun, newspaper, for publishing the Debates,	20	0	0
J. H. Crosskill, Printing,	4	7	6
To pay him for publishing the Debates of last Session,	15	0	0
	<hr/>		
	£880	5	11

By order of the Committee,

JAMES McNAB, Chairman.

Committee Room, 19th March, 1849.

Ordered, That the said Report be received and adopted.

Adopted.

On motion of Mr. Rudolf, *resolved*, that the following be added at the foot of the Contingent Expenses of this House :

Addl. words added to Con. Expenses.

“And a further sum of £ to reimburse the Members of the Legislative Council residing in the Country, the travelling and other incidental expenses incurred by them while attending in General Assembly.”

On motion, *resolved*, that a Conference be desired with the House of Assembly, by Committee, on the General State of the Province, and that the Committee of this House do communicate to the Committee of the House of Assembly the amount required to defray the Contingent Expenses of this House for the present Session.

Confer. on General State of Province rel. to Con.

A Message was sent to the House of Assembly by the Clerk,
To desire the said Conference.

Conference asked.

A Message was brought from the House of Assembly by Mr. Joseph Whidden, with the following Bills :

1. A Bill, entitled, An Act to naturalize Calvin P. Soule.
2. A Bill, entitled, An Act to authorize Assessments for the Support of Ferries.
3. A Bill, entitled, An Act to abolish Fees of Clerks of the Peace.
4. A Bill, entitled, An Act concerning the Halifax Steam Boat Company.
5. A Bill, entitled, An Act to regulate the Pier or Wharf at Everett's Landing, in the Township of Weymouth.

Calvin Soule,
Ferries,
Fees, Clerks of Peace,
Halifax Steam Boat Comy.,
And Everett's Pier Bills,

To which Bills they desired the concurrence of this House.

The said Bills were read a first time.

Read 1st time,

Ordered, That the two first Bills be read a second time at a future day.

Ordered, That the third and fourth Bills be referred to a Select Committee, to examine and report upon.

Fees Clerk of the Peace, and Halifax Steam Boat Bills ref. to Sel Com., Committee.

Ordered, That Mr. McCully, Mr. Morton, and Mr. McDougall, be a Committee for that purpose.

Ordered, That the fifth Bill be referred to a Select Committee, to examine and report upon.

Everett's Pier Bill refd. to Sel. Com.

Ordered, That Mr. Brown, Mr. Morton, and Mr. Stairs, be a Committee for that purpose.

Committee.

The Messenger also informed the House, that the House of Assembly agreed to a Bill, entitled, An Act for improving the Law of Evidence, with an amendment, to which amendment they desired the concurrence of this House.

H. A. agree to Ev. Bill, with am.

The Messenger also informed the House, that the House of Assembly agreed to the Conference desired by this House on the General State of the Province.

H. A. agree to Con. on General State Province. Committee.

Ordered, That Mr. Rudolf, Mr. Crichton, and Mr. McCully, be a Committee to manage the said Conference.

And the Managers went to the Conference, and being returned, the Chairman reported

Report.

ported that the Committee had held the said Conference, and that he had communicated his instructions to the Committee of the House of Assembly.

Com. on Colchester
Representation
Bill rep.

Mr. McDougall, the Chairman of the Committee to whom a Bill, entitled, An Act to alter the Representation in the County of Colchester, was referred, reported that the Committee had examined the said Bill, and that the majority were of opinion that the said Bill was not a Local Bill within the meaning of the Standing Order of this House, No. 60.

Bill read 2d time,
And ord. to Com.

The said Bill was read a second time.
Ordered, That the said Bill be committed to a Committee of the whole House at a future day.

Am. to Evidence Bill
considered.

The House proceeded to the consideration of the amendment proposed by the House of Assembly to a Bill, entitled, An Act for improving the Law of Evidence.

The same was read by the Clerk, as follows :

“ Second Clause, leave out this Clause”—which Clause is as follows—“ *And be it enacted*, That it shall and may be lawful for either party, Plaintiff or Defendant, on the trial of any issue joined, or of any matter or question, or on any Inquiry arising in any suit, action, or proceeding, Civil or Criminal, in any Court, or before any Judge, Jury, Sheriff, Coroner, Magistrate, Officer, or Person having authority by Law or consent of parties to tender and submit, and the same shall be received and read in evidence on such Trial or Inquiry, any plan or plans, or copy or copies of any plan or plans relative to the matter in issue, and the consideration, weight and effect to be given to the same, shall in all cases be a question of fact, and their operation be subject, as all other questions of fact are, to the opinion of the Judge or Judges, or other Officer or Person appointed to preside on such Trial or Inquiry, as aforesaid.”

And agreed to.

And the said amendment being read a second and third time, was agreed to by the House.

Com. on Fire En-
gines, Yarmouth
Bill rep.

Mr. Brown, the Chairman of the Committee to whom a Bill, entitled, An Act additional to the Act for providing Fire Engines for the Town of Yarmouth was referred, reported that the Committee had examined the said Bill, recommended it to the favorable consideration of the House.

Bill read 2d time,
And ord. to Com.

The said Bill was read a second time.
Ordered, That the said Bill be committed to a Committee of the whole House at a future day.

Committee on
Collectn. of Rev.,
Licenses,

Do. Halifax, Bills,

Report.

Bills read 2d time,
And ord to Com.

Mr. McNab, the Chairman of the Committee to whom
A Bill, entitled, An Act further to provide for the Collection of the Revenue ; also,
A Bill, entitled, An Act to continue the Acts for granting Duties on Licenses for the Sale of Spirituous Liquors ; also,

A Bill, entitled, An Act to continue the Acts for granting Duties on Licenses for the Sale of Spirituous Liquors, and Sales by Auction in Halifax—

Were referred, reported that the Committee had examined the said Bills, and recommended them to the favorable consideration of the House.

The said Bills were read a second time.

Ordered, That the said Bills be committed to a Committee of the whole House at a future day.

Com. on Trade, B.
N. A. Possessions'
Bill rep., maj. fav.

Bill read 2d time,

Mr. McNab, the Chairman of the Committee to whom a Bill, entitled, An Act to continue the Act in relation to the Trade between the British North American Possessions, was referred, reported that the Committee had examined the said Bill, and that the majority recommended it to the favorable consideration of the House.

The said Bill was read a second time.

Ordered,

<i>Ordered</i> , That the said Bill be committed to a Committee of the whole House at a future day.	And ord. to Com.
A Bill, entitled, An Act for the division of Districts for the support of the Poor, was read a third time, and the question was put by the President, Whether this Bill shall pass? It was resolved in the affirmative.	Poor Districts' Bill, Read 3d time,
A Message was sent to the House of Assembly by the Clerk, To return the said Bill, and acquaint them that this House has agreed to the same, without any amendment.	Agreed to, And sent to H. A.
The Resolution changing the appropriation of the sum of £109 8 0 for Roads in the County of Inverness, was read a second time, and the question was put by the President, Whether this Resolution be agreed to? It was resolved in the affirmative.	£109 8s. 0d., change of Appropn. Inver- ness, read 2d time, Agreed to,
A Message was sent to the House of Assembly by the Clerk, To return the said Resolution, and acquaint them that this House have agreed to the same, without any amendment.	And sent to H. A.
On motion, the House was adjourned, during pleasure, and put into a Committee on Bills.—After some time the House was resumed, and Mr. Rudolf reported that the Committee had made some progress. The Chairman also reported that the Committee had gone through A Bill, entitled, An Act to regulate the Inspection of Pickled Fish; also, A Bill, entitled, An Act for granting Duties of Impost for the support of Her Majesty's Government within this Province— And had agreed to the same, without any amendment.	Com on Bills. Report, Pickled Fish, And Duties of Im- post Bills, Without am.
<i>Ordered</i> , That the said Bills be read a third time at a future day.	
On motion made and seconded—the House adjourned until To-morrow, at Two o'clock.	Adjourn.

Wednesday, 21st March, 1849.

The House met pursuant to adjournment.

P R E S E N T—

The Honorable MICHAEL TOBIN, President.

The Honorable WILLIAM RUDOLF,
ROBERT M. CUTLER,
JOHN MORTON,
HUGH BELL,
STAYLEY BROWN,
ALEXANDER McDougall,
MATHER B. ALMON,
EDWARD KENNY,
JAMES D. HARRIS,

The Honorable ALEXANDER KEITH,
WILLIAM A. BLACK,
DAVID CRICHTON,
JOHN E. FAIRBANKS,
JAMES McNAB,
WILLIAM STAIRS,
JONATHAN McCULLY,
WILLIAM GRIGOR.

PRAYERS.

The Minutes of yesterday were read.

A Bill, entitled, An Act to regulate the Inspection of Pickled Fish, was read a third time, and the question was put by the President,

Pickled Fish Bill,
read 3d time.

	Whether this Bill shall pass ?
Agreed to,	It was resolved in the affirmative.
	A Message was sent to the House of Assembly by the Clerk,
And sent to H. A.	To return the said Bill, and acquaint them that this House has agreed to the same, without any amendment.
	A Message was sent to the House of Assembly by the Clerk,
Message to H. A. with Evidence Bill.	To carry down a Bill, entitled, An Act for improving the Law of Evidence, and acquaint them that this House has agreed to their amendment to the said Bill.
	A Bill, entitled, An Act to Naturalize Calvin P. Soule ; also,
C. P. Soule,	A Bill, entitled, An Act to authorize assessments for the support of Ferries—
And Ferries Bills,	Were read a second time.
Read 2d time,	<i>Ordered</i> , That the said Bills be committed to a Committee of the whole House at a future day.
And ord. to Com.	
	On motion, the House was adjourned, during pleasure, and put into a Committee on Bills.—After some time the House was resumed, and Mr. Rudolf reported that the Committee had made some progress.
Com on Bills.	
	The Chairman also reported, that the Committee had gone through
Report,	A Bill, entitled, An Act to continue the Acts for granting Duties on Licences for the sale of Spirituous Liquors ; also,
Licenses,	A Bill, entitled, An Act to continue the Acts for granting Duties on Licenses for the sale of Spirituous Liquors, and Sales by Auction in Halifax ; also,
Do. Halifax,	A Bill, entitled, An Act to continue the Act in relation to the Trade between the British North American Possessions ; also,
Trade, B. N. A. Possessions,	A Bill, entitled, An Act further to provide for the Collection of the Revenue ; also,
Collection of Rev. & Fire Engine Yarmouth, Bills,	A Bill, entitled, An Act additional to the Act for providing Fire Engines for the Town of Yarmouth.
Without am.	And had agreed to the same without any amendment.
	<i>Ordered</i> , That the said Bills be read a third time at a future day.
	The Chairman also reported that the Committee had had gone through a Bill, entitled, An Act to continue the Acts for the Summary Trial of Actions before Justices of the Peace, and had made several amendments thereto.
Rep. Sum. Trials J. P. Bill without am.	
Am. read,	The said amendments were read by the Clerk as follows :

IN THE TITLE.

1st line.—After the word “ continue ” insert the words “ and further to amend.”

IN THE CLAUSE.

12th line.—After the word “ mentioned ” insert, “ and by this Act.”

22d line.—Before the word “ excepted ” insert the words “ and hereinafter.”

At the end of the Bill insert the following Preamble and Clauses—

And whereas at present parties, Plaintiff and Defendant, are entitled to an appeal under the Act hereby amended, if applied for at any time within ten days after Judgment given, and no suitable provision is made for cases where, after a Judgment upon a Summons or Capias the successful party issues an Execution against and arrests an unsuccessful party who may have applied for an appeal within the time limited under the Acts hereby amended.

Be it therefore enacted, That in all causes where an unsuccessful party shall apply for an appeal before any Execution shall issue, and shall have filed the usual affidavit required to perfect such appeal, that then, in every such case no Execution shall issue until after the period of ten days from the time of giving Judgment in such cause.

And

And be it enacted, That if any party, Plaintiff or Defendant, shall be arrested under any Execution issued or to be issued in any Cause, and such party shall apply for an appeal, and shall perfect the same within ten days from the time Judgment may have been given in such cause, it shall and may be lawful for the Jailor, Constable, or other person or persons in whose custody such Prisoner shall under such execution lawfully be, upon a certificate under the hand of the Justice, or either of the Justices before whom such Cause shall have been tried, being delivered to him or them certifying that such appeal had been so perfected, to discharge the prisoner from such custody: *Provided always,* that if the Court of Appeal shall confirm such Judgment, that then the person and property of such party shall be liable in the same way as if he had never been so arrested and discharged.

And be it enacted, That if either party, Plaintiff or Defendant, entitled to an Execution in any Cause tried under the said Act hereby amended, shall cause a first execution to be issued within one year after final Judgment signed, and the said Execution shall have been duly returned by the proper officer to whom the same was directed not satisfied or to that effect, then the party so entitled to Execution shall and may at any time within four years, sue out an alias or pluries Execution in the said Cause, any law, usage, or custom to the contrary notwithstanding.

And the said amendments being read a second time were agreed to by the House.

And agreed to.

Ordered, That the said Bill be read a third time at a future day.

The Chairman also reported that the Committee had gone through a Bill, entitled, An Act to alter the Representation in the County of Colchester, and had made an amendment thereto.

Report Colchester Rep. Bill with am.

Whereupon Mr. Almon moved that the said Report be not received: which being seconded, and the question being put, and the House dividing thereon, there appeared for the motion, eight; against the motion, ten.

Motion not to receive rep. neg.

For the Motion.

Mr. Fairbanks,
Mr. Crichton,
Mr. Black,
Mr. Keith.
Mr. Harris,
Mr. Almon,
Mr. Morton.
Mr. Cutler,

Against the Motion.

Mr. Grigor,
Mr. McCully,
Mr. Stairs,
Mr. McNab,
Mr. Kenny,
Mr. McDougall,
Mr. Brown,
Mr. Bell,
Mr. Rudolf,
Mr. Tobin.

So it passed in the negative:

The said amendment was then read by the Clerk as follows:

At the end of the Bill insert the following clause—

Am. read,

And be it enacted, That nothing herein contained shall be of any force or effect until Her Majesty's assent shall be signified thereto.

And the said amendment being read a second time was agreed to by the House.

And agreed to.

Ordered, That the said Bill be read a third time at a future day.

A Message was brought from the House of Assembly by Mr. Joseph Whidden, with the following Bills:

1. A Bill, entitled, An Act to continue and amend the Acts for regulating the Militia.

Militia,

2. A Bill, entitled, An Act to continue the Acts in amendment of the Act relating to Highways, Roads and Bridges.

Highways,

3. A Bill, entitled, An Act relative to the Rendering by Bail of their Principal.

Bail,

- Court House Shelburne,
Funds, Pictou,
And Chebucto Mar.
Insurance Compy
Bills,
Read 1st time.
4. A Bill, entitled, An Act to authorize the sale of the Court House and Jail Grounds at Shelburne, and the purchase of a new Site therefor.
5. A Bill, entitled, An Act to raise funds in the County of Pictou.
6. A Bill, entitled, An Act to Incorporate the Chebucto Marine Insurance Company.
To which Bills they desired the concurrence of this House.
The said Bills were read a first time.
Ordered, That the two first Bills be read a second time at a future day.
- Bail Bill, ref. to Sel.
Com.
Committee.
- Ordered*, That the third Bill be referred to a Select Committee, to examine and report upon.
Ordered, That Mr. McDougall, Mr. McCully, and Mr. Grigor, be a Committee for that purpose.
- Court House Shelburne Bill, ref. to
Sel. Com.
Committee.
- Ordered*, That the fourth Bill be referred to a Select Committee, to examine and report upon.
Ordered, That Mr. Rudolf, Mr. Brown, and Mr. Morton, be a Committee for that purpose.
- Funds Pictou Bill,
ref. to Sel. Com.
Committee.
- Ordered*, That the fifth Bill be referred to a Select Committee, to examine and report upon.
Ordered, That Mr. Crichton, Mr. McCully, and Mr. Almon, be a Committee for that purpose.
- Chebucto Mar. Ins.
ref. to Sel. Com.
Committee.
- Ordered*, That the sixth Bill be referred to a Select Committee, to examine and report upon.
Ordered, That Mr. Brown, Mr. McDougall, and Mr. McCully, be a Committee for that purpose.
- Com. on Fees Clerks
of Peace rep.
- Mr. McCully, the Chairman of the Committee to whom a Bill, entitled, An Act to abolish Fees of Clerks of the Peace was referred, reported that the Committee had examined the said Bill, and recommended it to the favorable consideration of the House.
The said Bill was read a second time.
Ordered, That the said Bill be committed to a Committee of the whole House at a future day.
- Bill read 2d time,
And ord. to Com.
- Committee on Everetts
Landing Bill
rep.
- Mr. Brown, the Chairman of the Committee to whom a Bill, entitled, An Act to regulate the Pier or Wharf at Everett's Landing, in the Township of Weymouth, was referred, reported that the Committee had examined the said Bill, and recommended it to the favorable consideration of the House.
The said Bill was read a second time.
Ordered, That the said Bill be committed to a Committee of the whole House at a future day.
- Bill read 3d time,
And ord. to Com.
- Duties of Impost
Bill, read 3d time.
- A Bill, entitled, An Act for granting Duties of Impost for the support of Her Majesty's Government within this Province, was read a third time, and the question was put by the President,
Whether this Bill shall pass?
It was resolved in the affirmative.
- Agreed to,
And sent to H. A.
- A Message was sent to the House of Assembly by the Clerk,
To return the said Bill, and acquaint them that this House has agreed to the same, without any amendment.
- Adjourn.
- On motion made and seconded—the House adjourned until Friday, at Twelve o'clock.

Friday, 23rd March, 1849.

The House met pursuant to adjournment.

P R E S E N T—

The Honorable MICHAEL TOBIN, President.

The Right Reverend and Honorable the LORD BISHOP.

The Honorable WILLIAM RUDOLF,
ROBERT M. CUTLER,
JOHN MORTON,
HUGH BELL,
STAYLEY BROWN,
ALEXANDER MCDUGALL,
MATHER B. ALMON,
EDWARD KENNY,
JAMES D. HARRIS,

The Honorable ALEXANDER KEITH,
WILLIAM A. BLACK,
DAVID CRICHTON,
JOHN E. FAIRBANKS,
JAMES McNAB,
WILLIAM STAIRS,
JONATHAN McCULLY,
WILLIAM GRIGOR.

PRAYERS.

The Minutes of Wednesday were read.

A Bill, entitled, An Act to continue the Acts for granting Duties on Licenses for the Sale of Spirituous Liquors ; also, Licenses,

A Bill, entitled, An Act to continue the Acts for granting Duties on Licenses for the Sales of Spirituous Liquors, and Sales by Auction in Halifax ; also, Do. Halifax,

A Bill, entitled, An Act to continue the Act in relation to the Trade between the British North American Possessions ; also, Trade B. N. A. Pos.,

A Bill, entitled, An Act further to provide for the Collection of the Revenue ; also, Collection of Revenue, and

A Bill, entitled, An Act additional to the Act for providing Fire Engines for the Town of Yarmouth, Fire Engines, Yarmouth Bills,

Were read a third time, and the question was put by the President on each Bill, Whether this Bill shall pass ? Read 3d time,

It was resolved in the affirmative. Agreed to,

A Message was sent to the House of Assembly by the Clerk.

To return the said Bills, and acquaint them that this House has agreed to the same without any amendment. And sent to H. A.

A Bill, entitled, An Act to continue the Acts for the Summary Trial of Actions before Justices of the Peace ; also, Summary Trials before J. P., and

A Bill, entitled, An Act to alter the Representation in the County of Colchester, Colchester Representation Bills, read 3d time,

Were read a third time, and the question was put by the President on each Bill, Whether this Bill, with the amendments, shall pass ?

It was resolved in the affirmative. Agreed to,

A Message was sent to the House of Assembly by the Clerk,

To return the said Bills, and acquaint them that this House has agreed to the said Bills, with amendments, to which amendments their concurrence is desired. And sent to H. A.

A Bill, entitled, An Act to continue and amend the Acts for Regulating the Militia ; also, Militia, and

A Bill, entitled, An Act to continue the Acts in amendment of the Act relating to Highways, Roads, and Bridges, Highways Bills,

Were read a third time. Read 2d time,

- And ord. to Com. *Ordered*, That the said Bills be committed to a Committee of the whole House at a future day.
- Com. on Chebucto
Mar. Ins. Bill rep. Mr. Brown, the Chairman of the Committee to whom a Bill, entitled, An Act to incorporate "The Chebucto Marine Insurance Company" was referred, reported that the Committee had examined the said Bill, and recommended it to the favorable consideration of the House.
- Bill read 2d time,
And ord. to Com. The said Bill was read a second time.
Ordered, That the said Bill be committed to a Committee of the whole House at a future day.
- Com. on Colonial
Rev. Bill report. Mr. McNab, the Chairman of the Committee to whom a Bill, entitled, An Act to continue and amend certain Acts relating to the Colonial Revenue was referred, reported that the Committee had examined the said Bill, and with some amendments to the third clause, recommended it to the favorable consideration of the House.
- Bill read 2d time,
And ord. to Com. The said Bill was read a second time.
Ordered, That the said Bill be committed to a Committee of the whole House at a future time.
- S. O. suspended. *Resolved unanimously*, That the Standing Order of this House, Number 72, relative to Bills not being read or proceeded with twice in the same day, be suspended as respects the said Bill.
- Com. on Court
House Shelburne
Bill report. Mr. Rudolf, the Chairman of the Committee to whom a Bill, entitled, An Act to authorize the Sale of the Court House and Jail Grounds at Shelburne, and the purchase of a new Site therefore, was referred, reported that the Committee had examined the said Bill and recommended it to the favorable consideration of the House.
- Bill read 2d time,
And ord. to Com. The said Bill was read a second time.
Ordered, That the said Bill be committed to a Committee of the whole House at a future day.
- Com. on Hx. Steam
Boat Co. Bill rep. Mr. McCully, the Chairman of the Committee to whom a Bill, entitled, An Act concerning the Halifax Steam Boat Company, was referred, reported that the Committee had examined the said Bill, and recommended it to the favorable consideration of the House.
- Bill read 2d time,
And ord. to Com. The said Bill was read a second time.
Ordered, That the said Bill be committed to a Committee of the whole House at a future day.
- Com. on Bills. On motion, the House was adjourned during pleasure and put into a Committee on Bills.—After some time the House was resumed, and Mr. Rudolf reported that the Committee had made some progress.
- Rep. Diocesan Ch.
So. Bill to be def.
3 months. The Chairman also reported, that the Committee had had under consideration a Bill, entitled, An Act to Incorporate the Diocesan Church Society of Nova Scotia, and recommended that the further consideration of the said Bill be deferred till the next Session, and should be printed in the Royal Gazette.
- Bill def. and to be
published. *Ordered*, That the said Report be received, and that the further consideration of the said Bill be deferred till the next Session, and that the same be published in the Royal Gazette for the information of all persons interested therein.
- Report—
C. P. Soule,
Ferries, and
Fees Clerks of Peace
Bills,
Without am. The Chairman also reported that the Committee had gone through
A Bill, entitled, An Act to Naturalize Calvin P. Soule; also,
A Bill, entitled, An Act to authorize Assessments for the support of Ferries; also,
A Bill, entitled, An Act to abolish Fees of the Clerks of the Peace—
And had agreed to the same without any amendment.
Ordered, That the said Bills be read a third time at a future day.

The Chairman also reported, that the Committee had gone through a Bill, entitled, An Act to regulate the Pier or Wharf at Everitt's Landing, in the Township of Weymouth, and had made an amendment thereto.

The said amendment was read by the Clerk, as follows :

THIRD CLAUSE.

12th and 13th lines—leave out the words “and for the use of Her Majesty, Her Heirs and Successors,” and insert instead the words “be paid to the Treasurer of the County of Digby, for County purposes.”

And the said amendment being read a second time was agreed to by the House.

Ordered, That the said Bill be read a third time at a future day.

The Chairman also reported, that the Committee had gone through a Bill, entitled, An Act to continue and amend certain Acts relating to the Colonial Revenue, and had made several amendments thereto.

The said amendments were read by the Clerk as follows :

THIRD CLAUSE.

3d, 8th, and 17th lines—after the word “Rum” insert the words “Brandy, Gin, or Alcohol.”

12th line—after the word “thereto” insert the words “or unless such Rum, Brandy, Gin, or Alcohol, shall have been transferred to such smaller Cask or Package after its importation into this Province.” After the word “of” insert the word “all.”

At the end of the Clause add the following Proviso :

“Provided always, That nothing in this Clause or Section contained, shall apply, or be construed to apply, to Rum, Brandy, Gin, or Alcohol, imported into this Province from Europe, the West Indies, or any of the British Possessions in North America.”

And the said amendments being read a second time, were agreed to by the House.

Ordered, That the said Bill be read a third time at a future day.

The Chairman also reported that the Committee had gone through a Bill, entitled, An Act further to amend the Act for the appointment of Commissioners of Sewers, and had made several amendments thereto.

The said amendments were read by the Clerk as follows :

FIRST CLAUSE.

4th and 19th lines—leave out the word “diked.”

99th line—before the word “Commissioners” insert the words “Freeholders or.”

SECOND CLAUSE.

11th line—after the word “shall” leave out all the words to the word “shall” in the 33d line, and insert instead the following words: “Summon the Owners or Occupiers of such Lands, or the known Agents of such Owners, or such of them as shall reside within ten miles of the work, to meet on a certain day, being at least three days exclusive of Sunday, after such Summons, at which meeting a majority in interest of such Owners or Possessors present shall have power to elect not less than three nor more than five Assessors, not being interested in said appraisement, and also a fit and proper person, not interested in said appraisement, as Assessors' Assistant, whose duty it shall be to shew the Assessors the boundaries of the several Lots belonging to the different Proprietors, and who, having been respectively sworn to the faithful discharge of their duties, in the same way and manner as the Clerk, such Assessors, or the majority of them, with such Commissioner or Commissioners, shall assess and tax all such Owners and Possessors as aforesaid, including a sum not exceeding Seven Shillings and Six Pence per day for each Assessor and the Assistant, whilst actually employed in making such assessment: *Provided always,* that in case the said Owners or Proprietors should neglect or refuse to meet at the time and place appointed, or to nominate

Report Everett's
Landing Bill with
amdt.

Amdt. read,

And agreed to.

Rep. Col. Rev. with
amdt.

Am. read,

And agreed to.

Rep. Sewers Bill,
with amdt.

Amdt. read,

nate or appoint the said Assessors and Assessors' Assistant, or in case the said Assessors, or the majority of them, should neglect or refuse to fulfil or perform the duties imposed upon them, then, in such case, the said Commissioner or Commissioners."

37th line—after the word "situate" insert the words "in no way interested in such matter."

THIRD CLAUSE.

3d line—leave out the word "diked."

And agreed to.

And the said amendments being read a second time, were agreed to by the House.
Ordered, That the said Bill be read a third time at a future day.

A Message was brought from the House of Assembly by Mr. Joseph Whidden, with the following Bills and Resolutions :

Rates of Postage.

1. A Bill, entitled, An Act to continue the Act to enable the Governor in Council to make Orders and Regulations towards establishing an uniform rate of Postage throughout British America.

Survey of Timber.

2. A Bill, entitled, An Act to continue and amend the Law regulating the Survey of Timber, Lumber, and Shingles.

Meeting House
Bridgewater, and
Incorporation of Ha-
lifax Bills.

3. A Bill, entitled, An Act concerning a Baptist Meeting House at Bridgewater.

4. A Bill, entitled, An Act to consolidate the Acts respecting the Incorporation of the City of Halifax.

£7 10 0 and £5 0 0
change of appro-
priation King's
Co

Resolved, That the sum of Seven Pounds and Ten Shillings, appropriated in the King's County Road Scale for 1848 to repair the Road from Little Island to Boat Island, and to secure Embankment, and undrawn; and the further sum of Five Pounds appropriated in the said Scale to repair the Road from John Reid's corner towards Nicholas Fielding's, and undrawn, be appropriated to repair the Road from John Payzant's, by Stephen Benjamin's, and to repair a Bridge near said Payzant's.

£7 10 do. King's Co.

Resolved, That the sum of Seven Pounds and Ten Shillings, granted in 1846 to open a new Road through the Whidden Farm, and which has not been drawn from the Treasury, be expended and laid out on the new Road leading from Obadiah Newcomb's to Cornwallis Bridge.

£15 do. Pictou.

Resolved, That the sum of Fifteen Pounds, granted in 1847 to build a Bridge at the Big Gut, Carriboo, and remaining undrawn, be appropriated in opening the new Road laid out from the entrance of Carriboo River to Pictou, through Paul M'Kenzie's.

£5 do. Pictou.

Resolved, That the sum of Five Pounds, granted in 1847 to repair the Road at Roger's Hill, in the County of Pictou, and undrawn, be appropriated in repairing the Road from M'Intosh's, near the Town Gut, towards the River John Road.

To which Bills and Resolutions they desired the concurrence of this House.

Read 1st time.

The same were read a first time.

Ordered, That the first Bill and the four changes of appropriation be read a second time at a future day.

Survey of Timber
Bill ref. to Select
Committee.

Ordered, That the second Bill be referred to a Select Committee to examine and report upon.

Committee.

Ordered, That Mr. Stairs, Mr. Fairbanks, and Mr. Morton, be a Committee for that purpose.

Bridgewater Meet-
ing House Bill ref.
to Select Com.
Committee.

Ordered, That the third Bill be referred to a Select Committee to examine and report upon.

Ordered, That Mr. Almon, Mr. Rudolf, and Mr. M'Cully, be a Committee for that purpose.

Hx. Incorporation
Bill ref. to Sel.
Com.

Ordered, That the fourth Bill be referred to a Select Committee to examine and report upon.

Committee.

Ordered, That Mr. Bell, Mr. Keith, Mr. Stairs, Mr. Almon, and Mr. Kenny, be a Committee for that purpose.

The

The Messenger also informed the House that the House of Assembly agreed to a Bill, entitled, an Act for Improving the Law of Evidence, as amended.

The Messenger also informed the House that the House of Assembly agreed to the first amendment proposed by this House to a Bill, entitled, An Act further to Improve the Administration of the Law, and that they agreed to the second amendment proposed to the said Bill, with an amendment, to which amendment they desired the concurrence of this House.

A Message was brought from the House of Assembly by Mr. Joseph Whidden, with the following Resolutions:

Resolved, That such sum be granted and placed at the disposal of the Governor, as will suffice to establish a Mail Route from Parrsborough through Advocate Harbor Settlement to Apple River, provided the expense do not exceed Thirty-five Pounds, including the present allowance.

H. A. agree to Evidence Bill as am.

H. A. agree to 1st am. to Adm. of Law Bill, and to 2d am. with am.

£35 Mail Route Parrsborough to Apple River.

Resolved, That the sum of Two Pounds and Ten Shillings, annually, during the continuance of his contract, be granted and paid to W. J. Waterman, for extra services in carrying the Mail to Pleasant River, in Queen's County.

£2 10 annually to W. J. Waterman.

Resolved, That the sum of Five Pounds be granted and paid to Charles Pernette, as additional remuneration for carrying the Mails twice instead of once a week over La Have River.

£5 C. Pernette.

Resolved, That such sum be granted and placed at the disposal of the Governor, in lieu of the grant of last year, as will suffice to establish a Weekly Mail on the Old Post Line of Road between Chester and Windsor, provided the same do not exceed Thirty-five Pounds.

£35 Mail Windsor to Chester.

Resolved, That such sum be granted and placed at the disposal of the Governor as will suffice to establish a Weekly Mail between Sherbrooke and Indian Harbor, in the County of Guysborough: Provided the same do not exceed Ten Pounds.

£10 Mail Sherbrooke to Indian Harbor.

Resolved, That the sum of Seven Pounds and Ten Shillings be granted and paid to David Cummins, in full, for additional services in carrying the Mails for the last three years between Londonderry, Kerr's Mountain, Portapique and Five Islands.

£7 10 D. Cummins.

Resolved, That such sum be granted and placed at the disposal of the Governor as will suffice to establish a Weekly Mail between Parrsborough and Five Islands, by the way of Two Islands: Provided the expense do not exceed Twenty Pounds.

£20 Mail Parrsboro and Five Islands.

Resolved, That such sum be granted and placed at the disposal of the Governor for opening a Mail Route from Windsor to Maitland, through the Gore, Noel, and to return by Kennetcook: Provided the expense do not exceed Ten Pounds additional.

£10 Mail Windsor to Maitland.

Resolved, That the sum of Five Pounds and Five Shillings, annually, during the continuance of his Contract, be granted and paid to Stephen Dimock, for Extra work in carrying Mails from James Cochran's and back, by order of the Post Office Department; such payment to commence and be computed from the fifth July last.

£5 5. annually S. Dimock.

Resolved, That such sum be granted and placed at the disposal of the Governor as will suffice to establish a Weekly Mail from New Glasgow to the Upper Settlement of East River, Pictou, thence to West River, St. Mary's, thence to the Forks Settlement, thence to East River, St. Mary's, and thence to the Garden of Eden, Blue Mountains, and New Glasgow: Provided the expense does not exceed Forty Pounds, including the present allowance.

£40 Mail New Glasgow, &c.

Resolved, That the sum of Twelve Pounds and Ten Shillings be granted and placed at the disposal of the Governor to aid in making the Breakwater and Slip on the south side of Little St. Peter's Harbour, to be drawn and applied for that purpose, when it shall appear to the satisfaction of the Governor in Council that the sum of Thirty-seven Pounds and Ten Shillings has been subscribed and expended thereon, and that the Site has been conveyed for the use of the Public.

£12 10 Breakwater Little St. Peters.

£22 Breakwater Indian Harbor.

Resolved, That the sum of Twenty-two Pounds be granted and placed at the disposal of the Governor to aid in completing the Breakwater at Indian Harbour, in the County of Guysborough, to be drawn and applied for that purpose, when it shall appear to the satisfaction of the Governor in Council that the sum of Twenty-six Pounds and Ten Shillings has been subscribed and expended thereon, in addition to the sum of Thirty-nine Pounds and Ten Shillings already expended, and that the Site has been conveyed for the use of the Public.

£33 Breakwater Fox Island.

Resolved, That the sum of Thirty-three Pounds be granted and placed at the disposal of the Governor, to aid in the erection of a Breakwater at Fox Island, in the County of Guysborough, to be drawn and applied for that purpose, when it shall appear to the satisfaction of the Governor in Council that the sum of One Hundred Pounds has been subscribed and expended thereon, and that the Site has been conveyed for the use of the Public.

£26 Breakwater Kelly's Cove.

Resolved, That the sum of Twenty-six Pounds be granted and placed at the disposal of the Governor, to aid in the erecting of a Breakwater at Kelly's Cove, in the County of Yarmouth, to be drawn and applied for that purpose, when it shall appear to the satisfaction of the Governor in Council that the sum of Seventy-eight Pounds has been subscribed and expended thereon, and that the Site has been conveyed for the use of the Public.

£14 Breakwater Meteghan River.

Resolved, That the sum of Fourteen Pounds be granted and placed at the disposal of the Governor to aid in the erection of a Breakwater at Metegan River, in the Township of Clare, to be drawn and applied for that purpose, when it shall appear to the satisfaction of the Governor in Council that the sum of Forty Pounds and Ten Shillings has been subscribed and expended thereon, and that the Site has been conveyed for the use of the Public.

£100 do. Ingonish.

Resolved, That the sum of One Hundred Pounds be granted and placed at the disposal of the Governor to aid in the erection of a Breakwater at Ingonishe, Cape Breton, to be drawn and applied for that purpose, when it shall appear to the satisfaction of the Governor in Council that the sum of Three Hundred Pounds has been subscribed and expended thereon, and that the Site has been conveyed for the use of the Public.

£8 Canal Molasses Harbor.

Resolved, That the sum of Eight Pounds be granted and placed at the disposal of the Governor, to aid in opening a Canal from Molasses Harbor to Whitehaven, in the County of Guysborough, to be drawn and applied for that purpose, when it shall appear to the satisfaction of the Governor in Council, that the sum of Twenty Pounds has been subscribed and expended on such undertaking.

£31 Breakwater Barnaby's Mill Cove.

Resolved, That the sum of Thirty-one Pounds be granted and placed at the disposal of the Governor, to aid in the erection of a Breakwater at Barnaby's Mill Cove, Cornwallis, to be drawn and applied for that purpose, when it shall appear to the satisfaction of the Governor in Council that the sum of Ninety-three Pounds has been subscribed and expended thereon, and that the Site has been conveyed for the use of the Public.

£12 10 Arisaig Pier.

Resolved, That the sum of Twelve Pounds and Ten Shillings be granted and placed at the disposal of the Governor, to aid in repairing Arisaig Pier, to be drawn and applied for that purpose, when it shall appear to the satisfaction of the Governor in Council that the sum of Thirty-six Pounds has been subscribed and expended thereon.

£5 Each Ferrymen Gut of Canso.

Resolved, That the sum of Five Pounds each, be granted and paid to the two Ferrymen between M'Millan's Point in Cape Breton, and Auld's Cove in the County of Sydney, in addition to the Grant therefor for the present year, to aid them in respect of their loss of Boats.

£33 Givan Breakwater.

Resolved, That the sum of Thirty-three Pounds be granted and placed at the disposal of the Governor to aid in repairing the Givan Breakwater in Cornwallis, to be drawn and applied for that purpose, when it shall appear to the satisfaction of the Governor

Governor in Council that the sum of One Hundred Pounds has been subscribed and expended thereon.

Resolved, That the sum of Thirty-three Pounds be granted and placed at the disposal of the Governor, to aid in repairing the Breakwater at Hall's Harbor, Cornwallis, to be drawn and applied for that purpose, when it shall appear to the satisfaction of the Governor in Council that the sum of One Hundred Pounds has been subscribed and expended thereon. £33 Hall's Harbor do.

Resolved, That the sum of Twenty-five Pounds be granted to H. G. Farrish, as compensation for his services as Warehouse Keeper at Yarmouth—such amount to be credited in the balance due by him as Excise Officer. £25 H. G. Farrish.

Resolved, That the sum of Fifty Pounds be granted and paid to James Dawson, Lloyds' Agent at Pictou, in full, for services in securing Wrecked Property from the Brig Joseph. £50 J. Dawson.

Resolved, That the sum of Three Pounds Seven Shillings and Sixpence be granted and paid to Stephen S. Thorne & Son, being amount of Light Duties paid on a Vessel wrecked on her first voyage. £3 7 6 Thorne & Son.

Resolved, That the sum of Fifty Pounds be granted and paid to Robert Stone, for his services as Revenue Officer at Wilmot for the past year. £50 R. Stone.

Resolved, That the sum of Nine Pounds Seven Shillings and Sixpence be granted to John Crews, for his extra services as Excise Officer at Barrington in 1847—such sum to be credited on the balance due by him. £9 7 6 J. Crews.

Resolved, That the sum of Twenty-six Pounds and Eleven Shillings be granted and endorsed in the Bond of John F. Muncey, (Daniel Starr and Robert D. Dewolfe, Sureties) being amount of Drawbacks to which said Muncey is entitled. £26 11 Drawback on J. F. Muncey's Bond.

Resolved, That the sum of Twelve Pounds Sixteen Shillings and Ninepence be granted to Hiram Blanchard, Collector of Excise at Port Hood, in full, for extra services in securing Duties from the Barque Alexina, wrecked at Canso—such sum to be credited against the same balance over-charged by him for Guaging. £12 16 9 H. Blanchard.

Resolved, That the sum of Thirty-eight Pounds Nine Shillings and Sixpence be granted and placed at the disposal of the Governor, to pay the following amounts for attendance upon and Medicines furnished to Indians during the past year, and for other services, pursuant to the Report of the Committee on Indian Affairs. £38 9 6 Indian Expenses.

To Dr. S. Willobycki, Liverpool,	£5	12	6
Dr. Benjamin G. Page, Amherst,	2	0	0
Dr. William Culpepper, Lunenburg,	1	7	0
Dr. Hamilton, Cornwallis,	2	5	0
Dr. James Forbes, Liverpool,	7	0	0
Dr. Charles Bent, Pugwash,	7	10	0
John Spry Morris, Esqr. for Plans and Survey of Indian Reserves,	12	15	0

£38 9 6

Resolved, That the sum of Three Hundred and Fifty-four Pounds Seventeen Shillings and Elevenpence be granted and paid to defray the several amounts following, pursuant to the Report of the Committee on the subject of Expenses incurred for the support of Transient Paupers, that is to say :—

To Dr. Benjamin Page,	£6	0	0
Dr. Farrish,	14	5	0
Overseers of Poor, First Section, Pictou,	63	4	7
“ “ Clements,	16	8	4
Elijah Tuttle, Overseer of Poor, Pugwash,	14	10	0
The Overseers of the Poor, Sydney,	1	0	0
Dr. Bent, Pugwash,	5	7	6

To

£354 17 11 Transient Poor.

To Dr. Clarke, Pugwash,	£4	9	0
The Overseers of the Poor, Truro,	19	11	9
" " North Sydney,	22	5	2
Dr. Brown, Horton,	8	15	3
The Overseers of the Poor, Horton,	5	17	6
S. V. Gourley, Overseer of the Poor, Amherst,	36	0	6
Overseers of the Poor, Cornwallis,	10	10	0
" " Digby,	4	17	8
" " Wilmot,	12	4	6
William C. Pipes, Maccan,	7	10	0
The Overseers of the Poor, Yarmouth,	20	7	6
Hugh McLeod, Overseer of the Poor, fourth section of Pictou,	5	1	0
The Overseers of the Poor, Liverpool,	17	0	6
Granville,	17	11	3
D. McDonald,	8	10	0
Dr. Willobycki, Liverpool,	5	0	0
Hugh Munro, Overseer of the Poor, Sydney,	2	15	0
The Overseers of the Poor, Granville,	12	3	3
James Gordon, for Board of Alexander Ballentine,	4	10	0
Dr. Foreman, attendance on same,	6	3	9

£354 17 11

£15 10 Expenses of Stud Horse Norfolk. *Resolved*, That the sum of Fifteen Pounds and Ten Shillings be granted and paid to the Honorable the Attorney General, being balance of expences of Stud Horse Norfolk, up to the 14th April, 1849, as reported by the Committee.

£20 Jas. B. Sentill. *Resolved*, That the sum of Twenty Pounds be granted and paid to James B. Sentill, in full of further remuneration for taking account of Traffic and Passengers on the Windsor Road in 1847.

£3 each Chas. Blanchard & al. *Resolved*, That the sum of Three Pounds each be granted and paid to Charles Blanchard, John D. McNutt, E. F. Munro, and A. G. Archibald, in full for expences of their attendance before the Executive Council, on a charge against the Judge of Probates for Colchester, in 1846.

£116 10 A. W. Marsters. *Resolved*, That the sum of One Hundred and Sixteen Pounds and Ten Shillings, be granted and paid to A. W. Marsters, in full allowed him on account of money paid into the Treasury on a Crown Judgment from the proceeds of land over which he had a prior incumbrance by mortgage.

£75 G. B. Watson. *Resolved*, That the sum of Seventy Five Pounds be granted and paid to George B. Watson, for his services as Teacher of the Nautical and Grammar School at Arichat for one year ending in May, 1848, in lieu of the grant of One hundred pounds for such Nautical and Grammar School at present secured by law.

£150 Roads Sydney. *Resolved*, That the sum of One Hundred and Fifty Pounds be granted in addition to the sum already appropriated for the service of Roads and Bridges in the County of Sydney, in consequence of the damage done by Freshets in that County, during the last Summer.

£5,475 15 9 Government advances. *Resolved*, That the sum of Five Thousand Four Hundred and Seventy-five Pounds Fifteen Shillings and Ninepence be granted and placed at the disposal of the Governor, to defray the following amounts advanced from the Treasury, viz :

Expences of William M'Guire,	£238	7	11
" Windsor Railway Survey,	600	0	0
To Queen's Printers,	492	0	0
William Faulkner,	22	2	6
Casual Revenue,	400	0	0

To

To James FitzRandolph,	£10	0	0
William Townsend,	30	0	0
Halifax and Quebec Railway expenses,	3402	5	10
Richard Nugent,	8	0	0
G. W. Dawson,	50	0	0
Commissioners of the Poor for the expences of Waterloo Hospital	222	19	5
	<hr/>		
	£5475	15	9

To which Resolutions they desired the concurrence of this House.

The said Resolutions were read a first time.

Ordered, That the said Resolutions be read a second time at a future day.

Mr. Crichton, the Chairman of the Committee to whom a Bill, entitled, An Act to raise funds in the County of Pictou was referred, reported that the Committee had examined the said Bill, and recommended it to the favorable consideration of the House.

Com. on Funds Pic-
tou Bill Rep.,

The said Bill was read a second time.

Bill read 2d time,

Ordered, That the said Bill be committed to a Committee of the whole House at a future day.

And ordered to Com.

Mr. McDougall, the Chairman of the Committee to whom a Bill, entitled, An Act relative to the Rendering by Bail of their Principal, was referred, reported that the Committee had examined the said Bill, and recommended it to the favorable consideration of the House.

Com. on Bail Bill
Report,

The said Bill was read a second time.

Bill read 2d time,

Ordered, That the said Bill be committed to a Committee of the whole House at a future day.

And ordered to Com.

Mr. McNab, by the command of His Excellency the Lieutenant-Governor, laid before the House,

Message from H. E.,

A printed Report of the past and present state of Her Majesty's Colonial Possessions, and of the United States of the Ionian Islands; also

With Report on
Colonies,
And Papers on
Emigration.

Various Papers on Emigration to the British Provinces in North America.

The same were ordered to lie on the Table.

On motion made and seconded, the House adjourned until to-morrow at two o'clock.

Adjourn.

Saturday, 24th March, 1849.

The House met pursuant to adjournment.

P R E S E N T—

The Honorable MICHAEL TOBIN, President.

The Right Reverend and Honorable the LORD BISHOP.

The Honorable WILLIAM RUDOLF,
 ROBERT M. CUTLER,
 JOHN MORTON,
 HUGH BELL,
 STAYLEY BROWN,
 ALEXANDER McDUGALL,
 MATHER B. ALMON,
 EDWARD KENNY,
 JAMES D. HARRIS,

The Honorable ALEXANDER KEITH,
 WILLIAM A. BLACK,
 DAVID CRICHTON,
 JOHN E. FAIRBANKS,
 JAMES McNAB,
 WILLIAM STAIRS,
 JONATHAN McCULLY,
 WILLIAM GRIGOR.

PRAYERS.

The Minutes of Yesterday were read.

The following Resolutions for changing the Appropriation of Money, viz :

£ 7 10 0	}	In the County of King's County.
5 0 0		
7 10 0		
15 0 0	}	In the County of Pictou.
5 0 0		

Also, the following Resolutions for granting Money, viz :

£35 0 0	Mail Route, Parrsborough, to Apple River.
2 10 0	Annually to J. Waterman.
5 0 0	C. Pernette.
35 0 0	Mail, Windsor to Chester.
10 0 0	Mail, Sherbrooke to Indian Harbour.
7 10 0	D. Cummins.
20 0 0	Mail, Parrsborough and Five Islands.
10 0 0	Mail, Windsor to Maitland.
5 5 0	Annually to S. Dimock.
40 0 0	Mail, New Glasgow.
12 10 0	Breakwater, Little St. Peter's.
22 0 0	“ Indian Harbour.
33 0 0	“ Fox Island.
26 0 0	“ Kelly's Cove.
14 0 0	“ Meteghan River.
100 0 0	“ Ingonishe.
8 0 0	Canal, Molasses Harbour.
31 0 0	Breakwater, Barnaby's Mill Cove.
12 10 0	Arisaig Pier.
5 0 0	Each Ferrymen, Gut of Canso.
33 0 0	Givan Breakwater.
33 0 0	Hall's Harbour Breakwater.
25 0 0	H. G. Farrish.
3 7 6	Thorne & Son.
50 0 0	R. Stone.

£9 7 6

£ 9	7	6	J. Crews.
26	11	0	Drawback on J. F. Muncey's Bond.
12	16	9	H. Blanchard.
38	9	6	Indian Expenses.
354	17	11	Transient Poor.
15	10	0	Expenses of Stud Horse, "Norfolk,"
20	0	0	James B. Sentill.
3	0	0	Each, Charles Blanchard and three others.
116	10	0	A. W. Marsters.
75	0	0	G. B. Watson.
150	0	0	Roads, County of Sydney,

Were read a second time, and the question was put by the President on each Resolution, Read 2d time,

Whether this Resolution be agreed to?

It was resolved in the affirmative.

Agreed to,

A Message was sent to the House of Assembly by the Clerk,

And sent to H. A.

To return the said Resolutions, and acquaint them that this House has agreed to the same without any amendment.

A Bill, entitled, An Act to naturalize Calvin P. Soule ; also,

C. P. Soule,

A Bill, entitled, An Act to authorize Assessments for the support of Ferries ; also,

Ferries, &c.,

A Bill, entitled, An Act to abolish Fees of the Clerks of the Peace,

Fees Clerks of
Peace Bills,

Were read a third time, and the question was put by the President on each Bill,

Read 3d time,

Whether this Bill shall pass?

It was resolved in the affirmative.

Agreed to,

A Message was sent to the House of Assembly by the Clerk,

And sent to H. A.

To return the said Bills, and acquaint them that this House has agreed to the same without any amendment.

A Bill, entitled, An Act to regulate the Pier or Wharf at Everett's Landing, in the Township of Weymouth ; also, Everett's Pier,

A Bill, entitled, An Act to continue and amend certain Acts relating to the Colonial Revenue ; also, Colonial Revenue,

A Bill, entitled, An Act further to amend the Act for the appointment of Commissioners of Sewers, And Sewers Bills,
Read 3d time,

Were read a third time, and the question was put by the President on each Bill,

Whether this Bill, with the amendments, shall pass?

It was resolved in the affirmative.

Agreed, with amdt.,

A Message was sent to the House of Assembly by the Clerk,

And sent to H. A.

To return the said Bills, and acquaint them that this House has agreed to the same with amendments—to which amendments their concurrence is desired.

A Bill, entitled, An Act to continue the Act to enable the Governor in Council to make Orders and Regulations towards establishing an uniform Rate of Postage throughout British America, was read a second time. Postage Bill read 2d
time,

Ordered, That the said Bill be committed to a Committee of the whole House at a future day. And ordered to Com.

A Bill, entitled, An Act to enable the inhabitants of the County of King's County to rebuild their Court House and Jail, lately destroyed by Fire, was read as amended, Court House King's
County Bill,

Whether this Bill as amended, shall pass?

It was resolved in the affirmative.

Finally agreed to,

- And sent to H. A. A Message was sent to the House of Assembly by the Clerk,
To return the said Bill and acquaint them therewith.
- £350 Guysborough, The Resolution granting the sum of £350 additional for Bridges in the County of
£150 Richmond, Guysborough,
Read 2nd time, £150 additional for Bridges in the County of Richmond,
Was read a second time, and the question was put by the President,
Whether this Resolution be agreed to?
It was resolved in the affirmative.
- Agreed to, A Message was sent to the House of Assembly by the Clerk,
And sent to H. A. To return the said Resolution, and acquaint them that this House has agreed to the
same without any amendment.
- Message from H. E. Mr. Bell, by the command of His Excellency the Lieutenant-Governor, laid before
with final Rep. of the House a Book containing the Final Report of the Survey of the Railroad from
Railroad to Que- Halifax to Quebec, and an account of the Public Works in Canada, which was ordered
bec, and Public Works, Canada. to lie on the Table.
- Petition of C. E. The Lord Bishop presented the petition of C. E. Leonard and others, against the
Leonard, and repeal of the Endowment of King's College at Windsor, which was ordered to lie on
others. the Table.
- Com. on Halifax In- Mr. Bell, the Chairman of the Committee to whom a Bill, entitled, An Act to Con-
corporation Bill solidate the Acts respecting the Incorporation of the City of Halifax was referred,
Report, majority reported that the Committee had examined the said Bill, and that the majority recom-
favourable, mended it to the favourable consideration of the House.
- Bill read 2d time, The said Bill was read a second time.
And ordered to Com. Ordered, That the said Bill be committed to a Committee of the whole House at a
future day.
- Message from H. E., Mr. Bell, by the command of His Excellency the Lieutenant-Governor, laid before
with Blue Book. the House the Blue Book for the year 1847, which was ordered to lie on the Table.
- Com on Bills, On Motion the House was adjourned during pleasure, and put into a Committee on
Report Bills.—After some time the House was resumed, and Mr. Rudolf reported that the
Committee had gone through
- Militia, A Bill, entitled, An Act to continue and amend the Acts for regulating the Militia ;
also,
- Highways, A Bill, entitled, An Act to continue the Acts in amendment of the Act relating to
Highways, Roads and Bridges ; also,
- Funds Pictou, A Bill, entitled, An Act to raise Funds in the County of Pictou ; also,
Bail, A Bill, entitled, An Act relative to the rendering by Bail of their Principal ; also,
And Court House A Bill, entitled, An Act to authorize the sale of the Court House and Jail Grounds
Shelburne Bills, at Shelburne, and the purchase of a new site therefor.
- Without amdnt. And had agreed to the same without any amendment.
Ordered, That the said Bills be read a third time at a future day.
- Rep. Halifax Steam The Chairman also reported that the Committee had gone through a Bill, entitled,
Boat Bill with am., An Act concerning the Halifax Steam Boat Company, and had made an amendment
thereto.
- Amdt read, The said amendment was read by the Clerk, as follows :
15th line—After the word " Steamers," leave out the remainder of the Clause.
- And agreed to. And the said amendment being read a second time, was agreed to by the House.
Ordered, That the said Bill be read a third time at a future day.

A Message was brought from the House of Assembly by Mr. Joseph Whidden, with the following Bill and Resolutions:

A Bill, entitled, An Act for the regulation of Benefit Building Societies.

Resolved, That the sum of Two Pounds be granted and paid to Mary Fitzgerald, and the sum of One Pound and Fifteen Shillings to Dennis Hifferman, being respectively in full of their claims against the Fever Hospital.

Resolved, That the sum of Twenty-four Pounds Six Shillings and Three-pence be granted and paid to Captain J. W. E. Darby, to defray the loss arising from the seizure of the Schooner "Haydes," for infringement of the Fishery Laws.

Resolved, That the sum of Three Hundred and Sixty-seven Pounds and Ten Shillings be granted and placed at the disposal of the Governor to repay the sum of Two Hundred Pounds advanced from the Treasury in 1848, the sum of One Hundred and Fifty Pounds advanced since 1st January, 1849, and the balance of Seventeen Pounds and Two Shillings to be appropriated to the payment in full of the expense incurred by the Board of Health, Pictou, in the matter of the Barque "Lulan," agreeably to the Report of the Committee.

Resolved, That the sum of Fifteen Pounds be granted and placed at the disposal of the Governor, to repay the Treasury an advance made to W. J. Wooding by the Board of Health at Pictou, for conveying Immigrants by Barque "Lulan," from Pictou to Cape Breton.

Resolved, That the sum of Seventy Pounds Seventeen Shillings and Six-pence be granted and placed at the disposal of the Governor, to pay the Commissioners of the Poor Asylum at Halifax the following amounts, that is to say: Fifty-eight Pounds Seven Shillings and Six-pence for the support of Pauper Immigrants in the Waterloo Hospital, being One Thousand Five Hundred and Fifty-seven days, at Nine-pence per day, and Twelve Pounds and Ten Shillings for Coffins supplied to the Hospital at Dartmouth, agreeably to the Report of the Committee.

Resolved, That the sum of One Thousand One Hundred and Sixty-five Pounds Six Shillings and Three-pence be granted and placed at the disposal of the Governor, to pay the following advances made from the Treasury during the past year, that is to say:

W. C. E. Leonard and the Magistrates of Sydney, C. B. for Supplies to the Master and Owner of the Brig Speculator,	£15 1 0
Peter A. Henn, £18 18 2, Thomas Walsh, 16 16 6, and Garret Fitzpatrick, for supplies to Crew and Passengers of Schooner Joseph Howe at Sydney,	57 14 0
John Fox for services to sick Emigrants at Canseau,	12 10 0
Joseph Kennedy, for supplies to Captain and Crew of an English Brig off Scattarie,	8 0 0
J. S. Bown for supplies to men taken off the Brigs "Leo," and "Emerald,"	7 3 9
Archibald & Co. for supplies to Crew and Passengers of Barque "Peels One," and Brig "Valena,"	131 16 2
Benjamin Wier, for Passage Money for Passengers to Newfoundland and Boston,	8 10 0
Benjamin Wier for Passage Money of Fifty Immigrants sent by Brig Alexander to Boston,	17 11 8
Board of Health at Halifax for expenditures on account One hundred and seventy Passengers saved from wreck of Ship "Omega," including £70 paid to Dr. Hoffman, and £45 to Dr. Desbrisay, in full of their services, &c. at the Hospital, Dartmouth,	843 1 6
Board of Health at Guysborough, for balance of their account for expenditure in 1847,	5 18 2

Benefit Building Soc. Bill.
 £2 0s. 0d. M. Fitzgerald.
 £1 15s. D. Hifferman.
 £24 6s. 3d. J. W. E. Darby.
 £367 10s. advances to Barque Lulan.
 £15 advance for transport of Immigrants per Lulan.
 £70 17s. 6d. Comms. Poor, Halifax.
 £1165 6s. 3d. Govt. advances.

Dr. Gilpin for services at Pictou in 1847,	£3 0 0
Dr. Read for conveying Passengers from Sable Island to Halifax,	5 0 0
Mr. M'Kay, Administrator of the late John M'Kay, paid to S. Brown and others,	50 0 0
	£1165 6 3

£94 0s. 2d. Immigrant advances.

Resolved, That the sum of Ninety-four Pounds and Two-pence be granted and placed at the disposal of the Governor, to defray the following amounts, pursuant to the Report of the Committee on Immigrant expenses, that is to say :

To pay the Board of Health at Yarmouth for certain out-lay's made by them,	26 18 0
Henry Verge £7 10 0, and Conrad Purding £4 0 0, for assistance rendered to Passengers on board Brig "Commerce."	11 10 0
Dr. Jennings for services to Passengers from Ship "Omega," while in the Hospital at Dartmouth,	3 0 0
Board of Health at Digby for conveyance of eighteen Passengers, Transient Paupers at Clare,	27 0 0
Paid Mrs. R. F. Uniacke for three dozen striped Shirts for Immigrants on board Ship "Omega,"	3 12 0
Dr. Carrill for services to sick Immigrants at Guysborough,	10 0 0
Repay advance made from the Treasury to the Board of Health at Pictou for cases of Small Pox at Toney's River in 1847,	12 0 0
	£94 0 2

£510 Oat Mills.

Resolved, That a sum not exceeding Five Hundred and Ten Pounds be granted and placed at the disposal of the Governor, to aid in the erection of Oat Mills and Kilns in the different Counties during the present year: Provided that no greater amount than Thirty Pounds be allowed for any one County—that no person who has heretofore received aid for such purposes shall be entitled to any participation in the grant—that no more than Fifteen Pounds be applied in aid of any one Oat Mill and Kiln, and only to that amount in cases where the Kiln is at least fourteen feet in diameter—that no aid be granted where the Kiln shall not be eleven feet in diameter, and only Ten Pounds where such Kiln shall be eleven feet but not fourteen feet in diameter; and that no sum shall be paid hereunder until it shall appear by Certificate to the satisfaction of the Governor, in Council, that the Oat Mill and Kiln for which any such Grant may be claimed, are ready to be put in operation: which Certificate shall also state the diameter of the Kiln, and that the person claiming aid has never before received any Grant for that purpose.

£200 Mails between Annapolis, Digby and St. John.

Resolved, That a sum not exceeding Two Hundred Pounds be granted and placed at the disposal of the Governor, to compensate some person for carrying the Mails between Annapolis, Digby and Saint John, New Brunswick, at least once in each week—the service to be performed by Steam Boat or otherwise, at such times and under such regulations as may be established by the Deputy Post Master General, and to be drawn quarterly upon his Certificate, that the duty has been faithfully performed.

£1736 14s. 10d Post Office advances.

Resolved, That the sum of One Thousand Seven Hundred and Thirty-six Pounds Fourteen Shillings and Ten-pence, be granted and placed at the disposal of the Governor, to defray that amount advanced from the Treasury to support the Post Office Department for the last year.

£500 Protection of Fisheries.

Resolved, That the sum of Five Hundred Pounds be granted and placed at the disposal of the Governor, for the purpose of employing the Schooner "Daring," (when not employed in the Sable Island service) for the protection of the Fisheries on the Coast of this Province.

Resolved,

- Resolved*, That the sum of Eight Hundred and Fifty-one Pounds Twelve Shillings and Nine-pence be granted and paid to the Commissioners of the Provincial Penitentiary, to defray the expenses of that Establishment for the present year, including Thirty-five Pounds for the Physician's Salary. £851 12s. 9d. Penitentiary.
- Resolved*, That the sum of Six Hundred and Six Pounds Nine Shillings and One Penny be granted and paid to the Commissioners of Public Buildings, to defray the balance of expenses incurred by them during the last year. £606 9s. 1d. Comrs. Public Buildings.
- Resolved*, That the sum of Five Hundred Pounds be granted and placed at the disposal of the Governor, to be from time to time paid to the Commissioners of Public Buildings, in order to the more economical expenditure of the Funds required to be expended thereon, by the payment of ready money and otherwise. £500 advance for Public Buildings.
- Resolved*, That the sum of One Hundred and Twenty Pounds be granted and placed at the disposal of the Governor, to be applied, if deemed necessary, in payment of a Chief Inspector of Distilleries in Halifax for the present year, instead and in lieu of all other allowances whatsoever. £120 Chief Inspector of Distilleries.
- Resolved*, That the sum of Forty Pounds be granted and placed at the disposal of the Governor to enable him to continue a suitable Revenue Boat at Sydney, Cape-Breton. £40 Rev. Boat Sydney.
- Resolved*, That the sum of Thirty Pounds be granted and placed at the disposal of the Governor, to enable him to continue a suitable Revenue Boat at Pictou for the present year, under the direction of the Collector of Impost and Excise at that Port. £30 Rev. Boat Pictou.
- Resolved*, That the sum of Eight Hundred and Eighty Pounds Five Shillings and Eleven-pence be granted and paid to defray the expense of the Legislative Council for the present year. £880 5s. 11d. expenses of Leg. Council.
- Resolved*, That the sum of One Hundred and Fifty-four Pounds Fourteen Shillings and Six-pence be granted and paid to the Clerk of the House of Assembly, to defray the expense of Stationery and Binding of Journals and Laws for the House of Assembly during the last year. £154 14s. 6d. Statry. in H. A.
- Resolved*, That the sum of Seventy-seven Pounds and Seven Shillings be granted and paid to the Clerk of the House of Assembly, to pay A. & W. M'Kinlay's Account for Binding and Lettering Journals of the Lords and Commons during the past year. £77 7s. 0d. Messrs. M'Kinlay Binding for H. A.
- Resolved*, That the sum of Two Hundred and Sixty-three Pounds be granted to defray the expense of extra Messengers and other services, and for Fuel, and other Articles for the House of Assembly, to be drawn and applied by the Clerk of the House of Assembly, under the sanction of the Speaker. £263 Contingencies of H. A.
- Resolved*, That the sum of Fifteen Pounds be granted and placed at the disposal of the Honorable the Speaker, to procure various Books and Publications necessary for conducting the business of the Assembly. £15 Speaker for Books.
- Resolved*, That the sum of Ten Pounds each be granted and paid to the two Chairmen of the Committees on Bills and of Supply, for their services for the present Session. £10 each Chairman of H. A.
- Resolved*, That the sum of One Hundred Pounds each, be granted and paid to the Clerk and Clerk Assistant of the House of Assembly, for their services during the present Session. £100 each Clerks of H. A.
- Resolved*, That the Board of Revenue shall allow a Drawback upon all Wines imported for, or consumed by, the Commissioned Officers of the Army, composing the several Regimental Messes of the Garrison at Halifax, or shall relinquish the Duties upon all such Wines, upon proof being made to the satisfaction of the Board that the Wines whereon Drawback or relinquishment of Duties is claimed, were imported for, or consumed by, such Officers of the Army: Provided the whole amount do not exceed the sum of Three Hundred Pounds in the year. £300 Drawback on Officer's Wines.

Resolved,

£1000 Casualties.

Resolved, That if any of the Bridges on the Main Post Roads of this Province shall give way during the recess, or any of such Roads shall be unexpectedly obstructed by any unforeseen obstacle or accident, it shall be lawful for the Governor to order a Commissioner to repair or rebuild such Bridges, or to remove such obstructions; and it shall be lawful farther for the Governor to draw Warrants on Account and in favour of such Commissioner: Provided the sum so to be drawn shall not exceed for the year the sum of One Thousand Pounds; and the respective sums so drawn shall be charged at the next Session of Assembly as against the several Counties in which the same shall be respectively expended.

To which Bill and Resolutions they desired the concurrence of this House.

The same were read a first time.

Read 2d time.

Building Soc. Bill
ref. to Sel. Com.,

Ordered, That the said Bill be referred to a Select Committee to examine and report upon.

Committee.

Ordered, That Mr. Almon, Mr. Fairbanks and Mr. M'Dougall, be a Committee for that purpose.

Ordered, That the said Resolutions be read a second time at a future day.

H. A. do not agree to
Amendment to
Sum. Trials J. P.
Bill.

The Messenger also informed the House that the House of Assembly did not agree to the amendments proposed by this House to a Bill, entitled, An Act to continue the Acts for the Summary Trial of Actions before Justices of the Peace.

Adjourn.

On motion made and seconded, the House adjourned until Monday at one o'clock.

Monday, 26th March, 1849.

The House met pursuant to adjournment.

P R E S E N T—

The Honorable MICHAEL TOBIN, President.

The Honorable WILLIAM RUDOLF,
ROBERT M. CUTLER,
JOHN MORTON,
HUGH BELL,
STAYLEY BROWN,
ALEXANDER MCDUGALL,
MATHER B. ALMON,
EDWARD KENNY,
JAMES D. HARRIS,

The Honorable ALEXANDER KEITH,
WILLIAM A. BLACK,
DAVID CRICHTON,
JOHN E. FAIRBANKS,
JAMES McNAB,
WILLIAM STAIRS,
JONATHAN McCULLY,
WILLIAM GRIGOR.

PRAYERS.

The Minutes of Saturday were read.

The following Resolutions for granting Money, viz:

Money Votes.

£2	0	0	M. Fitzgerald.
1	15	0	D. Hiffernan.
24	6	3	J. W. E. Darby.
367	10	0	Advances on Barque "Lulan,"
15	0	0	Advance for Transient Immigrant's per "Lulan."
70	17	6	Commissioners of Poor Halifax.
1165	6	3	Government advances.
94	0	2	Immigrant advances.
510	0	0	Oat Mills.

£200 0 0

£200	0	0	Mail, Annapolis, Digby and St. John.
1736	14	10	Post Office Advances.
500	0	0	Protection of Fisheries.
851	12	9	Penitentiary.
607	9	1	Commissioners of Public Buildings.
500	0	0	Advance for Public Buildings.
110	0	0	Chief Inspector of Distilleries.
40	0	0	Revenue Boat, Sydney, C. B.
30	0	0	“ Pictou.
880	5	11	Expences of Legislative Council.
154	14	6	Stationery of H. A.
77	6	0	Messrs. M'Kinlay for Binding Journals, H. A.
263	0	0	Contingencies of H. A.
15	0	0	Speaker of H. A. for Books.
10	0	0	Each, Chairmen of H. A.
100	0	0	Each, Clerks of H. A.
300	0	0	Drawback on Officers' Wines.
1000	0	0	Casualty Vote.

Were read a second time, and the question was put by the President on each Resolution, Read 2d time,

Whether this Resolution be agreed to?

It was resolved in the affirmative. Agreed to,

A Message was sent to the House of Assembly by the Clerk, And sent to H. A.

To return the said Resolutions and acquaint them that this House has agreed to the same without any amendment.

A Bill, entitled, An Act to continue and amend the Acts for regulating the Militia ; Militia,
also,

A Bill, entitled, An Act to continue the Acts in amendment of the Act relating to Highways, Roads and Bridges ; also, Highways,

A Bill, entitled, An Act to raise Funds in the County of Pictou ; also, Funds Pictou,

A Bill, entitled, An Act relative to the rendering by Bail of their Principal ; also, Bail,

A Bill, entitled, An Act to authorise the Sale of the Court House and Jail Grounds at Shelburne, and the purchase of a new Site therefor, And Court House
Shelburne Bills,

Were read a third time, and the question was put by the President on each Bill, Read 3d time,

Whether this Bill shall pass?

It was resolved in the affirmative. Agreed to,

A Message was sent to the House of Assembly by the Clerk, And sent to H. A.

To return the said Bills, and acquaint them that this House has agreed to the same without any amendment.

A Bill, entitled, An Act concerning the Halifax Steam Boat Company, was read a third time, and the question was put by the President, Halifax Steam Boat
Bill read 3d time,

Whether this Bill, with the amendment shall pass?

It was resolved in the affirmative. Agreed with amdt.

A Message was sent to the House of Assembly by the Clerk, And sent to H. A.

To return the said Bill, and acquaint them that this House has agreed to the same, with an amendment, to which amendment their concurrence is desired.

Mr. Stairs, the Chairman of the Committee to whom a Bill, entitled, An Act to continue and amend the Law regulating the Survey of Timber, Lumber, and Shingles, was referred, reported that the Committee had examined the said Bill, and recommended it to the favorable consideration of the House. Com. on Survey of
Timber Bill Rep.,

The said Bill was read a second time. Ordered, Bill read 2d time,

- And ordered to Com.** *Ordered*, That the said Bill be committed to a Committee of the whole House at a future day.
- Petition of S. Campbell and others.** Mr. Cutler presented the Petition of Stewart Campbell and others, against the repeal of the Endowment to King's College at Windsor—which was ordered to lie on the Table.
- Am. to Sum. Trials J. P. Bill,** The House proceeded to the consideration of the amendments proposed by this House to a Bill, entitled, An Act to continue the Acts for the Summary Trial of Actions before Justices of the Peace, which amendments have not been agreed to by the House of Assembly.
- Read,** The said amendments were read, and
- And not adhered to. Message to H. A.** On motion, *resolved*, That the said amendments be not adhered to.
A Message was sent to the House of Assembly by the Clerk,
To return the said Bill, and acquaint them that this House does not adhere to the amendments proposed by them to the said Bill.
- Am. of H. A. to am. to Admn. of Law Bill,** The House proceeded to the consideration of the amendment proposed by the House of Assembly to the second amendment proposed by this House to a Bill, entitled, An Act further to improve the Administration of the Law.
The same was read by the Clerk as follows :
“ After the words ‘ Provided always, That’ insert the words “ where such default shall have been marked or interlocutory judgment signed.”
- Agreed to,** And the same being read a second and third time, was agreed to by the House.
- And Message to H. A.** A Message was sent to the House of Assembly by the Clerk,
To return the said Bill, and acquaint them that this House has agreed to the amendments proposed by them to the second amendment of this House to the said Bill.
- Com. on Meeting House, Bridgewater, Bill Report,** Mr. Almon, the Chairman of the Committee to whom a Bill, entitled, An Act concerning a Baptist Meeting House at Bridgewater, was referred, reported that the Committee had examined the said Bill, and recommended it to the favorable consideration of the House.
- Bill read 2d time, And ordered to Com.** The said Bill was read a second time.
Ordered, That the said Bill be committed to a Committee of the whole House at a future day.
- Com. on Benefit Building Society Bill Report,** Mr. Almon, the Chairman of the Committee to whom a Bill, entitled, An Act for the Regulation of Benefit Building Societies, was referred, reported that the Committee had examined the said Bill, and recommended it to the favorable consideration of the House.
- Bill read 2d time, And ordered to Com.** The said Bill was read a second time.
Ordered, That the said Bill be committed to a Committee of the whole House at a future day.
- Com. on Bills, Report progress.** On motion, the House was adjourned, during pleasure, and put into a Committee on Bills.—After some time the House was resumed, and Mr. Rudolf reported that the Committee had made some progress.
- Harbor and Pilotage, Agriculture,** A Message was brought from the House of Assembly by Mr. Joseph Whidden, with the following Bills and Resolution :
A Bill, entitled, An Act relating to certain Harbours, and Pilotage thereat.
A Bill, entitled, An Act to continue the Act for the encouragement of Agriculture and Rural Economy in this Province.
- Immigrant Vessels and Passengers.** A Bill, entitled, An Act to continue the Act to regulate Immigrant Vessels and Passengers.

A Bill, entitled, An Act to continue the Acts to make provision for a Harbour Master at Spanish River, Cape Breton.

And Harbor Master, Spanish River, Bills,

Resolved, That the sum of Ten Pounds on the Commission No. 1, to Joseph Martell, and also the sum of Ten Pounds on Commission No. 89, undrawn by Joseph Martell, both on the Main Post Road to Arichat, be substituted for the sum of Twenty Pounds advanced to him on such Roads from the Casualty vote in 1848.

£20 change of appn. Richmond,

To which Bills and Resolutions they desired the concurrence of this House.

The same were read a first time.

Read 1st time.

Ordered, That the first Bill be referred to a Select Committee to examine and report upon.

Harbor and Pilotage Bill ref. to Select Committee,

Ordered, That Mr. McCully, Mr. Crichton and Mr. Brown, be a Committee for that purpose.

Committee.

Ordered, That the three last Bills and the Resolution be read a second time at a future day.

The Messenger also informed the House that the House of Assembly agreed to the amendment proposed by this House to a Bill, entitled, An Act to alter the Representation in the County of Colchester.

H. A. agree to amdt. to Col. Rep. Bill.

On motion made and seconded, the House adjourned until To-morrow at twelve o'clock.

Adjourn.

Tuesday, 27th March, 1849.

The House met pursuant to adjournment.

P R E S E N T—

The Honorable MICHAEL TOBIN, President.

The Honorable WILLIAM RUDOLF,
ROBERT M. CUTLER,
JOHN MORTON,
HUGH BELL,
STAYLEY BROWN,
ALEXANDER MCDUGALL,
MATHER B. ALMON,
EDWARD KENNY,
JAMES D. HARRIS,

The Honorable ALEXANDER KEITH,
WILLIAM A. BLACK,
DAVID CRICHTON,
JOHN E. FAIRBANKS,
JAMES McNAB,
WILLIAM STAIRS,
JONATHAN McCULLY,
WILLIAM GRIGOR.

PRAYERS.

The Minutes of yesterday were read.

A Bill, entitled, An Act to alter the Representation in the County of Colchester, was read, as amended, and the question was put by the President,

Colchester Rep. Bill,

Whether this Bill, as amended, shall pass?

It was resolved in the affirmative.

Finally agreed to,

A Message was sent to the House of Assembly by the Clerk,

And sent to H. A.

To return the said Bill, and acquaint them therewith.

A Bill, entitled, An Act to continue the Act for the encouragement of Agriculture and Rural Economy in this Province; also,

Agriculture,

A Bill, entitled, An Act to continue the Act to regulate Immigrant Vessels and Passengers; also,

Immigrant Vessels and Passengers,

A

<p>And Harbor Master Spanish River Bills, Read 2d time, And ordered to Com.</p>	<p>A Bill, entitled, An Act to continue the Acts to make provision for a Harbor Master at Spanish River, Cape Breton, Were read a second time. <i>Ordered,</i> That the said Bills be committed to a Committee of the whole House at a future time.</p>
<p>S. O. S.</p>	<p><i>Resolved unanimously,</i> That the Standing Order of this House Number 72, relative to Bills not being read or proceeded with twice in the same day, be suspended as respects the said Bills.</p>
<p>£20 change of appn. Richmond, read 2d time,</p>	<p>The Resolution changing the Appropriation of the sum of Twenty Pounds in the County of Richmond, was read a second time, and the question was put by the President, Whether this Resolution be agreed to? It was resolved in the affirmative.</p>
<p>Agreed to.</p>	<p>A Message was sent to the House of Assembly by the Clerk, To return the said Resolution and acquaint them that this House has agreed to the same without any amendment.</p>
<p>Com. on Bills.</p>	<p>On motion, the House was adjourned, during pleasure, and put into a Committee on Bills.—After some time the House was resumed, and Mr. Rudolf reported that the Committee had made some progress.</p>
<p>Report. Rates of Postage,</p>	<p>The Chairman also reported that the Committee had gone through A Bill, entitled, An Act to continue the Act to enable the Governor, in Council, to make orders and regulations towards establishing an uniform Rate of Postage throughout British America; also,</p>
<p>Agriculture,</p>	<p>A Bill, entitled, An Act to continue the Act for the encouragement of Agriculture and Rural Economy in this Province; also,</p>
<p>Immigrant Vessels and Passengers.</p>	<p>A Bill, entitled, An Act to continue the Act to regulate Immigrant Vessels and Passengers; also,</p>
<p>Harbor Master Spanish River,</p>	<p>A Bill, entitled, An Act to continue the Acts to make provision for a Harbour Master at Spanish River, Cape-Breton; also,</p>
<p>Bridgewater Meeting House, And Benefit Building Society Bills, without amndt.</p>	<p>A Bill, entitled, An Act concerning a Baptist Meeting House at Bridgewater; also, A Bill, entitled, An Act for the regulation of Benefit Building Societies; And had agreed to the same without any amendment. <i>Ordered,</i> That the said Bills be read a third time at a future day.</p>
<p>Report Survey of Timber Bill with amendment,</p>	<p>The Chairman also reported that the Committee had gone through a Bill, entitled, An Act to continue and amend the Laws regulating the Survey of Timber, Lumber and Shingles, and had made two amendments thereto.</p>
<p>Amendment read,</p>	<p>The said amendments were read by the Clerk as follows: First Clause, 9th Line—Before the word “eighteenth,” insert the word “and,”— Leave out the words “and nineteenth.” Ninth Clause—Leave out this Clause.</p>
<p>And agreed to.</p>	<p>And the said amendments being read a second time, were agreed to by the House. <i>Ordered,</i> That the said Bill be read a third time at a future day.</p>
<p>Report Halifax Incorporation Bill with amendment,</p>	<p>The Chairman also reported that the Committee had gone through a Bill, entitled, An Act to consolidate the Acts respecting the Incorporation of the City of Halifax, and had made several amendments thereto, which he was ready to report when the House will please to receive the same.</p>
<p>Amendment to be received to-morrow.</p>	<p><i>Ordered,</i> That the said Report be received to-morrow.</p>
<p>H A. agree to am. to Col. Rev.</p>	<p>A Message was brought from the House of Assembly by Mr. Joseph Whidden— To inform the House that the House of Assembly agreed to the amendments proposed by this House to a Bill, entitled, An Act to continue and amend certain Acts relating to the Colonial Revenue; Also</p>

Also to the amendments proposed by this House to a Bill, entitled, An Act to Regulate the Pier or Wharf at Everitt's Landing, in the Township of Weymouth ;

Also to the amendments proposed by this House to a Bill, entitled, An Act to amend the Act for the appointment of Commissioners of Sewers.

The Messenger also informed the House that the House of Assembly agreed to a Bill, entitled, An Act further to improve the Administration of the Law as now amended.

The Messenger also brought up the following Bill :

A Bill, entitled, An Act to regulate Ferries across the Harbour of Pictou.

To which Bill they desired the concurrence of this House.

The said Bill was read a first time.

Ordered, That the said Bill be referred to a Select Committee to examine and report upon.

Ordered, That Mr. Crichton, Mr. McDougall, and Mr. Cutler, be a Committee for that purpose.

Mr. McCully, the Chairman of the Committee to whom a Bill, entitled, An Act relating to certain Harbors and Pilotage thereat, was referred, reported that the Committee had examined the said Bill, and that the majority did not recommend it to the favorable consideration of the House.

The said Bill was read a second time.

Ordered, That the said Bill be committed to a Committee of the whole House at a future day.

On motion made and seconded—the House adjourned until to-morrow at two o'clock.

Wednesday, 28th March, 1849.

The House met pursuant to adjournment.

P R E S E N T —

The Honorable MICHAEL TOBIN, President.

The Honorable WILLIAM RUDOLF,
ROBERT M. CUTLER.
JOHN MORTON,
HUGH BELL,
STAYLEY BROWN,
ALEXANDER MCDUGALL,
MATHER B. ALMON,
EDWARD KENNY,
JAMES D. HARRIS,

The Honorable ALEXANDER KEITH,
WILLIAM A. BLACK,
DAVID CRICHTON,
JOHN E. FAIRBANKS,
JAMES MCNAB,
WILLIAM STAIRS,
JONATHAN McCULLY.
WILLIAM GRIGOR.

PRAYERS.

The Minutes of yesterday were read.

A Bill, entitled, An Act to continue and amend certain Acts relating to the Colonial Revenue ; also

A Bill, entitled, An Act to regulate the Pier or Wharf at Everitt's Landing, in the Township of Weymouth ; also

- And Comms. of Sewers Bills, A Bill, entitled, An Act to amend the Act for the appointment of Commissioners of Sewers,
Were read, as amended, and the question was put by the President on each Bill, Whether this Bill, as amended, shall pass ?
- Finally agreed to, It was resolved in the affirmative.
- And sent to H. A. A Message was sent to the House of Assembly by the Clerk, To return the said Bills and acquaint them therewith.
- Admn. of Law Bill, A Bill, entitled, An Act further to improve the Administration of the Law, was read as now amended, and the question was put by the President, Whether this Bill, as amended, shall pass ?
- Finally agreed to, It was resolved in the affirmative.
- And sent to H. A. A Message was sent to the House of Assembly by the Clerk, To return the said Bill, and acquaint them therewith.
- Rates of Postage, A Bill, entitled, An Act to continue the Act to enable the Governor in Council to make Orders and Regulations towards establishing an uniform Rate of Postage throughout British North America ; also
- Agriculture, A Bill, entitled, An Act to continue the Act for the encouragement of Agriculture and Rural Economy in this Province ; also
- Immigrant Vessels and Passengers, A Bill, entitled, An Act to continue the Act to regulate Immigrant Vessels and Passengers ; also,
- Harbor Master Spanish River, A Bill, entitled, An Act to continue the Act to make provision for a Harbor Master at Spanish River, Cape Breton ; also,
- And Meeting House Bridgewater Bills, Read 3d time, A Bill, entitled, An Act concerning a Baptist Meeting House at Bridgewater, Were read a third time, and the question was put by the President on each Bill, Whether this Bill shall pass ?
- Agreed to, It was resolved in the affirmative.
- And sent to H. A. A Message was sent to the House of Assembly by the Clerk, To return the said Bills, and acquaint them that this House has agreed to the same without any amendment.
- Survey of Timber Bill, A Bill, entitled, An Act to continue and amend the Law regulating the Survey of Timber, Lumber, and Shingles,
Was read a third time, and the question was put by the President, Whether this Bill with the amendments shall pass ?
- Read 3d time, It was resolved in the affirmative.
- Agreed with amdt., A Message was sent to the House of Assembly by the Clerk,
- And sent to H. A. To return the said Bill, and acquaint them that this House has agreed to the same with amendments, to which amendments their concurrence is desired.
- Amendment to Hlfx. Incorporation Bill reported. Mr. Rudolf (according to order) reported the amendments made by the Committee of the whole House, to a Bill, entitled, An Act to consolidate the Acts respecting the Incorporation of the City of Halifax.
- Read, The said amendments were read by the Clerk as follows :—
- TWELFTH CLAUSE.
- 18th Line—After the word “ year ” insert the words “ during the continuance of this Act.”
- FOURTEENTH CLAUSE.
- Leave out this Clause, and insert instead the following Clause :
“ *And be it enacted,* That there shall be annually elected on the first day of October in every year, during the continuance of this Act, by the Inhabitants and Persons qualified to vote as in this Act specified, by a majority of votes by Ballot, from the Citizens

Citizens of the said City of Halifax, duly qualified; a fit person to be Mayor of the said City, who shall go into Office as soon as the Term of Office of the present or any future Mayor shall expire, and shall continue in Office until the first day of October in the year next ensuing such election, or longer, as hereinafter provided.

NINETEENTH CLAUSE.

5th Line—After the word “year,” insert the words “during the continuance of this Act.”

TWENTY-THIRD CLAUSE.

4th Line—After the word “of,” insert the word “Mayor,”

8th Line—After the word “Mayor,” insert the words “or in case of vacancy in the Office of Mayor by the Senior Alderman.”

TWENTY-SIXTH CLAUSE.

1st Line—After the word “the,” insert the word “Mayor,”

TWENTY-SEVENTH CLAUSE.

5th Line—After the word “year,” insert the words “during the continuance of this Act.”

11th Line—Before the word “Alderman,” insert the word “Mayor.”

13th Line—After the word “be,” insert the words “Mayor of the City and.”

TWENTY-EIGHTH CLAUSE.

27th Line—After the word “when,” insert the word “Mayor.”

28th Line—Leave out the word “both.”

THIRTY-FIRST CLAUSE.

2d and 5th Lines—After the word “for,” insert the word “Mayor.”

FORTY-FIRST CLAUSE.

3d Line—After the word “for” insert the word “Mayor.”

FORTY-FOURTH CLAUSE.

Leave out the Proviso.

FORTY-SIXTH CLAUSE.

11th and 12th Lines—Leave out the words “one or more Weighers of Flour and Meal.”

SIXTIETH CLAUSE.

6th and 7th Lines—Instead of the words “one of whom,” insert the word “who.”

8th Line—After the word “Office,” leave out all the words to the word “and” in the 25th line, and insert instead the words “two years.”

SIXTY-FIFTH CLAUSE.

4th Line—After the word “the,” insert the words “Occupants being yearly Tenants, and in all other cases the.”

7th Line—After the word “whether,” insert the words “occupied or.”

SEVENTY-NINTH CLAUSE.

44th and 53d Lines, instead of the word “Six,” insert the word “three.”

HUNDRED AND EIGHTEENTH CLAUSE.

22d Line—After the word “thus,” insert the word “approved.”

HUNDRED AND NINETEENTH CLAUSE.

Leave out this Clause.

HUNDRED AND TWENTY-SEVENTH CLAUSE.

13th Line—Instead of the word “five,” insert the word “two.” After the word “years” leave out the remainder of the Clause.

At the end of the Bill insert the following Clause :

And be it enacted, That this Act shall continue and be in force for two years from the first day of April in this present year of Our Lord 1849, and no longer.

And the said amendments being read a second time, were agreed to by the House.

Then

And agreed.

Motion to re-commit
Bill negatived.

Then Mr. M'Dougal moved that the said Bill be re-committed for the purpose of re-considering the said amendments; which being seconded, and the question being put, there appeared for the motion eight: against it, ten. So it passed in the negative.

Bill read 3d time,

The said Bill was then read a third time, and the question was put by the President, Whether this Bill with the amendments shall pass?

Agreed with amdt.,

It was resolved in the affirmative.

And sent to H. A.

A Message was sent to the House of Assembly by the Clerk, To return the said Bill, and acquaint them that this House has agreed to the same, with amendments, to which amendments their concurrence is desired.

Com. on Bills.

On motion, the House was adjourned during pleasure and put into Committee on Bills.—After some time the House was resumed, and Mr. Rudolf reported that the Committee had made some progress.

H. A. agree to amdt.
to Halifax Steam
Boat Company
Bill.

A Message was brought from the House of Assembly by Mr. Joseph Whidden, To inform the House that the House of Assembly agreed to the amendments proposed by this House to a Bill, entitled, An Act concerning the Halifax Steam Boat Company.

Also with the following Bill and Resolutions:

Mortgages Bill.

A Bill, entitled, An Act in further amendment of the Acts for the more easy Redemption and Foreclosure of Mortgages.

Division of Road
Money,

Resolved, That the sum of Twenty Thousand Pounds, granted for the service of Roads and Bridges in the present year, be applied as follows:

For the County of Yarmouth,	-	-	-	£1000
“ “ Shelburne,	-	-	-	1000
“ “ Digby,	-	-	-	1000
“ “ Sydney,	-	-	-	1000
“ “ Guysborough,	-	-	-	1000
“ “ Queen's,	-	-	-	1000
“ “ Richmond,	-	-	-	1000
“ “ Halifax,	-	-	-	1520
“ “ Hants,	-	-	-	1400
“ “ Inverness,	-	-	-	1380
“ “ Cape Breton,	-	-	-	1460
“ “ King's,	-	-	-	1100
“ “ Pictou,	-	-	-	1460
“ “ Colchester,	-	-	-	1200
“ “ Cumberland,	-	-	-	1200
“ “ Lunenburg,	-	-	-	1240
“ “ Annapolis,	-	-	-	1040

£20,000

Subdivision Yar-
mouth,

Also, a Resolution sub-dividing the sum of One Thousand Pounds, granted for the service of Roads and Bridges in the County of Yarmouth.

Do. Shelburne,

Also, a Resolution sub-dividing the sum of One Thousand Pounds, granted for the service of Roads and Bridges in the County of Shelburne.

Do. Digby,

Also, a Resolution sub-dividing the sum of One Thousand Pounds, granted for the service of Roads and Bridges in the County of Digby.

Do. Sydney,

Also, a Resolution sub-dividing the sum of One Thousand Pounds, and the extra vote of One Hundred and Fifty Pounds, granted for the service of Roads and Bridges in the County of Sydney.

Do. Guysborough,

Also, a Resolution sub-dividing the sum of One Thousand Pounds, and the extra vote

vote of Three Hundred and Fifty Pounds, granted for the service of Roads and Bridges in the County of Guysborough.

Also, a Resolution sub-dividing the sum of One Thousand Pounds, granted for the service of Roads and Bridges in Queen's County. Do. Queens,

Also, a Resolution sub-dividing the sum of One Thousand Pounds, and the extra vote of One Hundred and Fifty Pounds, granted for the service of Roads and Bridges in the County of Richmond. Do. Richmond,

Also, a Resolution sub-dividing the sum of One Thousand Five Hundred and Twenty Pounds, granted for the service of Roads and Bridges in the County of Halifax. Do. Halifax,

Also, a Resolution sub-dividing the sum of One Thousand Four Hundred Pounds, granted for the service of Roads and Bridges in the County of Hants. Do. Hants.

Also, a Resolution subdividing the sum of One Thousand Three Hundred and Eighty Pounds, granted for the service of Roads and Bridges in the County of Inverness. Do. Inverness,

Also, a Resolution subdividing the sum of One Thousand Four Hundred and Sixty Pounds, granted for the service of Roads and Bridges in the County of Cape Breton. Do. Cape Breton,

Also, a Resolution, subdividing the sum of One Thousand One Hundred Pounds, granted for the service of Roads and Bridges in King's County. Do. King's,

Also, a Resolution subdividing the sum of One Thousand Four Hundred and Sixty Pounds, granted for the service of Roads and Bridges in the County of Pictou. Do. Pictou,

Also, a Resolution subdividing the sum of One Thousand and Two Hundred Pounds, granted for the service of Roads and Bridges in the County of Colchester. Do. Colchester,

Also, a Resolution, subdividing the sum of One Thousand and Two Hundred Pounds, granted for the service of Roads and Bridges in the County of Cumberland. Do. Cumberland,

Also, a Resolution subdividing the sum of One Thousand Two Hundred and Fifty Pounds, granted for the service of Roads and Bridges in the County of Lunenburg. Do. Lunenburg,

Also, a Resolution subdividing the sum of One Thousand and Forty Pounds, granted for the service of Roads and Bridges in the County of Annapolis. Do. Annapolis,

Resolved, That the sum of Thirty-seven Pounds Eleven Shillings and Sixpence, reported as undrawn for the Road Service in the County of Sydney, being noted in the Return as No. 664, Harrington and McDonald, Commissioners, be applied towards the re-payment into the Treasury of the sum of Forty Pounds and Nineteen Shillings, drawn from the Casualty Vote in 1847. £37 11s. 6d. change of Appn. County Sydney,

To which Bill and Resolutions they desired the concurrence of this House.

The same were read a first time.

Ordered, That the said Bill be referred to a Select Committee to examine and report upon. Read 1st time. Mortgage Bill ref. to Sel. Committee,

Ordered, That Mr. M'Dougall, Mr. Almon and Mr. Morton, be a Committee for that purpose. Committee.

Ordered, That the said Resolutions be read a second time at a future day.

On motion made and seconded, the House adjourned until To-morrow at twelve o'clock. Adjourn.

Thursday, 29th March, 1849.

The House met pursuant to adjournment.

P R E S E N T—

The Honorable MICHAEL TOBIN, President.

The Honorable WILLIAM RUDOLF,
ROBERT M. CUTLER,
JOHN MORTON,
HUGH BELL,
STAYLEY BROWN,
ALEXANDER McDUGALL,
MATHER B. ALMON,
EDWARD KENNY,
JAMES D. HARRIS,

The Honorable ALEXANDER KEITH,
WILLIAM A. BLACK,
DAVID CRICHTON,
JOHN E. FAIRBANKS,
JAMES McNAB,
WILLIAM STAIRS,
JONATHAN McCULLY,
WILLIAM GRIGOR.

PRAYERS.

The Minutes of yesterday were read.

Halifax Steam Boat
Company Bill,

A Bill, entitled, An Act concerning the Halifax Steam Boat Company was read, as amended, and the question was put by the President,

Whether this Bill, as amended, shall pass?

Finally agreed to,

It was resolved in the affirmative.

And sent to H. A.

A Message was sent to the House of Assembly by the Clerk,
To return the said Bill, and acquaint them therewith.

Division & Sub-
division of Road
Money,

The eighteen Resolutions received from the House of Assembly yesterday, dividing and sub-dividing the sum of Twenty Thousand Pounds, and the additional sums to the Counties of Sydney, Guysborough and Richmond, granted for the service of Roads and Bridges for the present year, were read a second time, and the question was put by the President on each Resolution,

Read 2d time,

Whether this Resolution be agreed to?

Agreed to,

It was resolved in the affirmative.

And sent to H. A.

A Message was sent to the House of Assembly by the Clerk,
To return the said Resolutions and acquaint them that this House has agreed to the same without any amendment.

£37 11s 6d change of
appn. Sydney,
Read 2d time,

The Resolution changing the Appropriation of the sum of £37 11 6 in the County of Sydney, was read a second time, and the question was put by the President,

Whether this Resolution be agreed to?

Agreed to,

It was resolved in the affirmative.

And sent to H. A.

A Message was sent to the House of Assembly by the Clerk,

To return the said Resolution and acquaint them that this House has agreed to the same without any amendment.

£50 J. Dawson,
Read 2d time,

The Resolution for granting the sum of £50 to James Dawson, Lloyd's Agent at Pictou, was read a second time, and the question was put by the President,

Whether this Resolution be agreed to?

Disagreed to,

It was resolved that it be not agreed to.

And sent to H. A.

A Message was sent to the House of Assembly by the Clerk,

To return the said Resolution, and acquaint them that this House has not agreed to the same.

The

The Resolution granting the sum of £5475 15 9 for Government advances, was read a second time, and the question was put by the President,

£5475 15s 9d Govt. advances, read 2d time,

Whether this Resolution be agreed to?

It was resolved in the affirmative.

Agreed to.

A Message was sent to the House of Assembly by the Clerk,

To return the said Resolution, and acquaint them that this House has agreed to the same without any amendment.

And sent to H. A.

Mr. M'Dougall, the Chairman of the Committee to whom a Bill, entitled, An Act in further amendment of the Acts for the more easy Redemption and Foreclosure of Mortgages, was referred, reported that the Committee had examined the said Bill, and recommended it to the favorable consideration of the House.

Com. on Mortgages Bill report.

The said Bill was read a second time.

Bill read 2d time,

Ordered, That the said Bill be committed to a Committee of the whole House at a future time.

And ordered to Com.

Resolved unanimously, That the Standing Order of this House Number 72, relative to Bills not being read or proceeded with twice in the same day, be suspended as respects the Bills before the Committee.

S. O. S.

Mr. Morton moved the following Resolution :

Resolved, That a Committee be appointed to draft an Address to Her Majesty, praying that she will be pleased to direct His Excellency the Lieutenant-Governor, or any future Representative of Her Majesty in this Province, to cause to be laid before this House, for its information and guidance in Legislation, a Copy of all such Despatches or Correspondence as may be submitted to him, either by the Colonial Secretary, or any Person or Persons, or Body of Persons, Politic or Corporate, relating to the Rights and Privileges of this House, or to its formation, or in any way affecting the interests of this Province, or any of its Inhabitants, when a request so to do by any Member of this House shall be made through either of the Members of Her Majesty's Executive Council, excepting only all such Despatches or Correspondence as may have been marked by the Colonial Secretary as private and confidential.

Motion for Address to Her Majesty, to direct Despatches to be laid before House.

Which, being seconded, after short debate, Mr. McCully moved the following Resolution in amendment thereto.

Motion of Confidence, in amdt.,

Resolved, As the opinion of this House, that the Executive Council of Nova-Scotia, as now constituted, possesses the entire confidence of a large majority of the Inhabitants of the Province; and that any attempt to withdraw from that Honorable Body those discretionary and indispensably necessary powers heretofore exercised, as well by their Predecessors as by the present Members thereof, would be alike unacceptable to the People of this Colony, prejudicial to its best interests, and injurious to the Public Service :

Which, being seconded, and the House dividing thereon, there appeared for the amendment, ten; against it, eight.

Carried.

For the amendment—

Against the amendment—

Mr. Grigor,
McCully,
Stairs,
M'Nab,
Kenny,
M'Dougall,
Brown,
Bell,
Rudolf,
Tobin.

Mr. Fairbanks,
Crichton,
Black,
Keith,
Harris,
Almon,
Morton,
Cutler.

So it passed in the affirmative.

A

Benefit Building
Society Bill read
3d time,

A Bill, entitled, An Act for the regulation of Benefit Building Societies, was read a third time, and the question was put by the President,
Whether this Bill shall pass?

Agreed to,

It was resolved in the affirmative.

And sent to H. A.

A Message was sent to the House of Assembly by the Clerk,
To return the said Bill, and acquaint them that this House has agreed to the same without any amendment.

Con. on Bills,

On motion, the House was adjourned, during pleasure, and put into a Committee on Bills.—After some time the House was resumed, and Mr. Rudolf reported that the Committee had made some progress.

Report Mortgages
Bill without amdt.

The Chairman also reported that the Committee had gone through a Bill, entitled, An Act in further amendment of the Acts for the more easy Redemption and Foreclosure of Mortgages, and had agreed to the same without any amendment.

Ordered, That the said Bill be read a third time at a future time.

S. O. S

Resolved unanimously, That the Standing Order of this House, Number 72, relative to Bills not being read or proceeded with twice in the same day, be suspended as respects the said Bill.

Bill read 3d time,

The said Bill was read a third time, and the question was put by the President,
Whether this Bill, shall pass?

Agreed to,

It was resolved in the affirmative.

And sent to H. A.

A Message was sent to the House of Assembly by the Clerk,
To return the said Bill, and acquaint them that this House has agreed to the same, without any amendment.

Report Harbor and
Pilotage Bill with
amendment.

The Chairman also reported that the Committee had gone through
A Bill, entitled, An Act relating to certain Harbors and Pilotage thereat, and had made an amendment thereto.

Amendment read,

The said amendment was read by the Clerk, as follows :

After the Eighteenth Clause, insert the following Clause :

Provided nevertheless, and be it enacted, That the Harbor Masters appointed under and by virtue of the Acts hereby repealed, shall continue in Office, and perform the duties thereof under the Regulations now in force, until the appointments to those Offices shall be made, as therein is directed: *Provided further,* That the fees hereafter to be taken shall be those specified in this Act.

And agreed to.

And the said amendment being read a second time, was agreed to by the House.

Ordered, That the said Bill be read a third time presently.

S. O. S.

Resolved unanimously, That the Standing Order of this House Number 72, relative to Bills not being read or proceeded with twice in the same day, be suspended as respects the said Bill.

Bill read 3d time,

The said Bill was read a third time, and the question was put by the President,

Whether this Bill with the amendment shall pass?

Agreed with amdt.

It was resolved in the affirmative.

And sent to H. A.

A Message was sent to the House of Assembly by the Clerk,
To return the said Bill and acquaint them that this House has agreed to the same, with an amendment, to which amendment their concurrence is desired.

Report Chebucto
Insurance Compy.
Bill with amdt.

The Chairman also reported that the Committee had gone through A Bill, entitled, An Act to Incorporate the Chebucto Marine Insurance Company, and had made several amendments thereto.

Amendments read.

The said amendments were read by the Clerk, as follows :

SEVENTH CLAUSE.

7th Line—Instead of the word “fifteen,” insert the word “twenty-five.”

Twentieth

TWENTIETH CLAUSE.

3d Line—Instead of the word “six,” insert the word “ten.”

TWENTY-FIRST CLAUSE.

27th and 48th Lines—Instead of the word “one,” insert the word “two.”

30th and 49th Lines—Instead of the word “two,” insert the word “three.”

And the said amendments being read a second time, were agreed to by the House.

Ordered, That the said Bill be read a third time at a future day.

Agreed to.

A Message was brought from the House of Assembly by Mr. Joseph Whidden,

To inform the House that the House of Assembly agreed to the amendments proposed by this House to a Bill, entitled, An Act to continue and amend the Law regulating the Survey of Timber, Lumber and Shingles.

H. A. agree to amdt. to Survey of Timber Bill.

Also to inform the House that the House of Assembly agreed to the first, third, fifth, seventh, eleventh, sixteenth, seventeenth, eighteenth, nineteenth, twentieth, twenty-first, twenty-second, twenty-third, and twenty-fourth amendments proposed by this House to a Bill, entitled, An Act to consolidate the Acts respecting the Incorporation of the City of Halifax, and did not agree to the second, fourth, sixth, eighth, ninth, tenth, twelfth, thirteenth, fourteenth and fifteenth amendments proposed by this House to the said Bill.

H. A. agree to some, and not other amt. to Halifax Incorporation Bill.

The Messenger also brought up the following Bill and Resolutions:

A Bill, entitled, An Act to Incorporate the Roman Catholic Bishop of Halifax.

R. C. Bishop Incorporation Bill. *

Resolved, That the sum of One Thousand and Seven Hundred Pounds be granted and placed at the disposal of the Governor, to be placed in sums of One Hundred Pounds for each County, in the hands of Commissioners in the County, to be appointed by the Governor in Council, and which sums shall be by them laid out in the purchase of Seed, when absolutely required for distribution among the poorer classes, and be accounted for to the General Assembly at its next meeting: Provided that if such Commissioners so appointed in any County, or the Members for such County shall report that no sum, or a less amount is required then the said sum of One Hundred Pounds, or any balance thereof, not so required, shall be applied by the Governor in Council, for the service of the Roads and Bridges in such County.

£1700 for seed.

Resolved, That during the present year, it shall be lawful for the Governor, in Council, upon the requisition of the General or Special Sessions of the Peace for any County or District, to draw all or any part of the Monies by Law appropriated for the encouragement of Agriculture within such County or District, and to apply the same under such regulations and restrictions as may be deemed necessary in the purchase of Seed for distribution in such County or District, instead of for the original purpose for which such Monies were granted.

Change of appn. of Agricultural Monies.

Resolved, That it shall be lawful for the Governor, upon the requisition of a General or Special Sessions of the Peace for the Counties of Cape Breton, Inverness, Richmond and Sydney, respectively, immediately to draw all or any part of the monies by Law appropriated for Schools of every description within such Counties respectively, for the half year from the first day of May to the first day of November next, and apply the same under such regulations and restrictions as may be deemed necessary in the purchase of Seed for distribution in such Counties respectively, instead of for the original purpose for which such monies were granted.

Change of Appn. School Monies in Cape Breton.

Resolved, That the sum of Twelve Pounds and Ten Shillings be granted and paid to Lewis Jenks, for extra services in the building of a Bridge over Partridge Island River in the year 1848, as recommended by a Select Committee, and that this sum be repaid out of the Road Money for Cumberland for the year 1850.

£12 10s. L. Jenks.

Resolved, That the sum of One Hundred and Forty Pounds Seven Shillings and Seven Pence be granted and paid to Charles W. Wallace, late Treasurer of the Province, being balance in full of monies paid by him in that capacity, and omitted to be

£140 7s 6d, C. W. Wallace.

charged in account, after deducting amount standing against him, as reported by a Committee of the Executive Council.

£18 Sheriff of
Guysborough.

Resolved, That the sum of Eighteen Pounds be granted and paid to the Sheriff of Guysborough, for his expenses in attending before the Guysborough Election Committee during the present Session.

£42 Board of Health
Argyle.

Resolved, That the sum of Forty-two Pounds be granted and placed at the disposal of the Governor, to defray certain liabilities incurred by the Board of Health at Argyle, pursuant to the Report of the Committee.

£110 2s 6d, balance
of Survey of
Windsor Railroad.

Resolved, That the sum of One Hundred and Ten Pounds Two Shillings and Six Pence be granted and placed at the disposal of the Governor, to defray the balance of expenses of Survey of Railroad from Halifax to Windsor.

£150 Govt. Missions
to Canada and
New Brunswick.

Resolved, That the sum of One Hundred and Fifty Pounds be granted and placed at the disposal of the Governor, to pay the expenses of certain Missions to Canada and New Brunswick, in reference to the Railway, Telegraph, and Inter-colonial Postage.

£195 Rail Road Sta-
tistics.

Resolved, That the sum of One Hundred and Ninety Five Pounds be granted and placed at the disposal of the Governor to defray the expence of collecting Statistics, &c. in relation to the Halifax and Quebec Rail Road.

£50 A. Gesner.

Resolved, That the sum of Fifty Pounds be granted and paid to Abram Gesner, Esquire, to remunerate him for public services performed for the Government.

£92 J. H. Crosskill.

Resolved, That the sum of Ninety Two Pounds be granted and paid to John H. Crosskill, in full for claims for Printing, up to the 31st December, 1847, pursuant to the Report of the Committee on his Petition.

£901 4s 9d Public
Printing.

Resolved, That the sum of Nine Hundred and One Pounds Four Shillings and Nine Pence, be granted and placed at the disposal of the Governor, to repay advances made from the Treasury for Public Printing, and to defray the following amounts still due therefor, pursuant to the Report of the Committee on Printing, that is to say :

William Gossip,	£115	2	7
Ritchie & Nugent,	6	15	0
William Annand,	6	11	3
British Colonist,	3	16	3
Richard Nugent,	2	17	3
English & Blackadar,	1	2	6
J. Ferguson,	0	12	6
Royal Gazette Office,	1	3	.9
J. S. Thompson, Queen's Printer, balance due,	52	3	4
J. H. Crosskill, in full, balance due,	168	5	4

£15 M. Nickerson.

Resolved, That the sum of Fifteen Pounds be granted and paid to Margaret Nickerson, to assist her in keeping a House of Entertainment for Travellers on the Road between Shelburne and Barrington.

£15 R. Langley.

Resolved, That the sum of Fifteen Pounds be granted and paid to Rebecca Langley, to assist her in keeping a House of Entertainment for Travellers, on the Road between Musquodoboit and St. Mary's.

£375 annually, 3
years, Steamboat
to Newfoundland.

Resolved, That the sum of Three Hundred and Seventy Five Pounds annually, for the next three years, be granted to such persons as shall, in each year, run a suitable Steamboat between Halifax and St. John's, Newfoundland, touching at Cape Breton going and returning, to be paid when it shall appear to the Governor in Council that the service has been properly discharged.

£200 do. do. P. E. I.

Resolved, That the sum of Two Hundred Pounds annually, for the next three years, be granted and placed at the disposal of the Governor, for the encouragement of a suitable Steam Boat, to ply between Pictou and Charlottetown, Prince Edward's Island, to be paid when it shall appear to the satisfaction of the Governor in Council that the service has been faithfully performed, and that the Mails (if required) have been duly conveyed.

Resolved,

Resolved, That the sum of Three Hundred and Fifty Pounds, annually, for the next three years, be granted to such person as shall in each year run weekly a suitable Steam Boat between Yarmouth and Halifax, touching at the intermediate Ports of Liverpool and Lunenburg—to be paid when it shall appear to the satisfaction of the Governor in Council, that such Boat has plied between the said Ports as hereinbefore mentioned at least seven months in each year.

£350 do. Western Shore.

Resolved, That the sum of Seventy-five Pounds, annually, for the next three years, be granted and placed at the disposal of the Governor, to be paid to any person who will in each year run a suitable Steam Boat from St. Peter's through the Bras d'Or Lake to Sydney once a fortnight, and in the interval to ply as a Passage Boat regularly between Sydney and the North Bar.

£75 Bras d'Or Steamer.

Resolved, That the sum of Fifty Pounds be granted and placed at the disposal of the Governor, to enable him to pay to the Adjutant General of Militia the sum of Thirty Pounds, and to the Quarter Master General the sum of Twenty Pounds, for their services for the past year.

£30 Adj. General.
£20 do Qr. Master General Militia.

Resolved, That the sum of Two Hundred and Sixty Pounds be granted and placed at the disposal of the Governor, to pay the expense of Reporting and Publishing the Debates of the House of Assembly for the present year.

£260 Debates.

Resolved, That such sum be granted and placed at the disposal of the Governor as will enable him to remunerate the Commissioners for issuing Treasury Notes, for their services, (including the expense of their Clerk,) between the First day of April, 1847, and the First day of February, 1849, at the rate of one half per cent. on the amount of Notes actually signed, the same to be in full for all services performed by them in signing and cancelling Notes and Stock Certificates up to the latter date.

One half per cent. for issuing Treasury Notes.

Resolved, That in the event of a Bill, entitled, "An Act for transferring the Crown Revenues of Nova Scotia and providing for the Civil List thereof," receiving Her Majesty's assent and passing into a Law, the sum of Two Hundred Pounds sterling, be granted and paid to the present Lieutenant-Governor for his Contingencies for the present year.

Various sums borne on Civil List.
£200 stg. Lt. Govr., Contingencies.

And also in the like event, the sum of Two Hundred and Fifty Pounds sterling to the present Lieutenant-Governor for a Private Secretary for the present year.

£250 stg. Lt. Govr., Private Secretary.

And also in the like event, the sum of One Hundred Pounds sterling to the Superintendent of Mines in Cape Breton for the present year.

£100 stg. Supdt. of Mines.

And also in the like event, the sum of Four Hundred and Sixty Pounds, Sterling, for the Salaries of the Clerks in the Provincial Secretary's Office for the present year, to be applied and appropriated by the Provincial Secretary.

£460 stg. Clerks of Secretary's Office.

And also in the like event, a sum not exceeding One Hundred Pounds, Sterling, for Stationery and other contingencies of the Provincial Secretary's Office, for the present year—the expenditure to be accounted for at the next Session of the General Assembly.

£100 stg. Contingencies of Secy's Office.

And also in the like event, the sum of Thirty Pounds, Sterling, to the Master of the Rolls, the Judge of Vice Admiralty, and the Judge of Probate at Halifax, for Fuel and Criers of their Courts for the present year.

£30 Fuel and Crier, Rolls, Admiralty & Probate Courts.

And also in the like event, the sum of Forty Pounds, Sterling, to the Clerk of the Crown in the Supreme Court for this Province, for his services for the present year.

£40 stg. Clerk of Crown.

To which Bill and Resolutions they desired the concurrence of this House.

The same were read a first time.

Read 1st time.

Ordered, That the said Bill be referred to a Select Committee, to examine and report upon.

R. C. Bishop Incorporation Bill ref. to Select Com., Committee.

Ordered, That Mr. Kenny, Mr. McCully, and Mr. McDougall, be a Committee for that purpose.

Ordered, That the said Resolutions be read a second time at a future day.

On motion made and seconded—the House adjourned until To-morrow at 12 o'clock.

Adjourn.

Friday,

Friday, 30th March, 1849.

The House met pursuant to adjournment.

P R E S E N T—

The Honorable MICHAEL TOBIN, President.

The Honorable WILLIAM RUDOLF,
ROBERT M. CUTLER.
JOHN MORTON,
HUGH BELL,
STAYLEY BROWN,
ALEXANDER McDUGALL,
MATHER B. ALMON,
EDWARD KENNY,
JAMES D. HARRIS,

The Honorable ALEXANDER KEITH,
WILLIAM A. BLACK,
DAVID CRICHTON,
JOHN E. FAIRBANKS,
JAMES McNAB,
WILLIAM STAIRS,
JONATHAN McCULLY.
WILLIAM GRIGOR.

PRAYERS.

The Minutes of yesterday were read.

The following Resolutions for granting and changing the appropriation of Money,
viz :—

Money Votes,

£1700	0	0	For Seed in different Counties.
			Change of appropriation of Agricultural Monies.
12	10	0	To Lewis Jenks.
140	7	7	C. W. Wallace.
18	0	0	Sheriff of Guysborough.
42	0	0	Board of Health at Argyle.
110	2	6	Balance of Survey of Windsor Rail Road.
150	0	0	Government Missions to Canada and N. Brunswick.
195	0	0	Rail Road Statistics.
50	0	0	To Abraham Gesner.
92	0	0	J. H. Crosskill.
901	4	9	Public Printing.
15	0	0	To M. Nickerson.
15	0	0	To R. Langley.
375	0	0	Annually for three years Steam Boat to Newfoundland.
200	0	0	Do. do. Steam Boat to P. E. Island.
350	0	0	Do. do. Steam Boat Western Shore.
75	0	0	Do. do. Steam Boat Bras d'Or Lake.
30	0	0	{ Adjutant General } of Militia.
20	0	0		{ Quarter Master General }
260	0	0	Reporting for House of Assembly.

Also the Resolution for granting a Commission to the Commissioners for issuing Treasury Notes.

Read 2d time,

Were read a second time, and the question was put by the President on each Resolution.

Agreed to,

Whether this Resolution be agreed to?
It was resolved in the affirmative.

And sent to H. A.

A Message was sent to the House of Assembly by the Clerk,
To return the said Resolutions, and acquaint them that this House has agreed to the same without any amendment.

On

On motion, the House proceeded to the consideration of the amendments proposed by this House to a Bill, entitled, An Act to consolidate the Acts respecting the Incorporation of the City of Halifax, which have not been assented to by the House of Assembly.

Am. to Hx. Incorp. Bill considered.

The second amendment was read by the Clerk—whereupon Mr. Keith moved that the said amendment be adhered to: which, being seconded, and the question being put, there appeared, for the motion, eight; against the motion, ten:

Motion to adhere to, Negatived.

For the motion—

Against the motion—

Mr. Fairbanks,
Crichton,
Black,
Keith,
Harris,
Almon,
Morton,
Cutler,

Mr. Grigor,
McCully,
Stairs,
M'Nab,
Kenny,
M'Dougall,
Brown,
Bell,
Rudolf,
Tobin.

So it passed in the negative.

Then it was moved that the said amendment be not adhered to: which, being seconded, and the question being put, there appeared for the motion, ten; against the motion, eight. So it passed in the affirmative.

Motion not to adhere to amdt. carried,

Then the fourth, sixth, eighth, ninth, tenth, twelfth, thirteenth, fourteenth, and fifteenth amendments were read, and, on motion, resolved, that the said amendments be not adhered to.

Other amdts. not adhered to.

A Message was sent to the House of Assembly by the Clerk,

And Message to H. A.

To return the said Bill, and acquaint them that this House does not adhere to those amendments to the said Bill which have not been agreed to by the House of Assembly.

A Bill, entitled, An Act to continue and amend the Law, regulating the Survey of Timber, Lumber and Shingles, was read as amended, and the question was put by the President,

Survey of Timber Bill,

Whether this Bill, as amended, shall pass?

It was resolved in the affirmative.

Finally agreed to,

A Message was sent to the House of Assembly by the Clerk, To return the said Bill and acquaint them therewith.

And sent to H. A.

A Bill, entitled, An Act to Incorporate the Chebucto Marine Insurance Company, Was read a third time, and the question was put by the President,

Chebucto Insurance Company Bill Read 3d time,

Whether this Bill with the amendments shall pass?

It was resolved in the affirmative.

Agreed with amdt.,

A Message was sent to the House of Assembly by the Clerk,

And sent to H. A.

To return the said Bill, and acquaint them that this House has agreed to the same with amendments, to which amendments their concurrence is desired.

Mr. Kenny, the Chairman of the Committee to whom a Bill, entitled, An Act to Incorporate the Roman Catholic Bishop of Halifax was referred, reported that the Committee had examined the said Bill, and recommended it to the favorable consideration of the House.

Com. on R. Cath. Bishop Incor. Bill report.

The said Bill was read a second time.

Bill read 2d time,

Ordered, That the said Bill be committed to a Committee of the whole House at a future day.

And ordered to Com.

A Message was brought from the House of Assembly by Mr. Joseph Whidden, with the following Bills and Resolutions :

Province Loan,
Nova Scotia Horti-
cultural Society,
And Electric Tel.
Company Bills.

1. A Bill, entitled, An Act to authorize a Loan for the use of the Province.
2. A Bill, entitled, An Act in addition to the Act to Incorporate the Nova-Scotia Agricultural Society.
3. A Bill, entitled, An Act to Incorporate the British North American Electric Telegraph Association in the Province of Nova-Scotia.

Advances for Print-
ing.

Resolved, That His Excellency the Lieutenant-Governor be authorized and respectfully requested to direct advances from the Treasury of such sums as may be required towards defraying the expense of Public Printing : Provided that no greater sum be advanced in the whole than Five Hundred Pounds, and this House will provide for the same at its next Session.

Do. for Post Office
Communication.

Resolved, That His Excellency the Lieutenant-Governor be authorized and respectfully requested to direct such advances of money from the Treasury as may be necessary to keep up the Post Office Communication throughout the Province for the current year, and that this House will provide for the same at its next Session.

Gazettes for Clerks
of the Peace.

Resolved, That His Excellency the Lieutenant-Governor be respectfully requested to direct copies of the Gazette to continue to be sent for the future to the several Clerks of the Peace for the use of the Courts of Sessions, to be filed and preserved by them—and that the Postage thereof be charged in the account of Postage against the Legislature.

£150 change of apn.
Sydney.

Resolved, That under the special circumstances affecting the County of Sydney, the sum of One Hundred and Fifty Pounds, included in the Road Scale of the present year as a repayment of monies advanced for that County, be allowed to be appropriated for the service of Roads and Bridges therein, and shall remain as a charge on the Road Grant for such County, and be repaid therefrom at the next Session.

To which Bills and Resolutions they desired the concurrence of this House.

Read 1st time.

The same were read a first time.

Hort. Soc. Bill ref.
to Sel. Com.

Ordered, That the first Bill be read a second time at a future time.

Ordered, That the second Bill be referred to a Select Committee, to examine and report upon.

Committee.

Ordered, That Mr. Bell, Mr. Almon, and Mr. Stairs, be a Committee for that purpose.

Electric Telegraph
Bill ref. to Select
Committee,
Committee.

Ordered, That the third Bill be referred to a Select Committee, to examine and report upon.

Ordered, That Mr. McNab, Mr. Almon, and Mr. Morton, be a Committee for that purpose.

Resolutions read 2d
time,

By order the four Resolutions were read a second time, and the question was put by the President on each,

Whether this Resolution be agreed to ?

Agreed to,

It was resolved in the affirmative.

And sent to H. A.

A Message was sent to the House of Assembly by the Clerk, To return the said Resolutions and acquaint them that this House has agreed to the same without any amendment.

H. A. agree to amdt.
to Harbors and
Pilotage Bill,

The Messenger also informed the House that the House of Assembly agreed to the amendment proposed by this House to a Bill, entitled, An Act relating to certain Harbors, and Pilotage thereat.

The said Bill, was then read, as amended, and the question was put by the President,

Whether this Bill, as amended, shall pass ?

Bill finally agreed to,

It was resolved in the affirmative.

A Message was sent to the House of Assembly by the Clerk,
To return the said Bill, and acquaint them therewith.

And sent to H. A.

A Message was brought from the House of Assembly by Mr. Joseph Whidden, with the following Resolution:

Whereas the Report of Her Majesty's Engineers suggests that in apportioning the payment of Interest in the Capital expended in constructing a Railroad from Halifax to Quebec, the Province of Nova-Scotia should contribute £20,000 Sterling, annually, or so much thereof as may be requisite to pay Interest on Capital borrowed and expended in the accomplishment of such undertaking; And whereas the People of the County of Halifax have voluntarily consented to direct taxation to the amount of one-fifth thereof:

Railway,

Resolved, That it is the opinion of this House, that an humble Address be presented to Her Majesty the Queen, pledging this House to advance from the General Revenue of the Province, such pecuniary aid as will enable Her Majesty to have the project carried through Nova-Scotia, by granting by Bill, Sums not exceeding Twenty Thousand Pounds Sterling, annually, including said Assessment of the County of Halifax, or so much thereof as may be deemed necessary to pay the interest of any Capital borrowed and expended for the accomplishment of an undertaking so replete with benefits and advantages to British America: Provided that the payment of said sum, or part thereof, shall be under all the guards and checks imposed and suggested in Major Robinson's Report.

To which Resolution they desired the concurrence of this House.

The said Resolution was read a first time, and by order, the said Resolution was read a second time, and the question was put by the President.

Read 1st & 2d times,

Whether this Resolution be agreed to?

It was resolved in the affirmative.

Agreed to,

Dissentient—Mr. Stairs, Mr. Harris and Mr. Brown.

And sent to H. A.

A Message was sent to the House of Assembly by the Clerk,

To return the said Resolution, and acquaint them that this House has agreed to the same without any amendment.

The Resolutions relative to the various sums borne on the Civil List were read a second time, viz:

Resolutions on Civil List Bill, viz:

£200 Sterling, Lieutenant-Governor's Contingencies, and the question being put by the President,

£200 stg. Lt. Govnr. Contingencies,

Whether this Resolution be agreed to? and the House dividing thereon, there appeared for agreeing to the Resolution, nine; against agreeing to it, eight.

For agreeing to it—

Against agreeing to it—

Mr. Grigor,	Mr. M'Dougall,	Mr. Fairbanks,	Mr. Almon,
M'Cully,	Brown,	Crichton,	Morton,
Stairs,	Bell,	Black,	Cutler,
M'Nab,	Tobin,	Keith,	
Kenny,		Harris,	

Agreed to.

So it passed in the affirmative.
£250 Sterling, to Lieutenant-Governor, for Private Secretary, and the question being put by the President,

£250 stg. Lt. Govnr. Private Secretary,

Whether this Resolution be agreed to? there appeared for agreeing to the Resolution, nine; against agreeing to it, eight.

Agreed to.

So it passed in the affirmative.

Motion to rescind,

Mr. Almon then moved the following Preamble and Resolution:
Whereas the Right Honorable the Secretary of State for the Colonies did, in his Despatch to the Lieutenant-Governor, dated 3d May, 1847, declare that whatever grant

grant may be made to the Lieutenant-Governor at the time of settling the Civil List, must be considered incapable of increase by any subsequent grant: *And whereas*, by the Civil List Bill, passed during the present Session, the sum of £3000 Sterling, equal to £3750 Nova-Scotia Currency, has been granted to the Lieutenant-Governor and settled for his Salary, and it is not only inexpedient to increase the same, but the exhausted state of the Provincial Treasury has prevented grants being made to relieve the great distress to which the Inhabitants of many parts of the Province have been reduced and are now suffering: *Resolved therefore*, That while such distress remains unrelieved the Resolutions of the House of Assembly granting £450 Sterling to the Lieutenant-Governor, in addition to the sum already secured to him by the Civil List Bill, ought not to be allowed, and that the Resolution of this House agreeing to the same ought to be rescinded.

Which being seconded, and the question being put, there appeared for the Resolution, eight; against it, nine:

For the Resolution—

Mr. Fairbanks,
Crichton,
Black,
Keith,
Harris,
Almon,
Morton,
Cutler.

Against it—

Mr. Grigor,
McCully,
Stairs,
M'Nab,
Kenny,
M'Dougall,
Brown,
Bell,
Tobin.

Negatived

So it passed in the negative.

The other votes,

£100	0	0	Sterling to Superintendent of Mines.
460	0	0	“ Clerks in Secretary's Office.
100	0	0	“ Contingencies of Secretary's Office.
30	0	0	“ Fuel and Crier of Rolls, Admiralty, and Probate Courts.
40	0	0	“ Clerk of the Crown.

Agreed to,

And the question was put by the President on each Resolution,

Whether this Resolution be agreed to?

And sent to H. A.

It was resolved in the affirmative.

A Message was sent to the House of Assembly by the Clerk,

To return the said Resolutions and acquaint them that this House has agreed to the same without any amendment.

Change of appn.
School Monies,
C. B., read 2d
time,

The Resolution changing the appropriation of School Monies in the Counties of Cape-Breton, Inverness, Richmond, and Sydney, was read a second time, and the question was put by the President,

Whether this Resolution be agreed to?

Agreed to,

It was resolved in the affirmative.

And sent to H. A.

A Message was sent to the House of Assembly by the Clerk,

To return the said Resolution, and acquaint them that this House has agreed to the same, without any amendment.

S. O. S. on Prov
Loan Bill,

Resolved unanimously, That the Standing Order of this House Number 72, relative to Bills not being read or proceeded with twice in the same day, be suspended as respects a Bill, entitled, An Act to authorize a Loan for the use of the Province.

Bill read 2d time,

The said Bill was read a second time.

And ordered to Com.

Ordered, That the said Bill be committed to a Committee of the whole House presently.

Mr.

Mr. M'Nab, the Chairman of the Committee to whom a Bill, entitled, An Act to Incorporate the British North American Electric Telegraph Association in the Province of Nova-Scotia, was referred, reported that the Committee had examined the said Bill, and recommended it to the favorable consideration of the House.

Com. on Electric Tel. Bill report.

Mr. Bell, the Chairman of the Committee to whom a Bill, entitled, An Act in addition to the Act to Incorporate the Nova-Scotia Horticultural Society was referred, reported that the Committee had examined the said Bill, and that the majority of the Committee did not recommend it to the favorable consideration of the House.

Com. on Horticult. Soc. Bill report.

Resolved unanimously, That the Standing Order of this House Number 72, relative to Bills not being read or proceeded with twice in the same day, be suspended as respects the last mentioned Bill.

S. O. S.

The said Bill was read a second time.

Bills read 2d time, And ordered to Co

Ordered, That the said Bills be committed to a Committee of the whole House presently.

On motion, the House was adjourned, during pleasure, and put into a Committee on Bills.—After some time the House was resumed, and Mr. Rudolf reported that the Committee had made some progress.

Com. on Bills.

The Chairman also reported that the Committee had gone through

Report,

A Bill, entitled, An Act to authorize a Loan for the use of the Province ; also,

Province Loan,

A Bill, entitled, An Act to Incorporate the British North American Electric Telegraph Association in the Province of Nova-Scotia ; also,

Electric Telegraph,

A Bill, entitled, An Act in addition to the Act to Incorporate the Nova-Scotia Horticultural Society.

And Hor. Soc. Bills

And had agreed to the same without any amendment.

Without amdt.

Pursuant to the suspension of the Standing Order, Number 72, the said Bills were read a third time, and the question was put by the President on each Bill.

Bills read 3d time,

Whether this Bill shall pass ?

It was resolved in the affirmative.

Agreed to,

A Message was sent to the House of Assembly by the Clerk,

To return the said Bills, and acquaint them that this House has agreed to the same, without any amendment.

And sent to H. A.

A Message was brought from the House of Assembly by Mr. Joseph Whidden,

To inform the House that the House of Assembly agreed to a Bill, entitled, An Act to consolidate the Acts respecting the Incorporation of the City of Halifax, as now amended.

H. A. agree to Hfx. Incor. Bill, as now amended.

Also, that the House of Assembly agreed to the amendments proposed by this House to a Bill, entitled, An Act to Incorporate the Chebucto Marine Insurance Company.

H. A. agree to am. to Chebucto Insce. Com. Bill.

Also, with the following Bill :

A Bill, entitled, An Act to enable the Commissioners for erecting and building the Trunk Line of Railway from Halifax to Quebec, to construct the same within the limits of this Province.

Railroad Bill,

To which Bill they desired the concurrence of this House.

The said Bill was read a first time.

Read 1st time,

Ordered, That the said Bill be referred to a Select Committee, to examine and report upon.

And ref. to Sel. Com

Ordered, That M'Nab, Mr. Almon and Mr. M'Cully, be a Committee for that purpose.

Committee.

On motion made and seconded, the House adjourned until To-morrow at twelve o'clock.

Adjourn.

Saturday, 31st March, 1849.

The House met pursuant to adjournment.

P R E S E N T—

The Honorable MICHAEL TOBIN, President.

The Right Reverend and Honorable the LORD BISHOP.

The Honorable WILLIAM RUDOLF,
ROBERT M. CUTLER,
JOHN MORTON,
HUGH BELL,
ALEXANDER MCDUGALL,
MATHER B. ALMON,
EDWARD KENNY,
JAMES D. HARRIS,

The Honorable ALEXANDER KEITH,
WILLIAM A. BLACK,
DAVID CRICHTON,
JOHN E. FAIRBANKS,
JAMES McNAB,
WILLIAM STAIRS,
JONATHAN McCULLY,
WILLIAM GRIGOR.

PRAYERS.

The Minutes of yesterday were read.

- Hfx. Incor. Bill, A Bill, entitled, An Act to consolidate the Acts respecting the Incorporation of the City of Halifax, was read, as now amended, and the question was put by the President, Whether this Bill, as now amended, shall pass?
- Finally agreed to, It was resolved in the affirmative.
- And sent to H. A. A Message was sent to the House of Assembly by the Clerk, To return the said Bill, and acquaint them therewith.
- Chebucto Ins. Com. Bill, A Bill, entitled, An Act to Incorporate the Chebucto Marine Insurance Company, was read as amended, and the question was put by the President, Whether this Bill, as amended, shall pass?
- Finally agreed to, It was resolved in the affirmative.
- And sent to H. A. A Message was sent to the House of Assembly by the Clerk, To return the said Bill and acquaint them therewith.
- Com. on Railroad Bill report, Mr. McNab, the Chairman of the Committee to whom a Bill, entitled, An Act to enable the Commissioners for erecting and building the Trunk Line of Railway from Halifax to Quebec to construct the same within the limits of this Province, was referred, reported that the Committee had examined the said Bill, and recommended it to the favorable consideration of the House.
- Bill read 2d time, The said Bill was read a second time.
- And ordered to Com. S. O. S. *Ordered*, That the said Bill be committed to a Committee of the whole House.
Resolved unanimously, That the Standing Order of this House, Number 72, relative to Bills not being read or proceeded with twice in the same day, be suspended as respects the said Bill.
- Com. on Bills, On motion, the House was adjourned during pleasure, and put into a Committee on Bills.—After some time the House was resumed, and Mr. Rudolf reported, that the Committee had made some progress.
- Rep. Railroad Bill without amdt. The Chairman also reported, that the Committee had gone through a Bill, entitled, An Act to enable the Commissioners for erecting and building the Trunk Line of Railway from Halifax to Quebec, to construct the same within the limits of this Province, and had agreed to the same without any amendment.
Ordered, That the said Bill be read a third time.

Resolved,

Resolved unanimously, That the Standing Order of this House, No. 72, relative to Bills not being read or proceeded with twice in the same day, be suspended, as respects the said Bill. S. O. S.

The said Bill was then read a third time, and the question was put by the President, Whether this Bill shall pass? Bill read 3d time,

It was resolved in the affirmative. Agreed to,

A message was sent to the House of Assembly by the Clerk, To return the said Bill, and acquaint them that, this House has agreed to the same without any amendment. And sent to H. A.

The Chairman also reported, that the Committee had gone through a Bill, entitled, An Act to Incorporate the Roman Catholic Bishop of Halifax, and had made three amendments thereto. Report R. C. Bishop Bill, with amdt.,

The said amendments were read by the Clerk, as follows :

Amendments read,

IN THE TITLE.

3rd line—instead of the word “ if ” insert the word “ in.”

IN THE PREAMBLE.

4th line—Instead of the word “ of ” insert the word “ in.”

At the end of the Bill add the following clause :

And be it enacted, That this Act shall not be of any force or effect until Her Majesty's Assent shall be signified thereto. And agreed to.

And the said amendments being read a second time, were agreed to by the House.

Ordered, That the said Bill be read a third time.

Resolved unanimously, That the Standing Order of this House, No. 72, relative to Bills not being read or proceeded with twice in the same day, be suspended as respects the said Bill. S. O. S.

The said Bill was then read a third time, and the question was put by the President, Whether this Bill, with the amendments, shall pass? Bill read 3d time,

It was resolved in the affirmative.

And agreed to.

It was resolved in the affirmative.

Dissent with reasons.

Dissentient :—

1. Because the Legislature of Nova-Scotia, as I believe, have never yet created a Corporation Sole, and as there may be serious objections to such a measure, time should have been allowed for full examination ; Whereas this Bill came from the House of Assembly to the Legislative Council on the 29th day of March, when it was read a first time, and referred to a Select Committee on the same day ; it was read a second time on the following day, the 30th March, and then referred to a Committee of the whole House, in which Committee it was amended on the 31st of March, and sent to the House of Assembly, who agreed to the amendments, and the Bill passed through its remaining stages on the same 31st of March, on which day the Legislature was prorogued.

2. Because this Bill will give a Legislative recognition for the first time to an Episcopal Diocese avowedly created by a Foreign Prelate ; and to the especial nomination, by the same Foreign Prelate, of an Individual to be the Bishop of that Diocese so constituted within a Diocese regularly created by Royal Letters Patent, more than sixty years ago.

3. Because this Bill will give Legislative recognition to any illegal exercise of Supreme Power by a Foreign State and Prelate within this portion of Her Majesty's Realm, where every exercise of Supremacy belongs by Law to the Crown.

JOHN NOVA-SCOTIA.

A Message was sent to the House of Assembly by the Clerk,

Bill sent to H. A.

To return the said Bill, and acquaint them that this House has agreed to the same, with amendments, to which amendments their concurrence is desired

Mr.

Address to Her Majesty on Railroad moved.

Mr. McNab presented the following draft of an Address to Her Majesty, which he read in his place, and afterwards delivered it to the Clerk, who read the same, as follows :

TO THE QUEEN'S MOST EXCELLENT MAJESTY :

The humble Address of the Legislative Council of Nova-Scotia :

MAY IT PLEASE YOUR MAJESTY—

Address.

We Your Majesty's faithful and loyal subjects the Legislative Council of Nova Scotia, approach Your Majesty with warm attachment to Your Majesty's person and Government, to express our grateful feeling to Your Majesty for having submitted the Survey and Plans of the contemplated Railway from Quebec to Halifax, for the deliberate consideration of the Legislative Council.

The able Report of Your Majesty's Engineers employed in this Survey, confirms the view entertained by the Legislative Council, that the accomplishment of the undertaking will develop the resources of Your Majesty's noble Possessions on this Continent, create new elements of prosperity, promote internal improvement, and become a national and indissoluble bond of union with the Parent State.

Impressed with these sentiments, the Legislative Council of this Province has passed a Law, granting free of expense, a right of way for the Railroad, together with all Public Lands within ten miles of either side thereof, and charging upon the Provincial and Local Revenues of Nova-Scotia, an annual contribution of Twenty Thousand Pounds, Sterling, towards the payment of the interest of the sum required to be expended upon the construction of the work—of which sum a fifth part has been voluntarily tendered by the Citizens of Halifax, and the whole will be annually paid to such Commissioners as Your Majesty may please to appoint, after the completion, or satisfactory security for the completion of such Railway, until the traffic thereon shall be sufficient to relieve the Provincial Government from further contribution.

Your Majesty's Subjects, in this part of Your Empire, have made preparations to erect an Electric Telegraph across Nova-Scotia to unite with the Lines already established from Metis to Quebec, and St. John's, New Brunswick, to Boston, and this information will be transmitted in the most rapid manner to the Interior of Canada and the United States ; and the speedy construction of this projected Railway will turn the Passenger travelling in the same direction as the most speedy and safe route to the heart of America.

The projected Railroad will furnish a safe Military Road through the centre of British America, open a boundless tract of fertile soil for Colonization, facilitate the transit of Your Majesty's Mails and Troops, and will create a new intercourse with Western America through the Lakes and the St. Lawrence to Halifax, a Port surpassed by none on this Continent of America.

May it please Your Majesty to give to the subject of this Address Your gracious consideration, and to extend Your Royal Favour to the construction of this National Highway through Your Majesty's splendid Provinces, knitting them together by the strongest ties, and binding them to the Parent State by the bonds of loyalty, affection and interest.

Adopted.

Ordered, That the said Address be received and adopted.

Dissentient—Mr. Harris.

Address to H. E. moved,

Mr. McNab also presented the Draft of an Address to His Excellency the Lieutenant-Governor, which he read in his place, and afterwards delivered it to the Clerk, who read the same as follows :

To

To His Excellency Lieutenant-General

SIR JOHN HARVEY,

Knight Commander of the Most Honorable Military Order of the Bath, Knight Commander of the Royal Hanoverian Guelphic Order, Lieutenant-Governor and Commander in Chief, in and over Her Majesty's Province of Nova-Scotia, and its Dependencies, &c. &c. &c.

THE ADDRESS OF THE LEGISLATIVE COUNCIL.

MAY IT PLEASE YOUR EXCELLENCY,

The Legislative Council have passed an Address to Her Majesty, upon the subject of the projected Railroad between Halifax and Quebec, which the Legislative Council pray Your Excellency to transmit to Her Majesty's Secretary of State for the Colonies, to be laid at the Foot of the Throne.

Address,

Ordered, That the said Address be received and adopted.

Adopted.

DISSENTIENT—Mr. Harris.

Ordered, That Mr. McNab, Mr. Kenny, and Mr. McDougall, be a Committee to present the said Address to His Excellency the Lieutenant-Governor.

Com. to present to H. E.

A Message was brought from the House of Assembly by Mr. Joseph Whidden, with the following Bill :

A Bill, entitled, An Act for applying certain monies therein mentioned, for the service of the year of our Lord one thousand eight hundred and forty-nine, and for other purposes.

Appropriation Bill,

To which Bill they desired the concurrence of this House.

The said Bill was read a first time.

Read 1st time,

Ordered, That the said Bill be referred to a Select Committee to examine and report upon.

And ref. to Sel. Com.

Ordered, That Mr. Stairs, Mr. Morton, and Mr. Bell, be a Committee for that purpose.

Committee.

The Messenger also informed the House that the House of Assembly agreed to the amendments proposed by this House to a Bill, entitled, An Act to Incorporate the Roman Catholic Bishop of Halifax.

H. A. agree to amdt. to R. C. Bishop Incorporation Bill.

The said Bill, now entitled An Act to Incorporate the Roman Catholic Bishop in Halifax, was read as amended, and the question was put by the President,

Whether this Bill, as amended, shall pass ?

It was resolved in the affirmative.

Bill finally agreed to.

A Message was sent to the House of Assembly by the Clerk,

And sent to H. A.

To return the said Bill, and acquaint them therewith.

Mr. Stairs, the Chairman of the Committee to whom a Bill, entitled, An Act for applying certain monies therein mentioned, for the service of the year of our Lord one thousand eight hundred and forty-nine, and for other purposes, was referred, reported that the Committee had examined the said Bill and found it correct, and recommended it to the favorable consideration of the House.

Com. on Appn. Bill report.

Resolved unanimously, That the Standing Order of this House Number 72, relative to Bills not being read or proceeded with twice in the same day, be suspended as respects the said Bill.

S. O. S.

Bill read 2d and 3d
time,

The said Bill was then read a second and third time, and the question was put by the President,

Whether this Bill, as amended, shall pass?

Agreed to,
And sent to H. A.

It was resolved in the affirmative.

A Message was sent to the House of Assembly by the Clerk,

To return the said Bill, and acquaint them that this House has agreed to the same, without any amendment.

A Message was brought from the House of Assembly by Mr. Joseph Whidden, with the following Resolution:

Resolution for Testi-
monial to Louis
Boudrot & others.

Resolved unanimously, That this House deem it a solemn duty to record their opinion of the high estimation in which they hold the philanthropic, noble and skilful conduct of Louis Boudrot, Captain of the "Shannon", and Louis Boudrot, the younger, Captain of the "Eliza," in rescuing the Passengers and Crew of the "Belle Isle" from the perilous and awful situation in which they were reduced by the wreck of that vessel in August last, by cool and manly seamanship, and to mark their sense of their meritorious services, are of opinion that His Excellency the Lieutenant-Governor shall present each of these gentlemen with a medal, and convey to them this expression of approbation, and this House will make provision for the expense, and for a suitable remuneration to the Crews of the two Vessels engaged in this noble service.

To which Resolution they desired the concurrence of this House.

Read 1st and 2d
time,

The said Resolution was read a first time, and by Order the same was read a second time, and the question was put by the President,

Whether this Resolution be agreed to?

Agreed to unani-
mously,
And sent to H. A.

It was *unanimously* resolved in the affirmative.

A Message was sent to the House of Assembly by the Clerk,

To return the said Resolution and acquaint them that this House has *unanimously* agreed to the same without any amendment.

H. E. comes to Coun-
cil Chamber.

At four of the clock, P. M., His Excellency Lieutenant-General SIR JOHN HARVEY, Knight Commander of the Most Honorable Military Order of the Bath, Knight Commander of the Royal Hanoverian Guelphic Order, Lieutenant-Governor and Commander in Chief, in and over Her Majesty's Province of Nova-Scotia, and its Dependencies, &c. &c. &c., came to the Council Chamber, attended as usual, and, being seated, the Gentleman Usher of the Black Rod received His Excellency's command to let the House of Assembly know, "It is His Excellency's will and pleasure they attend him immediately in this House"—who being come, with their Speaker, His Excellency was pleased to give his assent to Fifty-two Bills, entitled as follows:

H. A. attend.

H. E. assents to 52
Bills, viz:

Statute Labor.

An Act to amend the Acts concerning the performance of Statute Labor on Highways

Evidence.

An Act for Improving the Law of Evidence.

Highways.

An Act further in addition to the Act relating to Highways, Roads, and Bridges.

Wm. Doat.

An Act to Naturalize William Doat.

Collectors Poor
Rates.

An Act respecting Suits against Collectors of Pours Rates.

Digby Water Comy.
R. Catholic Ceme-
tery Halifax.

An Act to incorporate the Digby Water Company.

Juries.

An Act relating to the Roman Catholic Cemetery in Halifax.

Pilotage Sydney.

An Act concerning the Act for the regulation of Juries.

An Act to continue the Acts to regulate the Pilotage of Vessels at Sydney, Cape Breton.

Harbor Antigonish.

An Act to continue the Act to preserve and regulate the Navigation of the Harbor of Antigonishe.

Harbor Master
Bridgeport.

An Act to continue the Act for establishing a Harbor Master at Bridgeport in the Island of Cape Breton.

Poor Districts.

An Act for the division of Districts for the Support of the Poor.

A

An Act to regulate the Inspection of Pickled Fish.	Inspection of P. Fish.
An Act for granting Duties of Impost for the Support of Her Majesty's Government within this Province	Duties of Impost.
An Act to continue the Acts for granting Duties on Licenses for the sale of Spirituous Liquors.	Licenses.
An Act to continue the Acts for granting Duties on Licenses for the sale of Spirituous Liquors and Sales by Auction in Halifax.	Do. Halifax.
An Act to continue the Act in relation to the Trade between the British North American Possessions.	Trade B. N. A. Possessions.
An Act further to provide for the Collection of the Revenue.	Collection of Rev.
An Act additional to the Act for providing Fire Engines for the Town of Yarmouth.	Fire Engines Yarmouth.
An Act to Naturalize Calvin P. Soule.	C. P. Soule.
An Act to authorize Assessments for the Support of Ferries.	Ferries.
An Act to abolish Fees of Clerks of the Peace.	Fees Clerks Peace.
An Act to enable the Inhabitants of the County of King's County to rebuild their Court House and Jail, lately destroyed by fire.	Court House King's County.
An Act to continue and amend the Acts for regulating the Militia.	Militia.
An Act to continue the Acts in amendment of the Act relating to Highways, Roads and Bridges.	Highways.
An Act to raise Funds in the County of Pictou.	Funds Pictou.
An Act relative to the rendering by Bail of their Principal.	Bail.
An Act to authorize the Sale of the Court House and Jail Grounds at Shelburne, and the purchase of a new Site therefor.	Court House Shelburne.
An Act to continue the Acts for the Summary Trial of Actions before Justices of the Peace.	Sum. Trials J. Peace.
An Act to alter the Representation in the County of Colchester.	Rep. Colchester.
An Act to continue and amend certain Acts relating to the Colonial Revenue.	Colonial Revenue.
An Act to regulate the Pier or Wharf at Everitt's Landing, in the Township of Weymouth.	Everett's Landing.
An Act to amend the Act for the appointment of Commissioners of Sewers.	Commrs. Sewers.
An Act further to improve the Administration of the Law.	Adman. of Law.
An Act to continue the Act to enable the Governor in Council to make Orders and Regulations towards establishing an uniform rate of Postage throughout British North America.	Rates of Postage.
An Act to continue the Act for the encouragement of Agriculture and Rural Economy in this Province.	Agriculture.
An Act to continue the Act to regulate Immigrant Vessels and Passengers.	Passengers.
An Act to continue the Acts to make provision for a Harbor Master at Spanish River, Cape Breton.	Harbor Master Spanish River.
An Act concerning a Baptist Meeting House at Bridgewater.	Meeting House Bridgewater.
An Act concerning the Halifax Steam Boat Company.	Hx. Steam Boat Co.
An Act for the Regulation of Benefit Building Societies.	Building Societies.
An Act in further amendment of the Acts for the more easy Redemption and Foreclosure of Mortgages.	Mortgages.
An Act to continue and amend the Law regulating the Survey of Timber, Lumber, and Shingles.	Timber.
An Act relating to certain Harbors and Pilotage thereat.	Harbors and Pilotage.
An Act to authorize a Loan for the use of the Province.	Province Loan.
An Act to incorporate the British North American Electric Telegraph Association in the Province of Nova Scotia.	Electric Telegraph.
An Act in addition to the Act to incorporate the Nova Scotia Horticultural Society.	Horticultural Socy.
An Act to Consolidate the Acts respecting the Incorporation of the City of Halifax.	Incorporation of Hx. Chebucto Mar. Ins.
An Act to incorporate the Chebucto Marine Insurance Company.	Company.

Railway.

An Act to enable the Commissioners for erecting and building the Trunk Line of Railway from Halifax to Quebec to construct the same within the limits of this Province.

R. Catholic Bishop.

An Act to incorporate the Roman Catholic Bishop in Halifax.

Appropriation.

An Act for applying certain Monies therein mentioned for the service of the year of Our Lord One Thousand Eight Hundred and Forty-nine, and for other purposes.

After which, His Excellency was pleased to close the Session with the following

S P E E C H :

Speech

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

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

In releasing you from further attendance on your Legislative duties, I cannot deny myself the satisfaction of recording my approval of many important measures which have been passed in the present Session, and of the general harmony and good feeling with which your deliberations appear to have been conducted.

The generous and enlightened spirit in which you have responded to the hopes and expectations of the Country by the munificent grant of a free right of way of a large portion of the Public Lands, and (including the liberal contributions of the Citizens of Halifax) by a permanent appropriation of £20,000 Sterling, per annum, to aid in the construction of a Railway to the St. Lawrence, will be marked and appreciated by the neighbouring Colonies, and these Acts cannot fail to be regarded by Her Majesty's Government as fresh proofs of loyalty and enterprise.

I am gratified by the promptitude with which the suggestions of the Right Honorable the Colonial Secretary on the further consideration of the Civil List have been met and adopted, and I confidently hope that the settlement of a question involving the Salaries of the Public Servants of the Crown, will tend to remove those causes of political animosity which have, in former years, impeded the advancement of the true interests of Nova-Scotia.

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

My special thanks are due to you, in the name of the Queen, for the liberality you have evinced in granting the Supplies for the Public Service of the ensuing year, and I venture very confidently to anticipate an improved condition of the Provincial Revenue and Resources ere it closes.

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

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

During the recess it shall be my anxious care to carry out and perfect, by the aid of the information you have furnished, the Measures in which your deliberations have resulted; and in returning to your homes, I confidently trust, that by your counsel and example, you will continue to instil into the minds of the people the principles of social order and of sound loyalty, in firm reliance upon that Divine Providence by which this Province has hitherto been so signally protected and blessed.

Then the President of the Council, by His Excellency's command, said,

GENTLEMEN—

Prorogation.

It is the pleasure of His Excellency the Lieutenant-Governor that this General Assembly be prorogued to Thursday the Twenty-fourth day of May next; and this General Assembly is accordingly prorogued to Thursday the Twenty-fourth day of May next, to be then here held.

The House of Assembly then withdrew, and His Excellency was pleased to retire soon after.

JOHN C. HALLIBURTON,
Clerk of the Legislative Council.

APPENDICES

TO THE

JOURNALS

OF THE

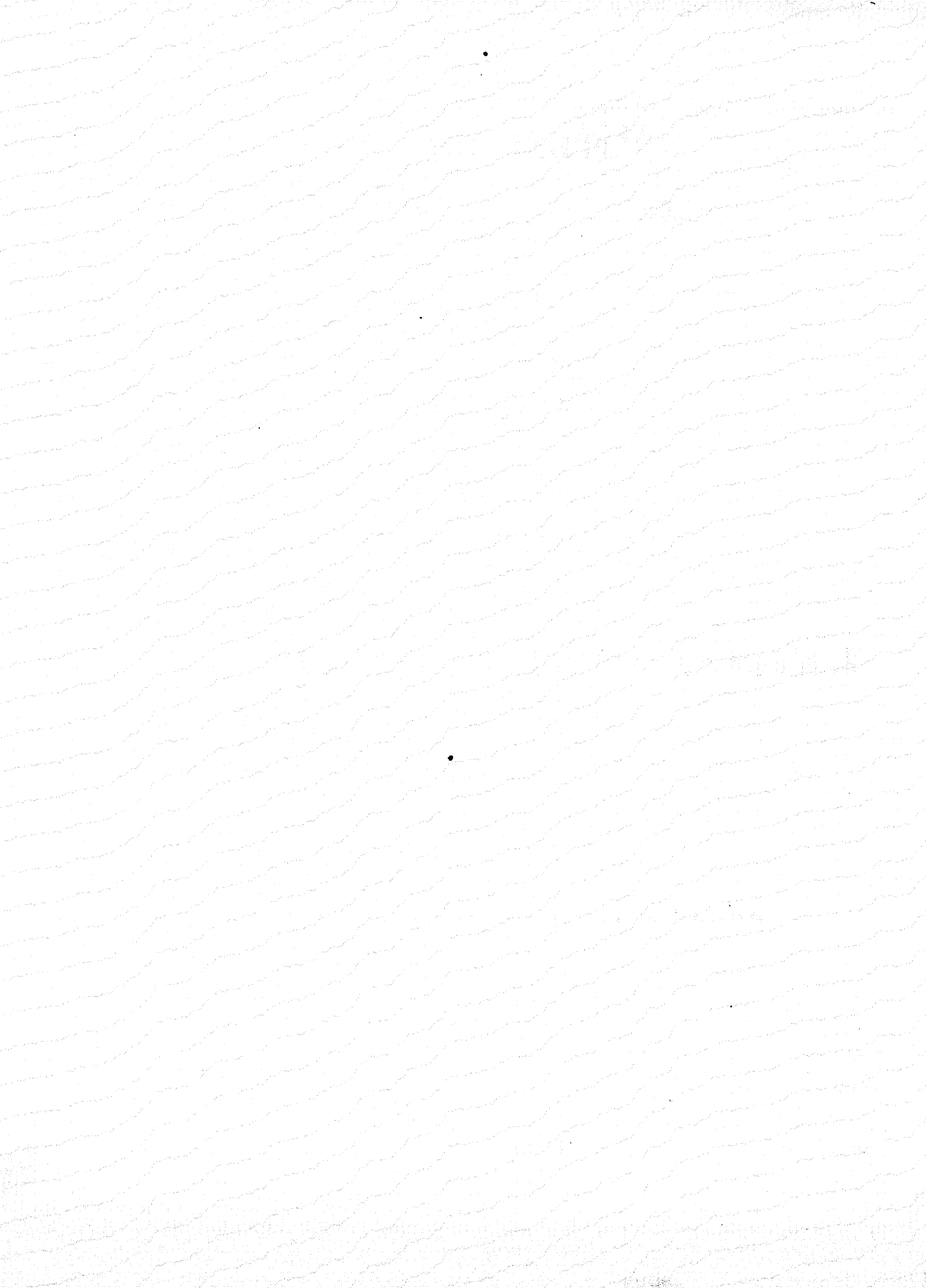
LEGISLATIVE COUNCIL,

OF THE

PROVINCE OF NOVA-SCOTIA.

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APPENDICES
 TO THE
JOURNALS
 OF THE
LEGISLATIVE COUNCIL.

APPENDIX No. 1.

REPORT

**On the Proposed Trunk Line of Railway from an Eastern Port in Nova Scotia, through
 New Brunswick, to Quebec.**

Halifax, Nova Scotia, August 31, 1848.

THREE principal lines or routes for a trunk line of railway present themselves for consideration ; and by combining portions of two of these lines together, a fourth and fifth route may be formed.

1st. Commencing at Halifax and crossing the Province of Nova Scotia to a port in the Bay of Fundy, from thence by a steamer to St. John, in New Brunswick, and then by Fredericton along the St. John River, to the Grand Falls.

From the Grand Falls by the best practicable route across to the mouth of the Rivière du Loup, on the St. Lawrence, and by the right bank of the St. Lawrence to Quebec.

The distance by this route would be as follows :—

	Miles.
Halifax to Windsor - - - -	45
Windsor to Annapolis - - - -	85
Annapolis to entrance Bay of Fundy - - - -	11
Across Bay of Fundy to St. John (by sea) - - - -	45
St. John to Fredericton - - - -	65
Fredericton to Woodstock - - - -	62
Woodstock to the Grand Falls - - - -	71
The Grand Falls to the mouth of the Rivière du Loup	106
Rivière du Loup to Quebec - - - -	110

Total distance Halifax by the St. John River to Quebec 600

This line may be termed a Mixed route—by railway and steamboat.

2nd. Commencing at Halifax and running to Truro at the head of the Bay of Fundy, thence over the Cumberland Mountains to Amherst, then along the coast from Bay Verte to Shediac, thence by a north-westerly course, crossing the Rivers Richibucto and Miramichi above the flow of the tide, so as not to interfere with the navigation.

Then by the valley of the North-western Miramichi to Bathurst, on the Bay Chaleurs, along the coast of this Bay to the Restigouche River, and by it and the valley of the River Metapedia to the St. Lawrence, and by the right bank of the St. Lawrence to Quebec.

The

The distance by this route would be as follows :—

	Miles.
Halifax to Truro - - - -	55
Truro to Amherst and Bay Verte - - -	69
Bay Verte to Shediac - - - -	26
Shediac to Miramichi River - - - -	74
Miramichi River to Bathurst - - - -	56
Bathurst to the Eel River, near Dalhousie - - -	48
Dalhousie to the mouth of the Metapedia River - -	30
Metapedia River to the mouth of the Naget River, near the St. Lawrence - - - -	} 86
Along the St. Lawrence from this point to Quebec - -	191
Total distance by this route - - - -	635

This, for the sake of reference, may be called the Halifax and Eastern or Bay Chaleurs route, through New Brunswick to Quebec.

3rd. Commencing at the harbour of Whitehaven, near Canso, at the northeastern extremity of Nova Scotia, thence along the Atlantic coast to Country Harbour and valley of the River St. Mary, thence by or near to Pictou and along the northern shore to Bay Verte.

From Bay Verte to or near to the Bend of Peticodiac, thence across to Boistown, and northerly to the Restigouche River, crossing it several miles to the east of the Grand Falls.

From thence by the most direct and practical course to the Trois Pistoles River, and along the right bank of the St. Lawrence to Quebec.

The distance by this route would be nearly as follows :

	Miles.
Whitehaven to Country Harbour - - - -	40
Country Harbour to St. Mary's Valley and Pictou - -	64
Pictou and along the coast to Bay Verte - - - -	77
Bay Verte to Bend of Peticodiac - - - -	40
Peticodiac to Boistown - - - -	80
Boistown to the crossing of the Restigouche River - -	115
Restigouche River to Trois Pistoles, by the Kedgwick and Rimouski Vallies. - - - -	} 105
Along the St. Lawrence to Quebec - - - -	131
Total distance from Whitehaven by Boistown to Quebec	652

This may be termed the Direct route.

4th. Combining the Halifax route through Nova Scotia, and the Direct route through the centre of New Brunswick.

The distances will be probably as under, —

From Halifax by Truro and Amherst to Bay Verte, as per route No. 2. - - - -	} 124	{ In Nova Scotia.
Bay Verte to the Bend of Peticodiac, Boistown, Resti- gouche River, as per route No. 3. - - - -	} 235	{ In New Brunswick. By

By the Kedgwick and Rimouski, to the mouth of the Torcadi	75	}	In Canada.
Mouth of the Torcadi to the crossing of the Trois Pistolles River	30		
Along the St. Lawrence River to Quebec	131		
Total distance from Halifax to Quebec by this route		595	

5th. Combining the Whitehaven route through Nova Scotia, with the Eastern or Bay Chaleurs route through New Brunswick to Quebec, the distances will be as under :

	Miles.		
From Whitehaven by Pictou and the North Coast to Bay Verte, as in route No. 3.	131	}	In Nova Scotia.
From Bay Verte to the Bay Chaleurs, and mouth of the Metapedia, as in route No. 2	234		
Mouth of the Metapedia River to the mouth of the Naget	86	}	In Canada.
Along the St. Lawrence to Quebec	191		
Total distance from Whitehaven to Quebec by this route		692	

Thus the distances will be as under :

	Miles.
1st. By the mixed route, Halifax to Annapolis, by the St. John to Quebec, the distance will be	600
2nd. By the Halifax and Eastern, or Bay Chaleurs route, to Quebec	635
3rd. By the Direct route, Whitehaven, Boistown, and Quebec	652
4th. By the Halifax, Truro, Amherst, and Boistown, to Quebec	595
5th. By the Whitehaven, Bay Verte, and Bay Chaleurs, to Quebec	692

The first line fails in the most essential object contemplated by the proposed railway viz., a free and uninterrupted communication at all times and seasons of the year, from the port of arrival on the Atlantic terminus in Nova-Scotia to Quebec.

The intervention of the Bay of Fundy is fatal to this route.

In summer the transshipment of passengers and goods to and fro would be attended with the greatest inconvenience—loss of time and additional expense ; whilst in winter it would be even still more inconvenient, and liable to be interrupted by storms and the floating masses of ice which then occur in the bay.

In the case of the conveyance of troops, transport of artillery and munitions of war, the crossing the bay would at any time be most objectionable, and if suddenly required in critical times might be attended with the worst consequences.

Commercially too, it would destroy the fair prospect of the proposed line from Quebec to Halifax competing successfully with the route by the Gulf of the St. Lawrence, and with rival lines in the neighbouring States.

But there are also other serious objections to be offered against it.

Passing through New Brunswick and on the right bank of the St. John River, as it must necessarily do, to the Grand Falls, it would, for a considerable distance, both before and after the reaching that point, run along and close to the frontier of the United States.

In case of war, therefore, or in times of internal commotion, when border quarrels or border sympathies are excited, this line, when most needed, would be the most sure

to

to fail, for no measures could be taken which would at all times effectually guard it from an open enemy and from treacherous attacks.

The passage across the Bay of Fundy so close to the shores of Maine, would invite aggression, and require a large naval force for its protection.

The engineering difficulties as the line approaches the Grand Falls from Woodstock would not be easily overcome.

The space between the St. John River and the Boundary Line becomes gradually contracted to a width of not more than two to three miles, and the country is broken and rough, whilst the banks of the St. John are rocky and precipitous for many miles below the Falls.

From the Grand Falls to the St. Lawrence, a distance of more than a hundred miles, the country is so far known as to make it certain that there is very difficult and unfavourable ground to be encountered, which would require careful explorations and extensive surveying.

This intervention of the Bay of Fundy, therefore, and the proximity of this line for a considerable distance, to the frontier of the United States, was so objectionable and fatal to this route, that the attention of the officers and the exploring parties was, after a slight examination of the country between Halifax and Annapolis, directed in search of other and more favourable lines.

To understand the comparative advantages possessed by the *other* routes, as well as to be able to weigh the objections which may be raised against each, and afterwards determine from their relative merits, which is *the best direction for the proposed line to take*, it will be necessary, previously, to give some description of the country through which the lines pass, the present amount and distribution of the population, and the engineering difficulties which were met with along the lines examined.

As it will be seen in the end, that only one of the lines, viz., the second, has been explored and carried out *successfully* from its terminus on the Atlantic quite through to Quebec, it may be perhaps considered superfluous to enter upon the discussion of rival lines, but the object to be gained by so doing, is to show that so much has been done and is known of the country as to render further explorations for new lines unnecessary, because, if completed, they would not be likely to be recommended in preference to the one which will be proposed for adoption.

The distance from the Atlantic coast of Nova Scotia to the bank of the St. Lawrence is about 360 miles in a straight line. Intersecting the country which must be traversed by any line of railway and crossing its course at right angles, are *five great obstacles* which have to be either surmounted or avoided.

1st is a broad range or belt of high and broken land which runs along the Atlantic shores of Nova Scotia, from Cape Canso to Cape Sable. The breadth varies from about twenty miles in its narrowest part up to fifty or sixty miles in other places. Its average height may be about five hundred feet. The strata of which it is composed consist of granite, slate, and a variety of rocks, hard and difficult to cut through. The characteristic features of the surface are rugged and uneven, and therefore very unfavourable for railway operations. No useful minerals of the metallic kind have been found in it, in quantities sufficient to work to advantage.

Valuable quarries of stone for building purposes are abundant, but these will be found everywhere nearly along the proposed line.

This formation is estimated to cover nearly two-thirds of the surface of Nova Scotia. It is generally speaking unfavourable for agriculture; the timber on it is stunted in growth, and it is an object of some importance to pass through it and leave it behind as soon as possible.

If a line be drawn from the head of the estuary of the Avon, near Windsor, to the Great Shubenacadie Lake, and then across the Stewiacke River, along the upper parts of the streams in the County of Pictou, to the Gut of Canso, all the portion lying to the south

south of this line belongs to this formation, and all to the north of it to the more favourable and highly valuable formation of the carboniferous system.

The narrowest and shortest line by which this range or belt can be crossed occurs at Halifax, and at the same time, owing to a favourable break in the chain, at the lowest point in altitude; the summit level through it not exceeding ninety feet.

The Halifax line (route No. 2) is clear of it in twenty miles. Before the same can be done by the Whitehaven and direct line (route No. 3), it must follow the coast for upwards of thirty miles, as far as Country Harbour, and then a further course across it of another thirty miles; involving in this distance *two* if not three tunnels, and must surmount a summit level of 400 feet.

2. The second great obstacle is the Bay of Fundy. This, as stated, is fatal to the first route. By the other routes it can be turned and avoided.

3. The third obstacle is the range of Cobequid Hills. These extend all along the north shore of the Bay of Minas and very nearly across, but not quite, to the shore at the Straits of Northumberland. In breadth the range preserves nearly an uniform width of about 10 miles. In altitude the hills average from 800 to 1000 feet. The lowest point, after a careful survey, was found to be at the Folly Lake, 600 feet above the sea. This range can be avoided and passed by the Whitehaven and direct route, but must be surmounted and crossed over by the Halifax and eastern line (route No. 2.)

The prevailing rocks are granite, porphyry, and clay slate, in the upper portions; along the shore of the Bay of Minas and on the northern side, the formation is of the red sandstone and the coal measures.

This range abounds with the most valuable minerals, of which a large mass of specular iron ore, of unequalled richness, occurs close to the line, and only requires facility of carriage for bringing coals to the spot, to be worked with profit.

A large portion of this tract still remains ungranted, and timber of excellent growth; with abundance of the finest stone for building purposes, are to be met with, and still belonging to the Crown, can be had for the expense of labour only.

4. The fourth obstacle is the broad and extensive range of highlands which occupies nearly the whole space in the centre of New Brunswick from the Miramichi River north to the Restigouche. Some of these mountains rise to an altitude exceeding 2000 feet.

The Tobique River runs through them, forming a deep valley or trough, which must be crossed by the Direct line, and increases greatly the difficulty of passing by them.

The lowest point of the ridge, overlooking the Tobique River, at which any line of railway must pass is 1216 feet above the sea. Then follows a descent to the river of 796 feet in 18 miles, and the summit level on the opposite ridge or crest between the Tobique and Restigouche waters, is 920 feet above the sea, or a rise of 500 feet above the point of crossing the Tobique water. These great summit levels which must be surmounted form a serious objection to this route.

The Eastern line by the coast avoid this chain altogether. The greatest summit level along it will not be above 368 feet, while the distance by each from the province line at Bay Verte to the Restigouche River (the northern limit of New Brunswick) will be as nearly as possible the same, there being only a difference of one mile in these two routes through this province.

The rocks composing this chain of mountains are granite, various kinds of slates, grauwacke, lime stone, sandstone, &c.

5. The fifth and last obstacle to be overcome and which cannot be avoided by any of the routes, is the mountain range running along the whole course of the River St. Lawrence in a very irregular line, but at an average distance from it of about twenty miles. It occupies with its spurs and branches a large portion of the space between the St. Lawrence and the Restigouche River. The rocks and strata composing the range

range are of the same character and kind as the Tobique range. The tops of the mountains are as elevated in the one range as in the other.

The exploring parties failed in finding a line through this range, to join on to the direct line through New Brunswick, but succeeded in carrying on the Eastern or Bay Chaleurs route, owing to the fortunate intervention of the valley of the Metapediac River.

The line which was tried and failed, was across from the Trois Pistoles River by the heads of Green River, and down the Pseudy, or some of the streams in that part running into the Restigouche River.

A favourable line from the Trois Pistoles was ascertained along the Eagle Lake and Torcadi River, as far as the Rimouski, and it is probable that by ascending this river, and descending the Kedgwick River, this line, Route No. 4, could be completed.

But it is most improbable that it could compete in favourable grades with the Metapediac.

It will be allowing it sufficient latitude to suppose it will be equal in engineering merits, and that if accomplished, it will give the route No. 4, an apparent advantage of forty miles in distance.

A very striking characteristic in the Geological formation of North America, and which has been noticed in the writings of persons who have described the country, is the tendency of the rock strata to run in parallel ridges in courses north-easterly and south-westerly.

On referring to the General Map No. 1, and confining the attention more particularly to that portion of country east and north of the St. John River through which any line must pass—this general tendency cannot fail to be remarked.

The River St. Lawrence—the main Restigouche River and intermediate chain of mountains—the Tobique River and mountains—all the streams in New Brunswick (the main trunk of St John and a branch of the Miramichi excepted).

The Cobequid Range, the Bay of Fundy, and the high and rocky range along the Atlantic shore have all this north-east and south-western tendency.

It will be evident, therefore, that any line from the coast of Nova Scotia to the St. Lawrence has a general direction to follow, which is the most unfavourable that could have occurred for it, having to cross all these mountain ranges, streams, and vallies at right angles nearly to their courses.

The lines explored for the direct route through New Brunswick were obliged on this account to keep the elevated ground crossing the upper parts of the streams.

By so doing, a line was found to the Restigouche which may be considered just within the limits of practicability; but having very unfavourable summit levels to surmount.

And the peculiar formation of the strata and general course of the vallies and streams renders it most improbable that any further explorations to improve this direct line through New Brunswick would be attended with much success.

Very fortunately for the Eastern line, one of the branches of the north-western Miramichi presented itself as an exception to the general tendency, and enabled that line to reach the coast of the Bay Chaleurs.

The distance across in a direct line from the coast of Nova Scotia to the St. Lawrence has been stated at about 360 miles, forming the difficult and unfavourable portion of the line. When the St. Lawrence mountains are passed, then the tendency of the strata and courses north-easterly and south-westerly becomes as favourable for the remaining 200 miles along that river, as it was before adverse.

The general character of the ground between the St. Lawrence River and the mountains, is that of irregular terraces or broad vallies rising one above another by steep short banks, having the appearance as if the river had at some former periods higher levels for its waters.

The streams run along these vallies parallel with the course of the St. Lawrence until meeting some obstruction they turn suddenly off and find their way over precipices and falls to the main river.

Having described such of the physical features of the country which form *obstacles* in the way of the lines under consideration, it is proper next to describe those features and other resources which are advantages, and should be *sought* for by competing lines.

The geological systems which prevail through the intermediate country to the mountain ranges are the carboniferous and new red sandstone.

They include large deposits of red marl, limestone, gypsum, free stone of excellent quality for building purposes, and extensive beds of coal. Indications of the latter are met with in abundance from the banks of Gay's River (twenty miles from Halifax), up to the Restigouche River, and along the shores of the Bay Chaleurs.

Wherever these systems and minerals are found, a strong and productive soil favourable for agricultural pursuits and settlement, is sure to accompany them.

The surface of such a country too is generally low or moderately undulating, and therefore the more of such a district that a line can be led through, the better for it.

In Nova Scotia this formation occupies its northern section, and amounts to nearly one-third of its whole area. It then extends all over the southern and eastern parts of New Brunswick.

In this respect, therefore, the Route No. 2 has a decided advantage.

The greatest and most valuable coal-field is that of Pictou.

It is situated on the south side of that harbour. The exact extent of the bed is not known, as it is broken by a great (geological) fault. It occupies however, an area of many square miles.

The coal is bituminous, of good quality, and the veins of most unusual thickness.

Mines in it are extensively worked, and large exports from them are made to the United States. Iron ore is abundant.

This is an advantage in favour of the Whitehaven and direct route.

The next great coal district is the Cumberland field, and it is second only in importance to that of Pictou.

It is supposed to extend from the Macon River, west of Amherst, over to Tatmagouche in the Straits of Northumberland.

Some mines in it have been recently opened, and promise to be very productive.

The Line No. 2 passes over this field for miles, and may be considered from that circumstance, as not being deprived altogether of an advantage possessed by the other route.

The *great* agricultural capabilities of the eastern counties of New Brunswick have been described in the reports of Mr. Perley, the Government Emigration agent, which were presented to the New Brunswick Legislature in February 1847, and ordered to be printed.

One most important object to be attained by the construction of the railroad is the settlement of the public lands, and the encouragement of emigration from the mother country.

As bearing very strongly upon this point in the choice of the best direction for the line, I subjoin the following extract taken from Bouchette's Work on Canada, vol. 1, page 331. It is a quotation made by him from "The Commissioners Report of 1821."

"The Bay of Gaspé, and particularly the *Bay des Chaleurs*, are susceptible of the most improved agriculture. For the establishment of emigrants no part in Canada offers such immediate resources of livelihood as may be derived from the fisheries. It is a fact worthy of notice, that in the year 1816, when the lower parts of the province were afflicted with a famine from the destruction of the harvest by frost, no such inconvenience was experienced at Paspébiac, nor at any other place within the level tract above mentioned."

The

The tract alluded to here is not clearly defined by the quotation, but it is supposed to mean the whole district along the south shore of the Bay Chaleurs.

This tends to show the effect produced by the vicinity of the sea, in moderating the temperature and saving the crops from untimely frosts. In this respect, therefore, the Line No. 2 has an important advantage over the one through the central and more elevated land of New Brunswick.

As the interior is approached, and the distance from, as well as the elevation above, the sea increases, the danger to crops from cold nights and early frosts also increases.

In the Madawaska Settlement, and on the Upper St. John River, great failures of crops have occurred from this cause, and wheat and potatoes are very liable to be destroyed.

From the Bend of Petitcodiac to the St. Lawrence, a distance of upwards of 300 miles, the direct line would pass through a perfect wilderness, with not a single settler on the whole line, except a few at or near to Boistown.

Leaving engineering difficulties for the moment out of the question, the cost of construction would be materially increased by the extra difficulties attendant on the transport of necessary materials, and in supplying with food the labourers and others engaged on the line.

This disadvantage is not shared by the second route, which can be approached in numerous places along the Gulf shore by means of bays and navigable rivers.

The Direct line No. 4 will not have such advantages to present to settlers as the second. On the contrary, if adopted, it might be found necessary to incur expenses for the establishment of small communities along the line, to repair and keep it open.

The facilities for *external as well as* internal communication, and other advantages arising from commerce and the fisheries, which will be developed by the Eastern line (and entirely wanting along the Direct route), will, it is fully expected, make its vicinity eagerly sought for by settlers, and that it will, in the course of no very great length of time, lead to the extension of that long-continued village which now exists with but little exception from Quebec to Metis (200 miles), from the shores of the St. Lawrence to the Atlantic Ocean.

An important item bearing upon the consideration of the best route is the present distribution of the population in New Brunswick and Nova Scotia.

In illustration of this part of the subject, and to afford a better idea of the nature of the country than can be given by a merely outline plan, a model map (No. 3) has been prepared, showing the whole course of the lines (Routes No. 2 and 4) from Halifax to the St. Lawrence, and by the latter over the Trois Pistoles River, beyond which the line is confined through a level fertile and densely peopled district to Quebec.

The red line shows the proposed Route No. 2. The Halifax and Eastern or Bay Chaleurs line.

The black line shows the Direct route, No. 4, from the Bend of Petitcodiac.

The yellow tint shows the present settlements.

The green is the wilderness of uncleared forest, unsettled, and the far larger portion of it still ungranted and waiting for occupation.

It must be premised that a branch railway from the city of St. John is contemplated to pass up the valley of the Kennebecasis, and connect with the main trunk at the Bay of Shediac.

The survey of this line, ordered by the Provincial Government, is in progress; and from the latest information received, the line promises most favourably.

The total population of New Brunswick has been estimated to amount, at the beginning of 1848, to 208,012, distributed in the proportions as under:—

County of Restigouche	-	-	-	4,214	
“ Gloucester	-	-	-	10,334	
“ Northumberland	-	-	-	19,493	
“ Kent	-	-	-	9,769	
				<u>43,810</u>	
“ Westmoreland and Albert	-	-	-	23,581	
“ Kings	-	-	-	19,285	
“ St. John	-	-	-	43,942	
				<u>86,808</u>	
“ Queens	-	-	-	10,976	
“ Sunbury	-	-	-	5,680	
				<u>16,656</u>	
“ York	-	-	-	18,660	
“ Carleton	-	-	-	17,841	
				<u>36,501</u>	
“ Charlotte	-	-	-	-	24,237
				<u>208,012</u>	
Total	-	-	-		

Of these, the first four, amounting to 43,810, are on the line of the proposed Route No. 2, and will be entirely thrown out by the adoption of the other.

Campbellton, Dalhousie, Bathurst, Chatham on the Miramichi, and Richibucto—sea-ports and shipping places of consequence on the Gulf shore; all of them susceptible of the greatest development, will be left isolated and cut off.

These ports are ice-bound during the winter months; and railway communication will be to them of the greatest importance.

It will affect most materially the interests of the city of St. John, and the receipts upon their branch railway.

It will affect also sensibly the receipts of the main trunk line.

Along the south bank of the St. Lawrence, from Quebec to Metis, there are settled along it in what can only be compared to one continued village for 200 miles, 75,000 inhabitants.

Of these also, a large population probably 12,000 in number, residing between the Rimouski and Metis River, will be deprived of the benefit of the Railway, if the Direct line be adopted.

To counterbalance the serious detriment which would thus be caused, this line would diminish the length of the branch line, likely to be made to connect it with Fredericton, which is the seat of Government, and contains about 6000 inhabitants.

The population of Nova Scotia may be estimated to be about, viz. :—

City of Halifax and County	-	-	-	40,000
County of Cumberland	-	-	-	10,600
“ Colchester	-	-	-	14,900
“ Pictou	-	-	-	30,300
“ Sydney and Guysborough	-	-	-	23,200
Remaining Counties	-	-	-	111,260
				<u>230,200</u>
Total	-	-	-	

The population of Cape Breton is estimated at 49,600.

Of the above, if the Whitehaven and Direct route be adopted, the city of Halifax and county, amounting to 40,000, will be excluded from the benefit of the line.

If the Halifax and Eastern line (route No. 2) be adopted, then the population of Sydney and Pictou, amounting to 53,500, will be excluded.

To the population in the southern or remaining counties (111,200), the Halifax route will be of essential benefit.

From the other route, they would derive no advantage whatever.

It is now proposed to give an account of the explorations and their results.

The dotted lines on the General Plan, No. 1, show where these were made, and the courses taken.

In the season of 1846, the Cumberland Hills were very carefully examined; sections with the theodolite were made, and barometrical observations taken, to ascertain the lowest and most favourable point for crossing them.

The line which had been cut out and explored for the military road was followed from the Bend of Petitcodiac to Boistown.

From Boistown the general course was followed, and levelled as far as the Tobique River, but the country was so unfavourable that new courses had to be constantly sought out.

A new line altogether was tried from the Tobique, as far as the Wagan Portage.

The results deduced from the observations and sections proved this line to be quite impracticable for a railway.

Whilst the line was being tried, other parties explored from Newcastle on the Miramichi River, over to Crystal Brook on the Nipisiguit, the vallies of the Upsalquitch and its tributaries, and as far as the Restigouche River.

The country at the upper waters of the Nipisiguit, and the whole of the Upsalquitch vallies, were found to be rough, broken, and totally impracticable.

The result of this season's labours went to show, that the best, if not the *only* route that would be likely to be practicable, would be by the North-west Miramichi to Bathurst, and then along the Bay Chaleurs.

During the winter, a small reconnoitering party (on snow shoes) was sent up the Metapediac Valley, as far as Metallis Brook, and they made their way across the country from thence to the mouth of the Torcadi River on the Rimouski.

Their report on this line was rather favourable, and had there been any necessity for it, it would have been more fully explored the next season (1847).

As soon as this was sufficiently advanced to admit of the parties entering the woods, the explorations were resumed.

A grade line was carried over the Cumberland Hills. It was cut out through the woods, from the foot on one side to the foot of the slope on the other, a distance of ten miles, and carefully levelled with a theodolite. This proved it to be quite practicable.

The exploration of the Eastern line was again taken up.

It was commenced at the head of the tide, on the south-west Miramichi, and was carried up the Valley of the North-west Miramichi over to and down the Upsalquitch River to Bathurst, and along the shores of the Bay Chaleurs to the Restigouche, up the Metapediac to the Metis, and along the bank of the St. Lawrence to the Rimouski and Trois Pistoles River.

The result of this exploration was so satisfactory, that the party engaged upon it, returned by the same route, surveyed it, and took the levels along it back to the Miramichi River.

An exploratory line was then cut through the greater portion of the flat and generally level country between this river and the province line at Bay Verte.

An examination of the country was made from the Trois Pistoles River along the St.

St. Lawrence to Quebec; which, with what had been done in Nova Scotia, during this and the former season, completed the whole of one good and favourable line from Halifax to Quebec:

The details are given in the accompanying Report, Appendix No. 1, General Plan No. 1, Model Map No. 2, and Book containing exploratory sheets, No. 16, containing plans and sections of the whole route, and comprises the line recommended to be adopted.

Unwilling to abandon the direct route through the centre of New Brunswick, by which, if a line could be successfully carried out, the distance would be so materially shortened, as is apparent by the mileage given in route No. 4, it was determined to use every effort to decide either the practicability or the impracticability of such a line. To this end large parties were employed the whole season.

One party explored, cut, and levelled a line the whole way between the Napadogan Lake and the Restigouche River, a distance of ninety-six miles.

The line explored was a very great improvement upon the one of 1846.

It is considered to be so far satisfactory as to prove that a line for that distance can be found which would be within the limits of railway gradients.

The details are given in the Assistant Surveyor's Report, Appendix No. 2, with three exploratory sheets, Nos. 17, 18, 19, containing plans and sections of the ground passed over.

A large party was engaged in trying to find a line from Trois Pistoles River on the St. Lawrence, through the Highlands to the Restigouche River, for the purpose of connecting on to the New Brunswick party. The winter overtook them whilst still embarrassed in the Highlands at the head waters of the Green River.

The dotted lines on the General Plan, No. 1, will show their attempts.

A line was tried up the valley, of the Abersquash, but ended in a *cul-de-sac*. There was no way out of it.

A second line was carried from Trois Pistoles over to Lac-des-Isles, Eagle Lake; and by the Middle branch of the Tuladi River, the north-west branch and head-waters of the Green River were gained.

But this point was not reached except by a narrow valley or ravine of four miles in length.

A theodolite section was made of it, and it was found to involve a grade of at least one in forty-nine, and to attain that, heavy cuttings at one part and embankments at another would be necessary.

There is no occasion at present to enter upon the discussion of whether this should condemn a whole line, for having attained the forks; at the head of the main Green River, no way was found out of it and this explored line, like the first-mentioned, must be considered to have ended in a *cul-de-sac* also.

Further details are given in the report of Mr. Wilkinson, the surveyor entrusted with the more immediate charge of this part of the line, in Appendix No 3, with sketches attached to it.

It is just probable that a line might be found by way of the Kedgwick River and the Rimouski as far as the mouth of the Torcadi River. From which to the Trois Pistoles, there was ascertained to be no difficulty.

But as the advantages in every way, except distance, are so much in favour of the Eastern line, it would only be incurring delay and perhaps useless expense in further explorations of this part of the country.

In the report (Appendix No. 3) there is a third route suggested for examination and trial; viz., by one of the lower branches of the Green River and the Squattock Lakes.

Whether successful or not, it is liable to the objection of approaching the frontier of the United States.

There

There remains to be noticed the exploration for a line of railway from Whitehaven on the eastern coast of Nova Scotia towards Pictou and Bay Verte.

This was rendered necessary in consequence of the suggestion made by Captain Owen, R. N., to make Whitehaven the Atlantic terminus of the railway.

The details of this exploration are given in the accompanying report, Appendix No. 4, and exploratory sheets Nos. 20, 21, 22, and 24.

Engineering difficulties and expensive cuttings occur on this route.

From the commencement in the Harbour of Whitehaven the line *must* pass along a barren and rocky coast for upwards of thirty miles to Country Harbour, before it can turn off towards the interior. And it cannot do this and get clear of the sea-shore without the necessity of making a tunnel of about a mile in length through a ridge of whinstone.

Again, at the falls of the St. Mary River there will be required a tunnel of a quarter of a mile, and a viaduct across a valley, of about 500 feet in length.

The summit level occurs between Lake Eden and Beaver Lake, and is 400 feet above the sea.

At Grant's Bridge, on the East River, for nearly three miles in length, there would necessarily be several expensive cuttings through rocks of sandstone and limestone.

The length of this line from Whitehaven to Bay Verte is estimated at 181 miles.— From Halifax to the same point is 124. Leaving a difference of fifty-seven miles.

If the Direct route No. 3 could be established, it would add seventeen miles to the trunk line.

But as it is not to be supposed that Halifax, the capital and greater commercial city of the province, would in such a case allow itself to be excluded from the benefits of the proposed railway, then it would involve, in addition to this seventeen miles of trunk railway, a branch line of probably 90 miles.

Or if the Eastern Bay Chaleurs line through New Brunswick be added on to it, as in Route No. 5, then it will involve no less than fifty-seven miles extra of trunk line, and the same necessity for the branch line of ninety miles mentioned.

To compensate for such disadvantages it must be shown that Whitehaven has *the most paramount claims* to be selected as the Atlantic terminus in preference to Halifax.

The harbour of Whitehaven is 120 miles nearer to England by sea than Halifax.— Equivalent to, in ocean navigation by the steamers, ten hours.

This, it is readily conceded, is a very great advantage, and were there no drawbacks, or other considerations in the way, it would be quite sufficient to give that port the preference.

It is a well known fact however, that there is a time and season in the year when the Cunard steamers cannot keep their direct course to Halifax even, but are compelled by fields of ice, to keep to the southward, and sometimes pass to the south of Sable Island.

During this time, which occurs in the spring of the year, and may last for two or three months, there would be some risk in their making direct for the more northern port of Whitehaven. And if for these three months the steamers were obliged to make Halifax their port, then for that time the Whitehaven line would be useless.

In respect to the advantages which it is said to possess, of remaining open all the year round, it is not quite clear that it does so.

From enquiries made on the spot in the summer of 1847, Captain Henderson learnt that the preceding winter the harbour had been frozen over entirely, five to six inches thick,* and that it was sometimes blockaded up and much incommoded by ice.

Subsequently, however, and during this winter when the objects of the enquiries made there in the summer became known, and the advantage of the Railway spoken of, a

* Vide Appendix No 5.

statement accompanied with affidavits was forwarded with a view to counteract the effect of the information given to Captain Henderson and the parties exploring there.

They are given in the Appendix No. 5 to this report.

They tend to show that though the immediate entrance to the harbour may be, and generally is clear, yet that large quantities of floating ice find their way through the Gut of Canso, and by Cape Breton, which pass off in a southerly direction, crossing the direct path of steamers and vessels from Europe.

The coasting vessels keeping in shore are not so liable to be molested by it.

The harbour is admitted to be a fine sheet of water, but it does not and cannot vie with Halifax, either in appearance or capacity.

Referring to Lieutenant Shortland's report, Appendix No. 5, who made a survey of it in obedience to the directions of Captain Owen, R. N., it appears that it is not free from the objection which is made against the Port of Halifax, and is its only drawback, viz., the prevalence of fogs.

Lieutenant Shortland says, "that in foggy weather the harbour (Whitehaven) is difficult to approach, especially to a stranger, as the soundings in shore are very irregular, and I have not been able to learn any good indications of its vicinity to be gathered from the lead, so as to render its approach by that means certain; and Torbay, its immediate neighbour to the westward, is a dangerous place to get into.

"From the fishermen and small coasters I understand the currents round the point are uncertain and generally depend upon the wind, though the prevailing current is to the westward.

"I experienced this current in a boat when I visited the outer break, it was then setting to the westward, at the rate of one mile and a half per hour at least. I also perceived vessels in the offing setting rapidly in the same direction, the breeze was from the eastward and light, though it had previously blown hard from the same point.

"We also on our passage from Halifax to Canseau, during a fog, with the wind from the south-west, experienced an easterly current, but the land once made, the harbour is easily attained, especially by a steamer."

This can scarcely be considered a favourable report of its advantages as a harbour intended for the great Atlantic terminus.

Accommodation and safety for a fleet of merchantmen could be expected there, as is to be found at Halifax.

To make it a safe approach Lieutenant Shortland continues thus:

"A judicious arrangement of fog signals and lighthouses with buoys, on the principal dangers, and a good survey with the sea-soundings well laid down, would make the approach in the night, or during fogs, attended with small danger to a careful seaman."

One of the undoubted results of the railway will be to make Halifax, if it be made, as it ought to be, the Atlantic terminus, the great emporium of trade for the British Provinces and the far West.

Whitehaven has not the capacity for this, and in winter it is evidently dangerous for sailing-vessels, and the selection of it as a terminus would be to exclude Halifax altogether, or to compel the formation of a branch railway of ninety miles in length, in addition to fifty-seven miles of trunk railway.

It involves also the necessity of making expensive arrangements, lighthouses must be built, depots for the supply of the steamers must be made, fortifications must be erected, and accommodation for a garrison provided. For the terminus of a great line of railway would need protection in time of war.

At present there are only a few fishermen's huts.

The probable saving of ten hours of time in an ocean voyage which varies even with the Cunard steamers, from nine to eighteen days, is not of such all absorbing magnitude

magnitude as to entail by the choice of the terminus, such a fearful amount of extra expense and inconvenience to a whole province.

At a more advanced period, perhaps, when the provinces have attained all the prosperity they have a right to expect from this and other great works which would follow as surely as effect follows cause, then it may be time to consider the propriety of making a *branch* to Whitehaven.

Its selection now as the terminus would most materially affect the receipts to be expected from the traffic.

Whitehaven, therefore, with its longer and more expensive line of railway, full of engineering difficulties, passing for miles through a district of country, rocky, barren, and unfavourable for agriculture, benefitting a comparatively small proportion of the inhabitants, to the exclusion of the capital and the greatest amount of the province;—or else involving the necessity of making a branch line of ninety miles in length is decidedly recommended to be *rejected*.

And the city and harbour of Halifax (one of the finest in the world) is recommended to be *selected* as the Atlantic terminus, for the proposed line of railway.

That part of the Direct route (No. 3 and 4), viz., the line from the Bend of Petitcodiac by Boistown to the Restigouche and the St. Lawrence, crossing the range of New Brunswick mountains, having to surmount two summit levels of 1216 and 920 feet, causing heavy grades, and increasing materially the cost of transport; passing through a totally unsettled and wilderness country; involving greater difficulties in the transport of the materials necessary for its construction, and supplying food to the labourers engaged in its formation; excluding the towns and settlements on the Gulf shore, and so preventing the development of the vast resources of the country to be derived from the fisheries; and also inflicting a serious loss to the interests of the main line, and to the intended branch from the city of St. John in New Brunswick, is, notwithstanding its one great advantage of diminished distance, recommended most strongly to be *rejected*.

And the route No. 2, from Halifax to Truro, at the head of the Bay of Fundy, passing over the Cobequid Hills, and on or near to Amherst and Bay Verte, crossing from thence over to the Rivers Richibucto and Miramichi, above the flow of the tide, so as not to interfere with their navigation; then by the valley of the North-west Miramichi and Nipisiguit Rivers to Bathurst; then along the shore of the Bay Chaleurs to the Restigouche River; then by the valley of the Metepediac over to or near to the River St. Lawrence; then by the route as shown in the General Plan No. 1, along the banks of the St. Lawrence to Rivière du Loup, and from thence continued through either the second or third concessions along the river until it approaches Point Levi, is recommended as the *best direction* for the proposed trunk line of railway from an eastern port in Nova Scotia through New Brunswick to Quebec.

It combines in the *greatest* degree the following important points:—

1st. The immediate prospect of direct, as well as the greatest amount of remuneration for the expenditure to be incurred; the opening up a large field for provincial improvements for the settlement of emigrants, and by affording the opportunity in addition to *internal*, of *external* communication, by means of the Gulf of St. Lawrence and the Bay of Chaleurs, it will tend to develop in the highest degree the commerce and the fisheries of the Province of New Brunswick.

2nd. Passing along the sea-coast for a great distance, and capable of being approached at several points by bays or navigable rivers, it possesses the greatest facilities for construction, tending to reduce the expense, and by its more favourable grades also the cost of working and subsequent maintenance.

3rd. By passing over a less elevated country, and at the least distance from the sea,

there

there will be less interruption to be apprehended from climate, whilst the more favourable grades will increase the efficiency and rapidity of intercourse.

4th. Passing at the greatest possible distance from the United States, it possesses in the highest degree the advantage to be derived from that circumstance of security from attack in case of hostilities.

The best general direction for the proposed trunk line of railway being admitted to be that of Route No. 2, viz., the Halifax and Eastern, or Bay Chaleurs route, some additional remarks may be made upon its peculiar advantages, as well as upon the few engineering difficulties which occur, and in explanation of the plans and sections forwarded.

The details of the line are given in the Appendix No. 1. The plans referred to are the General Plan No. 1, the Model Map No. 2 (which should be stretched out on the floor to be properly viewed), and the book containing fifteen exploratory sheets of plans and sections which relate exclusively to this line.

The city of Halifax is situated on the western side of the harbour, whilst the best site for the terminus is on the opposite shore at Dartmouth.

The distance to Quebec from the latter will be four miles shorter than from the former; and one great advantage is, that its shore line is as yet comparatively free from wharves and commercial establishments, and an extensive terminus can be formed there at less expence and inconvenience than on the Halifax side, where the Government Dockyard and private establishments would interfere materially in the selection of a good site for it.

At Dartmouth it is expected that vessels entering the harbour will be able to unload at the railway premises, or probably into the railway cars, whilst an equally good terminus is to be had at Point Levi, opposite to Quebec. The same railway cars, loaded from the ships in harbour at Halifax, will thus, after running an *uninterrupted* course for 635 miles, be delivered of their contents into the boats if not into the holds of vessels in the River St. Lawrence. The same can of course be done from the River St. Lawrence to the vessels waiting in Halifax harbour.

Such an uninterrupted length of railway, with such facilities at its termini, will be, it is believed, unequalled in the world.

In the transmission of goods and merchandise this will be a most favourable point in competing with rival lines. The American railways, especially along the Atlantic States, are constantly interrupted, and passengers have to transfer themselves not only from cars to steam-boats, but sometimes from one set of carriages to another set, in waiting for them on opposite banks of a river.

In Nova Scotia the passage over the Cobequid Hills cannot be effected without heavy grades of 1 in 79 and 1 in 85; but as these occur, the one ascending and the other immediately descending, and only for ten miles, the inconvenience can be easily got over by affording an assistant engine for the goods' trains at that part. No engineering difficulties are expected to occur from this up to the Restigouche River.

It is necessary, however, to make some remark in reference to the sections shown in the Book Exploratory, sheets 6 and 7, comprising that part of New Brunswick lying between Shediac and the North-west Miramichi.

The whole of this portion of the country is believed to be generally low and flat, with occasional undulations. The section run through it in the previous season of 1846, towards Boistown, confirmed this impression.

Its exploration and examination, therefore, was left to the last, and it was not until the really formidable-looking obstacles had been explored and successfully got over, that the attention of the parties was turned to it.

As at this time the season was rapidly closing, the exploring parties were directed to cut *straight* lines through it, as the best means of obtaining the general altitudes and

and a knowledge of the country. No attempt was made to contour the hills. The sections, therefore, in these two sheets are not grades for the railway, but of the ground passed over by the straight lines. With the exception of the immediate banks of the St. Lawrence, this is expected to prove one of the easiest portions of the line.

When the line reaches the mouth of Eel River, it cannot proceed direct on to Dalhousie, but must turn up the valley of that river.

Two courses are afterwards open to it, one to turn off through a valley, by which it can soon gain the Restigouche, the other to proceed on to the head waters of Eel River, and then turn down to that river. Which is the best of these two routes can be better determined when the detailed surveys of the route are made.

The most formidable point of the line is next to be mentioned,—this is the passage up the Metapediac valley.

The hills on both sides are high and steep, and come down either on one side or the other, pretty close to the river's bank, and involves the necessity (in order to avoid curves of very small radius) of changing frequently from one side to the other. The rock, too, is slaty and hard. From this cause, 20 miles of this valley will prove expensive, but the grades will be very easy.

About fourteen bridges of an average length of 120 to 150 yards will be required up this valley. There is also a bridge of 2000 feet long, mentioned in the detailed report as necessary to cross the Miramichi River.

But bridging in this country is not the same formidable affair that it is in England.

The rivers are nearly always shallow, and the materials wood and stone, are close at hand.

The bridges in the United States, on the best lines, are built of wood on the truss-work principle, with stone piers and abutments.

On the Boston and Albany lines, and on many others in the New England States, the bridge generally used and approved of is known as "Howe's Patent Truss Bridge."

The cost of this kind of bridge, as furnished by the parties who have purchased the patent is as follows:

	Dollars.		£	s.	d.	
For spans of 60 feet, single track, 11 per foot.	=	2	5	10		Sterling.
100 feet	"	18	3	15	0	"
140 feet	"	21	4	7	6	"
180 feet	"	27	5	12	6	"
200 feet	"	30	6	5	0	"

The cost for double track would be about 55 per cent. additional.

The price includes the whole of the superstructure ready for the rails, but not the piers and abutments.

The bridge over the Connecticut River at Springfield, is built on this principle; it has seven spans of 180 feet each, and the sill of the bridge is 30 feet above low water. On other lines the same kind of bridge is used, but no ironwork is permitted (the unequal expansion and contraction of this metal is objected to), and the addition of an arch is introduced.

A bridge built on this principle on the Reading Railroad, 1800 feet long, cost 40,000 dollars, equivalent to £3,330 sterling.

Soon after passing the valley of the Metapediac, the great obstacle of the St. Lawrence chain of mountains is got over, and the line may range away towards Quebec. Having, however, occasionally a river or a ravine to cross, whose passage requires consideration.

At

At the Trois Pistoles, the stream in the course of ages has worn out a very awkward and deep ravine. The bank on one side is generally steep and abrupt, whilst that on the opposite is low and sloping away back for a long distance, before it again reaches the height of the table land.

The most favourable site for crossing it occurs at about eleven miles from the St. Lawrence, where the two banks become nearer to each other, and are more equal in height.

At this point the breadth of the stream is 100 feet at bottom. The width between the banks at top 500, and the depth is nearly 150 feet. The banks are rocky. Though formidable it is by no means impracticable.

On the New York and Erie Railway there is a bridge whose roadway is 170 feet above the bottom of the ravine, which it crosses by one span of 275 feet. Its cost was £5,200.

From Rivière du Loup to Quebec, the railway might but for the snow, be carried almost at a surface level.

Through the whole of New Brunswick, for 234 miles, and through Lower Canada as far as Rivière du Loup, 167 miles, there will be found along the line abundance of timber and stone (including limestone) of the best quality for building purposes.— There will be found also, in New Brunswick more especially, abundance of gravel for the superstructure.

In Nova Scotia, the railway will have to pass with but little exception through land which has been sold or granted away to individuals. The exception will be the other way in New Brunswick. It will be seen on reference to the Model Map, that it approaches the settlements between Bay Verte and Shédiac, and skirts along the Bay Chaleurs.

In Canada from the mouth of the Metapediac to the Trois Pistoles, it runs through still ungranted land. But for the last 110 miles between Rivière du Loup, it runs through a densely settled country.

Until the detailed surveys are made, and the precise location of the line marked on the ground, it will be impossible to state precisely the exact number of miles it will pass through Crown land.

If the following estimate be taken, it will not be much out—

In Nova Scotia	-	-	-	15	miles.
New Brunswick	-	-	-	200	"
Canada	-	-	-	160	"
				375	"
Total	-	-	-		

The following synopsis will show approximately the quantities of ungranted land in the counties through which the line passes:—

<i>In Nova Scotia.</i>				Acres.	
Halifax County	-	-	-	780,000	
Colchester	-	-	-	120,000	
Cumberland	-	-	-	180,000	
				1,080,000	
<i>In New Brunswick.</i>					
Westmoreland County	-	-	-	301,000	
Kent	-	-	-	640,000	
Northumberland	-	-	-	1,993,000	
			5		Gloucester

Gloucester	-	-	-	-	704,000	
Restigouche	-	-	-	-	1,109,000	
					<u> </u>	4,747,000
<i>In Canada.</i>						
Bonaventure	-	-	-	-	2,000,000	
Rimouski	-	-	-	-	5,000,000	
Kamouraska	-	-	-	-	500,000	
L'Islet	-	-	-	-	600,000	
Bellechasse	-	-	-	-	500,000	
					<u> </u>	8,600,000
General Total	-	-	-	-		<u> </u> 14,427,000

The land for the railway will have to be purchased in Nova Scotia for nearly its whole course, and in Canada for the 110 miles mentioned.

The latter, however, it is expected, will cost very little more than the expense which it would be necessary to incur in cleaning, getting out the stumps, and preparing the wild lands for the railroad.

No part of the line will ever be at any great distance from Crown Lands; but it will be a question of detail for this part as well as for the Nova Scotia section, whether it will be more advantageous to cut and convey from them the timber and materials required, or purchase them.

The direction of the proposed line being determined upon, the next points which present themselves for consideration are, the character of the road and method of construction.

In the first instance it is considered that one line of rails will be sufficient, but in taking ground for the railway and stations, and wherever the line passes, regard should be paid always to the prospect of its being made at some future time a double track. And in the anticipation of a heavy traffic, which there is a fair prospect of soon passing along it, and with a view to ultimate economy, as well as the saving of much inconvenience, it is recommended that the road (being intended for the great trunk line) should be constructed at once in a substantial and permanent manner, with a good heavy rail, capable of bearing high rates of speed for passenger trains.

On all the principal lines of railway in the United States, the flat iron bar is everywhere being discarded, and the H or T rail, generally of 56lbs to the yard, is being substituted for it.

On several of the lines also a double track is being made, and the works constructed are of a more permanent character than formerly.

Much has been said in praise of the cheap method of making railways in America, and the advantages to be derived from it in a new country.

As an example of this system and its practical results, the Utica and Syracuse Railway may be here quoted.

This road is 53 miles in length and forms part of the Great Western Line, connecting Albany on the Hudson River, with Buffalo on Lake Erie—one of the principal lines in the country.

In its construction more than a usual amount of timber was used. For a considerable portion of its length (upwards of 19 miles) it passes through a deep swamp.—Piles were driven into this, to support a long continued trestle-bridge, over which the railway track was carried upon longitudinal bearers.

For the other 33 miles the grading was made in the usual manner by excavations and embankments: but the superstructure was of wood.

Upon

Upon the grading in the direction of its length, a small trench was excavated, and a sill of wood was firmly bedded in it. Where the sills abutted end to end, they were supported by a piece of wood, of the same section, laid beneath them. At right angles, to and upon the upper surfaces of the sills were spiked cross-ties, and again at right angles to the cross-ties, and immediately over the sills, were laid the longitudinal wood-bearers, to which the iron plates were firmly spiked. The centre of the rail and sill were in the same vertical plane.

Thus everything was done for economy: as much wood as possible being used.— This railway for its construction and equipment cost on an average only £3,600 per mile.

It was thought worthy, in 1843, to publish an account of it in London, and it forms the chief subject of a volume, thus entitled “*Ensamples of Railway making, which, although not of English practice are submitted to the Civil Engineer and the British and Irish Public.*”

The following Report is extracted from the Annual Statement of the Secretary of State to the Assembly of the State of New York, dated 4th March, 1847:—

“The Syracuse and Utica Railroad has been opened for the transportation of passengers for the last eight years.

“The company having determined to relay the road with an iron rail of the most improved form, have contracted for a considerable portion of the iron necessary, and are proceeding with the intention of laying a substantial structure adequate to the proper performance of the business required.

“The present wood structure has cost the company	Dollars	417,075	55
“The iron now laid thereon is the flat bar and will be useless, and therefore will be sold. It is hoped that there may be derived from the sale of it	-	80,000	00
“Leaving the sum of	-	337,075	55

which has been expended for the cost of the wood structure, which, in addition to a large annual amount for repairs, will be practically, worn out, sunk, and gone, when the new structure is laid and used. The new structure, it is supposed, will cost about the same as the former, towards which, it is hoped, the old iron will pay as above 80,000 dollars, leaving the sum of about 300,000 dollars to be raised by the company on its credit.

“This will, when paid, reimburse the capital of the company for the equivalent amount, which has been appropriated to the worn-out structure. In addition to the cost of the new structure, there will be required a considerable sum for new engines, cars, &c. The demand upon the company for the transportation of property at the close of the canal, has entirely exceeded its capacity to do this business. Property destined for sale in the eastern markets, in large quantities, was stopped at most points upon the line of railroad contiguous to the canal. Being practically confined to the winter months in this branch of business, it cannot be expected that the company could provide a supply of cars, for this sudden and extraordinary demand, when they must stand idle and go to waste during two-thirds of the year.

“When the road shall be relaid with the proposed iron rail, the public will require that the trains shall be run with increased speed. In relation to this subject, it is deemed proper to refer to the following suggestions contained in the report of this company made last year.

“Very great embarrassment is experienced from the fact that cattle are allowed to run at large, and to impede and so often delay the trains as at present. It is a serious matter,

matter, and unless more care shall be bestowed by the owners in restraining them, either at their own suggestion or in pursuance of some proper law to be passed, it will be found very difficult to make good time upon this line. A part of our business must always be done in the night, and it is then we experience the great hazard. The trains are frequently thrown off by them, and the danger to the persons in charge and to the passengers is imminent. The owners always insist upon pay for their animals destroyed, without reflecting upon the great damage that they cause to the property of the company, and the more fearful injury that might ensue to passengers. If the owners will not take care of them it is impossible to keep them off. In Massachusetts much less difficulty in this respect is experienced, for there, it is believed, a penalty is incurred by the owner of domestic animals that go upon the railroad. Our business is conducted with all possible care in this respect, and the enginemen suitably feel the risk of life or limb (which to them is almost as important) that they incur from the growing evil.

“A very proper law in this State has guarded the public and the company against direct wanton injury to the trains by individuals. It is submitted that *negligence* in allowing animals to run upon the railroads should be prevented by some suitable restraints.”

Some of the inconveniences arising from a cheap railway may be learnt from this Report.

At this time the total amount spent upon its construction appears from the same report to have been 1,098,940 dollars, equivalent to £4,520 sterling per mile.

The new superstructure, it was supposed, would cost about the same as the former, viz., 417,075 dollars, or about £1640 sterling additional, which will make the price of this railway when completed as intended, £5,960 per mile.

In other parts of the States where these trestle bridge or skeleton railways have been made, instances have been known of the locomotive slipping down between the rails, which have warped outwards.

With a view, therefore, to ultimate economy, and to save inconvenience and interruption to the traffic when once established, it is most strongly recommended that the line whenever commenced shall be at once properly and efficiently made.

In determining the form of the road it is necessary to bear in view that it will pass through a country everywhere liable to be obstructed by heavy falls of snow. It does not appear, however, from the results of inquiries made in the United States, that anything beyond inconvenience, and some additional expense in the cost of working the line, is to be apprehended from this cause.

The railway from Boston to Albany, which crosses the range of mountains between the Connecticut and Hudson Rivers, attaining upon them an elevation of upwards of 1400 feet above the sea, to which it ascends by a grade of about eighty feet per mile for 13 miles, traverses a country subjected to the same sort of winter as the British North American Provinces.

The average depth of snow in the woods is from 3 to 4 feet, which is not much less than it is in the woods of New Brunswick and Canada.

In 1843, a year remarkable for the great number of snow storms which occurred, there was sixty-three falls of snow, but the traffic was not interrupted to any very serious extent, not more than two or three trips.

To keep the roads clear, two descriptions of snow ploughs are used, one for the double track and another for the single.* In the former the *share* of the plough travels immediately over the inner rail, throwing the snow outwards from the track. It is first used on one track, and then runs back upon the other.

* Vide Plan No. 30 and 31.

In the single line the ploughshare travels in the centre of the track, throwing the snow off at once upon both sides.

For the double track the snow-plough weighs from 5 to 6 tons, and costs about £125. For the single track it is somewhat lighter.

The plough requires generally, when run without a train, two engines of 20 tons each, or with a train three engines.

When the fall of snow does not exceed a few inches the small plough always fixed in front of the engine, consisting of an open frame work projecting about 5 feet in front, and called a "*Cow scraper*," is found, when cased over, to be sufficient to clear the line. When the fall is deeper, the plough is used immediately after the snow has ceased to fall.

It can be propelled by three 20 ton engines through 3 feet of newly fallen snow at the rate of 6 miles an hour.

If the fall does not exceed 2 feet, it can travel at the rate of 15 miles an hour.

The drifts through which it is propelled are sometimes 15 feet deep, and from 200 to 300 feet long, and at others 8 or 10 feet deep, and from a quarter to half a mile in length.

The line of railway is marked in divisions of about 8 miles, to each of which eight or ten men are allotted, who pass along the line each day with small hand ploughs, picks, &c., clearing away the snow and ice which the trains collect and harden between the rails and the roadway.

It is found that the freezing of the snow or rain upon the rails does not impede the heavy engines, as the weight of the forward wheels is sufficient to break it, and enable the driving wheels to bite.

Whenever, from local causes, the snow is found to drift on the line of railway, snow-fences are erected, which are found very effectual. They are simple board fences from 10 to 15 feet high, placed from 10 to 20 feet back from the roadway.

In wet weather the rails become very slippery, but the difficulty is overcome and the wheels enabled to bite upon the steep gradients by the use of sand boxes, which are fixed in front of the engine and immediately over the rails.

These can be opened at pleasure by the the engine-driver, and the sand is used wherever necessary.

The means thus successfully adopted to overcome the obstacles arising from ice and snow are employed much in the same way upon all the railways which are exposed to them.

In the year 1847 the expense incurred under this head (removing ice and snow) upon the western railroad in Massachusetts, was, according to the official return, 2,763 dollars, equivalent to £575 sterling.

Upon many of the other lines expenses under the same head are returned, but very much smaller in amount.

In places where the rails are not raised above the general level of the country, much greater difficulty is experienced in keeping the lines clear of snow than in parts where there are embankments.

From the foregoing it does not appear, therefore, that snow need be considered an insurmountable obstacle to the formation of a line of railway from Halifax to Quebec.

To obviate as much as possible, the liability to interruption from this cause, it is recommended that in the construction of the line, it be adopted as a principle, that the top of the iron-rail be kept as high as the average depth of snow in the country through which the line passes.

In Nova Scotia this will require probably an embankment of 2 feet high, gradually increasing as it proceeds northward to the St. Lawrence and along the flat open country on its banks, to 5 or even 6 feet.

The whole of that part of British North America through which this line is intended to be run, being as yet free from railways, the choice of gauge is clear and open.

Without entering into and quoting the arguments which have been adduced in favour of the broad or narrow gauge of England, as it is more a question of detail than otherwise, it will be deemed sufficient for the present report to recommend an intermediate gauge. Probably 5 feet 6 inches will be the most suitable, as combining the greatest amount of practical utility with the least amount of increased expenditure.

With the object of proceeding on to the consideration of expense of construction, the proposed trunk line will be supposed to have a single track with one-tenth additional for side lines and turn outs, to have a rail 65 lbs. to the yard, supported upon longitudinal sleepers with cross-ties, similar to the rail used upon the London and Croydon line, the wood to be prepared according to Payne's process, to have a gauge of 5 feet 6 inches, and as a principle, the top of the rails to be kept above the level of the surface of the ground, at a height equal to the average depth of the snow. For the best information as to the cost of making such a railway, reference must be made to the works of a similar character in the United States.

At about the close of the year 1847, there were in that country nearly 5,800 miles of railway completed or in progress. The average cost for those having a single track, has been estimated at 22,000 dollars, equivalent to £4,166 sterling per mile.— For the double track 32,000 dollars, or £6,666 sterling per mile.

But the extreme differences which are to be observed in the cost of construction in the various States are so great, ranging from £1600 up to £24,000 per mile, that no criterion can be established from averages obtained from such discordant data.

The state of Massachusetts affords the best materials for accurate information.

All the railroad corporations are by law obliged to make annual returns to the legislature, and very valuable statistical information is thereby obtained upon railway affairs.

From the official reports for the year 1847, the following table has been compiled.

Railroads

This table comprises, with the exception of about fifty miles, upon which there occur some doubts as to what the account precisely embraces, the whole of the railroads at present completed in the State of Massachusetts. The table shows 683½ miles of railway, including branches, which have cost in their construction and equipment, \$31,675,946 dollars, or £6,599,155 sterling.

There are 146 miles of double track. They have been taken at so much additional single track. A double track would not cost exactly twice that of a single one in its construction; but as these lines were made originally only with single tracks, and have been added to from time to time as circumstances would admit, it must have tended to increase the cost, and in calculating the average expense per mile, it is considered the result will not be much in error. The cost per mile it appears then has been £7,950 sterling.

There is no other State in the Union which presents equally good data for making an approximate estimate.

The climate and nature of the country bears also a strong resemblance to that through which the Halifax and Quebec line will pass, and in this respect the analogy of the two cases is extremely favourable.

The New York and Erie railroad, 450 miles in length, now in course of construction, will, it is supposed from the latest information, cost £6,250 per mile, exclusive of equipment.

The estimate for the Hudson River railroad from New York to Albany, now in progress, is for the single track £7,440 sterling per mile.

The estimate for the Montreal and Portland line is about £5,080 sterling per mile.

For the Great Western Railroad in progress in Upper Canada, the estimate for that section of the line which would most resemble the Halifax and Quebec road, is £5,638 per mile.

On referring to the table, it will be seen that all the lines have either the H or T rail, generally 56 lbs. to the yard.

The price of railroad iron in the States is very much greater than in England, or what it can be procured for in the British Provinces. It pays a very high duty on importation into the States.

On some of the lines upwards of £15 per ton for rails has been paid. In England rails can now be bought for £8 or £9 per ton.

The advantage which the Halifax and Quebec line will possess over the lines in the table in the respect of iron alone, may be estimated at £500 per mile.

When these lines were constructed also, the demand for labour was extremely great, and wages much higher than in the present day.

The average (of £7,950) derived from the table, may therefore very fairly be reduced by several hundred pounds.

The Halifax and Quebec line will have also many advantages which the American lines had not.

The land for the greater portion of the road will not have to be purchased. Timber and stone will be had nearly along the whole line for the labour of cutting and quarrying.

Judging then from the analogy afforded by similar, or nearly similar lines in the neighbouring States, giving due weight to the considerations which have a tendency to modify the cost in the particular case of the Halifax and Quebec line, and forming the best estimate to be derived from the data obtained upon the exploratory survey, which, under the circumstances of a perfectly new country, only recently explored, and still covered with a dense forest, is all that can in the first instance be done; it is considered that if the sum of £7000 sterling per mile be assumed as the probable cost of the proposed line, it will not be far from the correct amount.

The total distance from Halifax to Quebec will be about 635 miles.

	£
635 miles at £7000 per mile will be	4,445,000
Add one-tenth for contingencies	444,500
	£4,889,500

Or, in round numbers, five millions.

It is estimated, therefore, that the cost for construction and equipment of the proposed trunk line, from Halifax, through New Brunswick, to Quebec, will amount to £5,000,000 sterling.

The question which presents itself next for consideration is a very important one, namely, the probable returns for such an expenditure.

The information to be afforded on this head can only be derived in a very general way, from a consideration of the present population and resources of the three provinces.

The direct communication between the two termini, Halifax and Quebec, is of a very limited nature.

By land, it is confined almost to the conveyance of the mails. Passengers proceed generally by way of the United States.

By sea, in 1847, the communication was by seventeen vessels, which arrived at Quebec, having a tonnage of 1257, and eighteen departed from that port for Halifax whose tonnage amounted to 1386 tons.

This amount of intercourse does not at the first view appear encouraging to expected receipts, but when it is made to appear that this limited intercourse arises *entirely* from the want of good means of intercommunication such as would be afforded by the proposed railway, it becomes a strong argument in favour of making the line, rather than against it.

The communication of the provinces with each other is cramped and restricted beyond measure by the same want.

By sea the amount of intercourse may be judged of by the return given in Appendix No. 6, furnished by the Quebec Board of Trade.

The chief elements which enter into, and upon which depends, the success of every railway enterprise, are population, agriculture, and commerce.

At the extremities of the line, and for some miles along the St. Lawrence, there is an abundant population. External commerce there is in an eminent degree. In that of agriculture its deficiency is great at present, but as there are millions of acres of good productive land only waiting for the hands necessary to cultivate them, and the means of access to which will be afforded by the railway, this very circumstance may be made to conduce to the advantage of the line, and pay a large portion of the expense of its construction.

The population of Halifax (the Atlantic terminus) is estimated at 25,000 souls. It is the capital of the province the seat of government, and its commerce extensive. The value of its imports and exports is estimated at £2,500,000.

The city of Quebec, the other terminus, according to the census of 1844, contained (including the county which is not given separately) 45,000 persons.

But this city derives additional importance from its being the one great shipping port and outlet for all Canada. By its port passes the whole trade of that province. It

may be regarded as the focus of commerce for a million and a half of souls. The value of the imports and exports together may be estimated at £5,500,000 sterling, giving employment to a very great amount of shipping.

This immense trade is of necessity crowded into six months, the navigation of the St. Lawrence being closed for the remainder of the year.

In addition to these two great termini there are lying on each side of the line two most important tributaries, viz., the city of St. John and Prince Edward's Island. The former with a population in city and county together of nearly 44,000 persons, with a commerce of the value of £1,800,000 in exports and imports, giving employment also to a great amount of shipping. The latter with a population of 50,000 engaged principally in agriculture and the fisheries. The exports and imports of this island are about £200,000 annually.

Between the city of Quebec and the River Metis there are, settled along the south bank of the St. Lawrence, 75,000 inhabitants all engaged in agriculture. These people are French Canadians, and almost every family has a small farm and homestead.

A striking peculiarity of these farms is their elongated shape, the length being generally thirty times that of the breadth, oftentimes a greater disproportion exists. The houses and farm-buildings are always built at one extremity, that which adjoins the road dividing one set of concessions from another. There are generally three or four lines of houses and roads running thus along the St. Lawrence.

The effect produced by this manner of parcelling out the land and building has been to form what can only be compared to one long and continued village for 200 miles.

For the first 100 miles out of Quebec, as far nearly as the Rivière du Loup, the proposed line of railway will run through the centre of this extended village, and with a train of moderate length, the last carriage will scarcely have cleared the door of one house before the engine will be opposite another. For the second 100 miles it will leave these concessions and farms a little on one side, but still within reach. A more favourable disposition of a population (comprised of small farmers) for contributing to the *way traffic* of a railroad could scarcely have been devised.

In the country lying between the Restigouche River and Halifax, the inhabitants who will be near to the railroad will amount to about 100,000; making the population either upon or near to the line, including the two termini, 250,000 persons. But if the *total* population be taken within the area, which will be benefitted *by*, and become contributors to the line, then it may be estimated at not less than 400,000 souls.

In a report of the Directors, made upon the New York and Erie Railroad in 1843, when the question of proceeding with that line was under consideration, one of the data upon which its future receipts was calculated was derived from population and relative distance. And using the data obtained from the working of one portion which had been completed and was in operation, it was calculated that 531,000 persons on a line of 425 miles in length, would return in *net* earnings to the railway 1,343,500 dollars, or 2½ dollars nearly per head, equivalent to 10s. sterling. As the railroad is not yet completed, the true result cannot yet be seen.

The net earnings of the railroads in Massachusetts for the year 1847 were 2,290,000 dollars. The population of that State, over whose area railways are everywhere extended, and the whole of which may therefore be considered as tributary to them, being at the time about 800,000. This gives 2¾ dollars per head, equivalent to 11s., or the same result nearly.

Applying the same ratio (of 10s. per head) to the 400,000 inhabitants who are within the area and likely to become tributaries to the Quebec and Halifax Railway, it would give £200,000 as its probable revenue.

The great staple of New Brunswick is its timber. For this all-absorbing pursuit the inhabitants

inhabitants neglect agriculture, and instead of raising their own supplies they import provisions in large quantities from Canada and the United States. In the year 1846, New Brunswick paid to the latter for provisions alone, £216,000 sterling, whilst, in return the United States only took from them £11,000 in coals and fish.

Of Nova Scotia the great staples are timber and the products of the fisheries. The inhabitants import provisions also largely.

Canada is an *exporting* country, and capable of supplying the demands of both.

In the winter of 1847-8 the price of flour at Halifax and St. John was at 40s. per barrel, and it was being imported from the chief ports in the United States, even from as far as New Orleans in the Gulf of Mexico. At the same time at Quebec the price of flour was only 25s. per barrel. A very great difference, which, had the railroad been in existence, would not have occurred.

Another great source of revenue likely to be developed by the railway is that of coals, to be derived from the Great Cumberland Field.

Quebec and the upper country would no doubt take large quantities for their own consumption. Halifax the same for itself, and also for exportation to the United States.

Considerable returns would arise from the fisheries and from the products of the forest lying contiguous to the line, which would find their way by it to the shipping ports.

The country through which the road will pass possesses, therefore, *in itself*, elements which, when fully developed, cannot fail to realise large receipts.

But there are, exclusive of these, other and highly important sources for productive revenue.

Halifax may be considered to be the nearest great sea-port to Europe.

Passengers travelling between England and the Canadas would adopt this railway, as the shortest and best line which they could take. Emigrants would do the same.

The mails, troops, munitions of war, commissariat supplies, and all public stores would naturally pass by it, as the safest, speediest, and cheapest means of conveyance.

If a straight line be drawn from Cape Clear in Ireland, to New York, it will cut through or pass close to Halifax.

The latter is therefore on the Direct route; and as the sea voyage across the Atlantic to New York may be shortened by three days nearly, in steamers, it is not improbable that on that account, when the branch railroad to St. John is completed, and other lines to connect on with those in the United States, the whole or the greatest portion of the passenger traffic between the Old and New World would pass through Halifax, and over a great section of the proposed railroad.

But the great object for the railway to attain, and which, if it should be able to accomplish, its capability to pay the interest of the capital expended would be undoubted, is to supersede the long and dangerous passage to Quebec by the Gulf of St. Lawrence.

To make *two* voyages in a season vessels are obliged to leave England earlier, and encounter the dangers of the ice in the Gulf, much sooner than it is safe or prudent for them to do.

The loss of life and property which has occurred from this cause, and returning late in the autumn has been enormous. It cannot be ascertained, but probably it would have more than paid for the railway.

An opinion may, however, be formed of it from the rates of insurance, which in the spring and autumn are as high as 10 per cent. A much higher rate than to any other part of the world.

The navigation of the St. Lawrence is closed for about six months of every year.

During

During the whole of this period all the produce of the country is locked up, and necessarily lies unproductive on the hands of the holders.

The surplus agricultural produce of the year cannot be got ready to be shipped in the season it is produced. In the winter of 1846-7 it has been stated on good authority, that 500,000 barrels of flour were detained in Montreal at the time when famine was raging in Ireland. As soon as the season opened, there was a demand for shipping to carry provisions, that the ordinary course of the timber trade was deranged by it.

All this would have been prevented had the railway been then in existence.

For six months in the year then, the St. Lawrence would cease to be a competitor with the railway, and large quantities of produce would be certain to be forwarded by it.

For the other six months of the year it would have also the following strong claims to preference :—rapidity of transport ; the saving of heavy insurance ; cheaper rate of freight from Halifax ; vessels engaged in the Canadian trade could make *three* voyages to Halifax for *two* to Quebec.

The trade which is now crowded into six months, to the great inconvenience of every one concerned, rendering large stocks necessary to be kept on hand, would be diffused equally over the whole year.

It is most probable that these advantages will be found so great, that only the bulky and weighty articles of commerce, such as the very heavy timber, and a few other goods will continue to be sent round by the Gulf of St. Lawrence.

If such should prove to be the case, then the proposed railway would have as much or perhaps more traffic than a single track could accommodate.

The cost of transportation, it is calculated, will not be too high on this line to admit of the above results being realised, and in that case, more especially if the capital can be raised at a moderate rate of interest, it is considered highly probable that it will even in a commercial point of view be a profitable undertaking.

From evidence given to the Gauge Commissioners in England, it appears that the *cost* of transport for goods on the undermentioned lines of railway was as follows :—

Great Western	.06	of a penny	per ton	per mile.
Grand Junction	.13	"	"	"
Birmingham and Gloucester	.09	"	"	"
South Western	.10	"	"	"
London and Birmingham	.12	"	"	"

5)·50

·10 Average per ton per mile.

This is supposed to be gross weight, including carriages &c.

One-fifth of a penny per mile per ton will be a liberal allowance for the net weight.

From a very carefully prepared document*, extracted from a Report of the Commissioners appointed in 1846 by the Legislature of the State of New York, to locate certain portions of the New York and Erie Railroad, it appears that the cost of motive power on some of the principal railroads in the United States was 40 cents per train per mile, equivalent to 1s. 8d. sterling.

With the expected grades on the Halifax and Quebec line, it is calculated that an engine of good power, having the assistance of an extra engine for 25 miles of the

* Vide Appendix, No. 7.

distance,

distance, will convey 100 tons of goods at a moderate speed of 8 to ten miles an hour over the whole line.

The total cost per train would then be—	£	s.	d.
635 miles, at 1s. 8d. per mile	52	18	4
25 miles, at 1s. 8d. for extra engine	2	1	8
Total for 100 tons	£55	0	0

Or 11s. per ton for the whole distance. Equal to .207 drs. per ton per mile, the same nearly as the average on the English railways.

At this rate, the *actual cost* of carrying a barrel of flour from Quebec to Halifax will be only 1s. 1d.: and if it be doubled, to pay interest on capital, then 2s. 2d. might be the price charged for its conveyance.

The freight of flour from Quebec to England may be taken at 5s. per barrel; from Halifax at 3s.

The difference in freight would therefore pay its transit by railway, and the difference in the rates of insurance would be to the profit of the owner; and the voyage being shorter, there would be less risk of its arrival in the market in a heated or deteriorated condition.

Provisions and all other articles whose value is great in proportion to their bulk, would be as advantageously forwarded by this route.

It is fully expected, therefore, that the railway will be able to compete successfully with shipping in the St. Lawrence even during the summer season.

But there is still another great and important source from which traffic may be expected, viz.,—From those vast and extensive regions in the far west, round the Lakes Huron, Michigan, and Lake Superior.

By the completion of the canals along the River St. Lawrence, the produce of these lake countries now finds its way to the markets of Montreal and Quebec.

Large cargoes, consisting of upwards of 3000 barrels of flour can now pass from their ports down to Quebec without once breaking bulk.

Already produce which found its way to New York by the circuitous route of the Mississippi and New Orleans has been diverted to the channel of the St. Lawrence.

The extent to which this will take place it is not possible yet to calculate; but there is no doubt that large quantities of produce which formerly found its way to the Atlantic ports of New York and Boston, will be diverted to the St. Lawrence.

Of the enormous exports of provisions from the United States, the following will give some idea.

	In 1846.	In 1847.
Flour—barrels	2,289,476	4,382,496
Wheat—bushels	1,613,795	4,399,951
Corn—bushels	1,826,068	16,326,050
Meal—barrels	293,720	918,066

The greatest portion if not nearly all this immense produce of which the above forms only a *few items* in the *great account*, was received at the Atlantic ports from the far West. And it is for this most important and still increasing trade, that Montreal and Quebec will now, by means of the St. Lawrence canals, have the most favourable chance of a successful competition with New York and Boston.

It has been calculated that the cost of transport for a barrel of flour from the Lakes to New York was 5s. 1d. sterling; to Boston 6s., exclusive of charges for transshipment.

By the Quebec and Halifax line it is estimated, now that the canals are open, a barrel

rel of flour may be delivered at Quebec for 2s. sterling, and carried to Halifax for 2s. 2d. ; total 4s 2d.

By the Montreal and Portland, 1s 8d. has been estimated as the price per the railway, to which if 2s. more be added as freight to Montreal, the price by that line will probably be only 3s. 8d. sterling per barrel. The Montreal and Portland will have, therefore, an apparent advantage over the Quebec and Halifax line, arising from its much shorter distance. But there are some drawbacks attending it, which may cause the preference to be given to the latter notwithstanding. The line passes through the United States.

A transit duty of 2½ per cent. *ad valorem*, has to be levied upon all foreign produce, and introduces the inconvenience of custom-houses and custom-house officers.

Portland is a foreign port, and is 400 miles by sea farther from England than Halifax.

It has been seen in a former part of this report, when speaking of the Utica and Syracuse Railroad, how inadequate that line was to take all the traffic which was required to be forwarded by it, at the time that the Erie canal was closed.

The growing population and produce of the Western States are so gigantic, that it is probable there will be more than sufficient to employ fully, *both* the Montreal and Portland and the Quebec and Halifax Railroads.

From the foregoing remarks, it will appear then, that although no very good or precise estimate of the returns for the expenditure of five millions sterling can be given, yet that there are very good general grounds upon which to form an opinion, that ultimately, if not at once, the line will, in a commercial point of view, be a very productive one.

The Montreal and Portland, which will be the great competitor with that of the Quebec and Halifax line, is an enterprise of a purely commercial and *local* nature.—As such, it is not likely shareholders will be contented, unless they receive what they have every right to expect—a high rate of interest for the expenditure they have incurred, and the risk they have encountered in the undertaking.

But with the Quebec and Halifax it is very different. The enterprise is of *general interest*. It contains the prosperity and welfare of each of the three provinces, and the honour as well as the interests of the whole British Empire may be affected by it. It is the *one* great means by which alone the power of the mother country can be brought to bear on this side of the Atlantic, and restore the balance of power now fast turning to the side of the United States.

Every new line of railway made in that country, adds to their power, enabling them to concentrate their forces almost wherever they please, and by the lines, of which there are already some and there will soon be more, reaching to their northern frontier, they can choose at their own time any one point of attack on the long extended Canadian frontier, and direct their whole strength against it.

The provinces, therefore, and the empire having such interest in the formation of the Halifax and Quebec Line, it should be undertaken by them in common as a great public work for the public weal.

If so undertaken, the provinces supported by the credit of the mother country, could raise capital at a rate of interest which could not be done by any company of shareholders. And if to this advantage be added, the disposal for the exclusive benefit of the railway, of a portion of the wild lands along the line, and in the immediate country which it would be the means of opening to settlement and cultivation, then it is highly probable that it would be constructed for three millions sterling.

In a former part of this report it has been estimated that there are in the counties through which this line will pass, fourteen millions of acres of land yet ungranted, and therefore remaining at the disposal of the Provincial Government.

The ordinary price of an acre of wild or uncleared land, is about 2s. 6d. to 3s. per acre. But where public roads are made through them, the value immediately increases, and it will not be considered an extravagant estimate, to suppose that the land along it, or in the immediate vicinity of the railway, will be worth £1 per acre.

For the construction of the Great St. Lawrence Canal, by which Canada has now the prospect of reaping such immense advantages from the trade of the western country, the Imperial Government guaranteed the interest on a loan of two millions sterling and upwards, at 4 per cent. This loan was easily raised, and a large premium per cent. was received in addition for it.

There can be little doubt that another loan of three millions sterling at the same rate of 4 per cent. interest, could be raised upon the credit of the provincial revenues if guaranteed by the mother country. With this amount of capital and two millions of acres to be reserved, and sold from time to time, it is conceived the railway may be made.

Upon the strength of these two millions of acres and the loan as a basis, a large amount of notes might be issued in payment of the wages and salaries of the labourers and other persons employed on the works of the railway. They should be made receivable for taxes and customs duties. The amount authorized to be issued might be limited to the extent of the acres, and as these were sold an equal amount of the notes should be cancelled.

The issue of a number of notes which would pass current over the three provinces would be conferring a great benefit upon the community at large. The currency is not the same throughout, and persons who travel from one province to another are now put to inconvenience and have often to pay a discount upon exchanging the notes of one colonial bank for those of another. Advantage might be taken of the measure to assimilate the currency of the colonies to each other, and make it "sterling," the same as in England.

By a little arrangement also, these notes might be made payable at the chief ports of emigration in the United Kingdom; and in that case a very great convenience would be afforded to a large class of persons on both sides the Atlantic.

To remit small sums now, requires the intervention of bankers or agents. This has the effect upon persons resident in the settlements (and no doubt often also in the towns), of preventing their sending the assistance which they otherwise would do to friends at home. Many a small note would be put up, and sent in a letter, which now is never thought of, for want of the convenience.

In remitting sums from Halifax to England, the banks do not like to give bills at less than sixty days' sight. These notes would, therefore become a great public benefit, and there would be no fear of their being kept in circulation almost to any amount.

Upon the loan of three millions, the interest at 4 per cent. would amount to £120,000 per annum.

Of this sum it may be fairly assumed that for the conveyance of the mails between Halifax and Quebec, the Post Office department would be willing to pay annually an equal amount to what is now paid for the same service. This has not been officially obtained, but there are good grounds for supposing that it is nearly £20,000.

In the case, then, that beyond this the railway only paid its own working expenses, the sum of £100,000 would have to be made good out of the revenues of the provinces.

The proportion of this, or of whatever sum might be deficient to pay the interest on the loan, would have to be arranged; and it may, for the sake of illustration be supposed to be as follows:—

Nova Scotia	20,000	Proportion	.2
New Brunswick	20,000	"	.2
Canada	30,000	"	.3
The Imperial Government	30,000	"	.3
Total	£100,000		10

For the proportion guaranteed by the provinces, they would receive the benefits conferred by the railway in developing their resources, increasing the value of all property, promoting the sale and settlement of their wild lands, increased population and increased revenue.

For the proportion guaranteed by the Imperial Government, all Government officers, civil or military, troops, munitions of war, supplies &c., for the public service, and *emigrants* should be transported over the line at the cost price.

New Brunswick and Nova Scotia it is understood are most willing to guarantee the interest to the extent of their means, and in a fair proportion.

Canada having done so much already for the communications above Montreal, it is fully expected will not be backward in perfecting those below Quebec.

In the extreme case supposed above, viz., of the railway yielding no returns beyond working expences, it is not conceived that either one of the provinces or the empire would not receive an equivalent in some other form for its direct contribution to make good the interest.

An account is at present being taken of the existing way traffic between Halifax and Amherst, by the commissioner appointed by Nova Scotia to collect statistics for the railway. The same is being done for that portion of the line along the banks of the St. Lawrence.

There is some reason to believe that these two portions of the line will be found to have sufficient traffic to pay, over and above working expences, the moderate interest upon capital of 4 per cent.

If such should prove to be correct, then the foregoing statement would be modified and stand thus—

Total distance from Halifax to Quebec	635
Quebec to River du Loup	110
Halifax to Amherst and Bay Verte	125
	—235
Leaving unproductive still	miles 400

If the total line can be done for £3,000,000 then the proportion for the 400 miles would be £1,889,600, or 2,000,000 nearly.

The interest for which would amount to £80,000.

Deducting £20,000 for the conveyance of the mails, then the sum to be responsible for would be £60,000, which divided proportionally as before, would give for

Nova Scotia	12,000	proportion	.2
New Brunswick	12,000	"	.2
Canada	18,000	"	.3
Great Britain	18,000	"	.3

Total £60,000 .10

Therefore

Therefore, for the responsibility (perhaps for *assuming it only*) of £100,000, or as the case may prove, £60,000, the Quebec and Halifax Railway may be made.

But to look at this great work only as a commercial speculation and as yielding mere interest for the expenditure incurred would be to take a very limited view of the objects it is capable of achieving.

In the United States they are well aware of the increased value which internal improvements and communications give to property of every kind.

In those countries works have been undertaken for that object alone, not for the mere return which the work, whether railway, road, or canal, would make of itself.

The indebtedness of the several States has been incurred almost entirely in making great internal improvements. And in the boldness and unhesitating way in which they have incurred debts and responsibilities for the purpose of developing their resources may be seen the secret of their unrivalled prosperity.

The State is in debt, but its citizens have been enriched beyond all proportion.

Most unfavourable comparisons are made by travellers who visit the British Provinces and the United States. And some have gone so far as to state, that travelling along where the boundary is a mere conventional line, they could at once tell whether they were in the States or not.

On the one side the States Governments become shareholders to a large amount in great public works, *lead* the way and do not hesitate to incur debt, for making what has been termed "war upon the wilderness;" employment is given, and by the time the improvement is completed property has been created and the *employed* become proprietors.

On the other side the Provincial Governments do not take the initiative in the same manner, and hence in the settlements and in the provinces generally, may be seen this marked difference in the progress of people who are identically the same in every respect.

Until the British Provinces boldly imitate the policy of the States in this regard and make war upon their "wilderness," their progress will continue to present the same unfavourable contrast.

The creative or productive power of canals, railways, &c., may be traced in the history and progress of the State of New York.

The Erie Canal was commenced in 1817, and completed in 1825, at a cost of 7,143,789 dollars or £1,400,000 sterling. In 1817 the value of real and personal property in the city of New York, was from official documents estimated at £16,436,000 sterling. In 1825, it was estimated at £21,075,000 sterling. In 1829, the population of the State was 1,372,000 and in 1830 the population of the State was 1,918,000.

The canal was found so inadequate to the traffic, that between the years 1825 and 1835, a farther sum of £2,700,000 was expended in enlarging it.

Making the total cost to that date, 4,100,000*l.* sterling.

It has been seen that in the city of New York—

In 1817, the official value of real and personal property was	£16,436,000
1835	£45,567,000

Being an increase of $2\frac{3}{4}$ times in eighteen years.

For the State of New York—

In 1817, the official value of real and personal property was	£63,368,000
1835,	£110,120,000

Or an increase of nearly £47,000,000 sterling in the value of property attributed chiefly, if not entirely, to the formation of the canals.

In 1836, the amount conveyed to tide-water by the canal was 697,357 tons.

And on the first of July of that year there had accumulated in the hands of the commissioners an amount sufficient to extinguish the whole of the outstanding debt incurred in its construction.

The net receipts from all the State canals, after deducting the expenses of collection and superintendance, for the year 1847, was £449,270. Villages, towns, and cities have sprung up along its course.

The population of the State, which was—

In 1810	-	-	-	-	-	-	-	-	959,949
was in 1845	-	-	-	-	-	-	-	-	2,604,495

In 1846, the value of real and personal property was estimated at £128,500,000.

It will be seen from the above, therefore, that in addition to the wealth created for individuals, the canals produce a large annual revenue to the State.

The following extracts from the financial affairs and statistics of some of the States may be quoted in illustration of this part of the subject.

1847.

Massachusetts.

Total indebtedness of the State, 1st January, 1847	Dollars.	999,654
Credit of the State, lent to Railroads.		5,049,555
		<hr/>
Total liabilities of the State		6,049,209

As security for the redemption of the scrip lent to Railroads, the Commonwealth holds a mortgage on all the roads, and also 3000 shares in the Norwich and Worcester, and 1000 in the Andover and Haverhill.

Pennsylvania.

Public property, canals and railroads, at original cost	Dollars.	28,657,432
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Maryland.

Receipts from Baltimore and Ohio Railroad	-	-	-	Dollars.	42,402
Ditto from Canal Companies	-	-	-		11,550

North Carolina.

Debt of the State, on account of Railroad Companies	Dollars.	1,110,000
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Ohio.

Debt contracted for the sole purpose of the construction of	Dollars.		
Public Works within the State	-	-	19,246,000
Canals, 820 miles in length cost	-	-	15,122,503
Net receipts in 1846, after paying repairs and expenses			408,916

In 1810 the population of this State was	-	-	45,865
In 1820 " " " "	-	-	581,434
In 1840 " " " "	-	-	1,519,467

or tripled nearly in twenty years, during the progress of her canals.

Michigan

Michigan.

	Dollars.
Debt on 30th November, 1845	4,394,510
Total length of Railroads finished and <i>belonging</i> to the State	222 miles.

This State was authorized to raise a loan of 5,000,000 dollars for *internal improvements*.

For the same purpose Congress granted to this State 500,000 acres of land.

In 1840 the population was	212,267
In 1845 " " "	304,278
or an increase of 50 per cent. nearly in <i>five</i> years.	

Indianna.

	Dollars.
1st January, 1847, the Public Debt was	14,394,940

By the terms of the Act adjusting this debt, it is to be equally divided between the State and the Wabash and Erie Canal. Of this canal, which is to be 458 miles long, 374 miles are in Indiana; 174 of this portion are finished, and in operation. There remain 200 miles to be completed, upon which part about \$1,200,000 have been expended by the State. It is estimated to cost the farther sum of 2,000,000 dollars to complete the entire canal. To cover this amount, the State is to transfer to trustees 963,126 acres of land adjoining to or in the neighbourhood of the canal.

The population of this State in 1811 was	24,520
" " 1830 "	343,031
" " 1840 "	685,086

or doubled in ten years.

Illinois.

	Dollars.
1847. Total Internal Improvement debt	8,165,081
Total Canal debt	6,009,187

14,174,268

The population in 1830 was	157,455
" " 1840 "	476,233

or *tripled* in ten years.

	Acres.
The sales of the Public Lands during one year (1845) in the United States amounted to	1,843,527

	Dollars.
Producing	2,470,298
or an average of 5s. 7d. sterling per acre.	

But to show the effect produced by a canal or railway passing through property, the following extract may be quoted from the Report of a Board of Directors of the New York and Erie Railroad Company in February 1844;

" The Board find that they have omitted one description of property which has heretofore been considered of great value, but the right to most of which has been lost to the company by failure to complete the road within a certain period; the most valuable of which consisted of 50,000 acres of wild land in Cattaraugus County, near Lake Erie, and one-fourth part of the village of Dunkirk.

"An offer in writing was made in 1837 by responsible parties to take these donations, and pay further the sum of 400,000 dollars, provided certain portions of the railroad were completed within a specified time.

That is, about 8 dollars, or 33s. 4d. sterling per acre.

In Michigan 461,000 acres were granted by Congress for the endowment of a university. These lands were selected in sections from the most valuable of the State. The minimum price of these was at one time 20 dollars, or £4 6s. 8d. sterling per acre, but became lower afterwards: 17,142 acres, the quantity sold up to 30th November, 1845, brought £2 9s. per acre.

69,000 acres devoted to schools were sold for £1 7s. per acre.

Such, then, are some of the results of making "war upon the wilderness."

In New Brunswick there are, according to an official Report of the Surveyor-General, dated 15th December, 1847, 20,000,000 acres, of which about 6,000,000 are either granted or sold, and 3,000,000 may be considered barren or under water; leaving, therefore, at the disposal of the Government, 11,000,000 of acres of forest land fit for settlement.

Of the 6,000,000 granted or sold, only 600,000 acres are estimated as being actually under cultivation.

By a statistical table published by W. Spackman, London, there are—

	Acres Cultivated.	Acres Uncultivated.	Acres Unprofitable.	Total Acres.
In England - - -	25,632,000	3,454,000	3,256,400	32,342,000
Wales - - -	3,117,000	530,000	1,105,000	4,752,000
Scotland - - -	5,265,000	5,950,000	8,523,930	19,738,000
Ireland - - -	12,125,280	4,900,000	2,416,664	19,441,944
New Brunswick -	600,000	16,400,000	3,000,000	20,000,000

Population of England	-	-	-	-	14,995,508
" Wales	-	-	-	-	911,321
" Scotland	-	-	-	-	2,628,957
" Ireland	-	-	-	-	8,205,382
" New Brunswick	-	-	-	-	208,000

In Ireland there appears to be from the above table 17,000,000 acres of ground fit for cultivation, and it has a population of 8,000,000 to support.

In New Brunswick there is an *equal amount* of ground to cultivate, and it has only a population of 208,000 persons.

If the land yet uncleared and fit for cultivation be added which remains in the northern section of Nova Scotia, and again between the boundary of New Brunswick and the River St Lawrence to the east of Quebec, then there would be a quantity of nearly equal to that of England itself, supporting a population of 400,000 souls.

It is not too much then to say that between the Bay of Fundy and the St. Lawrence,

rence, in the country to be traversed by the proposed railway, there is abundant room for all the surplus population of the mother country.

Of the climate, soil, and capabilities of New Brunswick, it is impossible to speak too highly.

There is not a country in the world so beautifully wooded and watered.

An inspection of the map will shew that there is scarcely a section of it without its streams, from the running brook up to the navigable river. Two thirds of its boundary are washed by the sea; the remainder is embraced by the large rivers—the St. John and Restigouche.

For beauty and richness of scenery this latter river and its branches are not surpassed by anything in Great Britain.

Its lakes are numerous, and most beautiful; its surface is undulating, hill and dale, varying up to mountain and valley. It is everywhere, except a few peaks of the highest mountains, covered with a dense forest of the finest growth.

The country can everywhere be penetrated by its streams.

In some parts of the interior, for a portage of three or four miles, a canoe can float away either to the Bay Chaleurs and the Gulf of St. Lawrence, or down to St. John's, in the Bay of Fundy.

Its agricultural capabilities, its climate, &c., are described in Bouchett's Works, in Martin's British Colonies, and other authors. The country is by them, and most deservedly so, highly praised.

There may be mentioned, however, two drawbacks to it, and only two.

The winter is long and severe; and in summer there is the plague of flies.

The latter yield and disappear as the forest is cleared; how far the former may be modified by it experience only can show.

For any great plan of emigration or colonization, there is not another British colony which presents such a favourable field for the trial as New Brunswick.

To 17,000,000 of productive acres there are only 208,000 inhabitants.

Of these 11,000,000 are still public property.

On the surface is an abundant stock of the finest timber, which in the markets of England realise large sums annually, and afford an unlimited supply of fuel to the settlers.

If these should ever become exhausted, there are the coal-fields underneath.

The rivers, lakes, and sea-coasts abound with fish.

Along the Bay Chaleurs it is so abundant that the land smells of it; it is used as manure, and while the olfactory senses of the traveller are offended by it on the land, he sees out at sea immense shoals darkening the surface of the water.

For about the same expense five emigrants could be landed in New Brunswick for one in the Antipodes. Being within a fortnight by steam from London, any great plan of colonization could be directed and controlled by the Home Government.

In case of distress or failure, it would be long previously foreseen; the remedy or assistance could be applied; or, if beyond these, there would be the upper country and the far west always open, and ready to receive the colonists.

The present limited population being so generally engaged in the pursuit of the timber trade and in the fisheries, there is the richest opening for agriculturists.

New Brunswick annually pays to the United States upwards of £200,000 for provisions and other articles which she can raise upon her own soil.

Nova Scotia does very nearly the same thing.

Whilst within a few miles' reach of their own capitals, there is abundance of land for agricultural productions, these two provinces are *dependent* for large supplies of food upon the United States.

Flour is imported from as far as New Orleans.

Wheat grown in the valley of the Mississippi is shipped at St. Louis, and imported into New Brunswick. It is ground into flour at the mills of St. John, and furnishes a large share of the bread eaten by the labourers of that city.

There exists, therefore, a good market already on the spot for agricultural produce; and it would be a strange anomaly, indeed, if a country situated within three or four weeks' sail of the markets of England, could not compete with the growers of produce in the valley of the Mississippi and the countries round the great lakes in the far West.

One thing, however, is greatly to be deprecated, that is any sudden or large emigration without previous preparation.

Before wheat or food of any kind can be grown the forest has to be removed, and that is a work of time and hard labour, during which those engaged in it must be fed from other sources.

With some little previous detailed surveying, the proposed railway can be commenced both at the Quebec and Halifax ends as soon as decided upon and carried on for miles. During which time the further detailed survey necessary for the remainder of the line, and particularly the portion through the wilderness, might be made, and the line actually marked and cut throughout.

This line, when cut, would form a basis for laying out extensive blocks of land, and dividing them into allotments for settlers.

It will be unnecessary in this Report to recapitulate all the good effects produced upon every country in which railways have been established; but some may be mentioned.

They have become necessary to the age, and that country which has them not must fall behind in the onward march of improvement and in the development of its resources. And the longer it is suffered to do so, the greater and more unfavourable will be the contrast which it will present to the world.

Already in this respect the British Provinces of Nova Scotia and New Brunswick are far behind their enterprising neighbours.

One of the immediate effects of making this railway would be to place them in a position of equality. They are now *dependent* upon them for food.

At the closing of the navigation of the St. Lawrence, if the United States were merely to prohibit the exports of provisions from their own harbours, the consequences would be serious to these two provinces. Canada could not then supply them.

In May, 1847, when the exploratory parties were being formed at Fredericton and provisions were being forwarded to the woods for their use, there was a scarcity of flour at St. John. It was said that sufficient for only two or three days' consumption remained in that city. The prices rose considerably, and the scarcity was only averted by the arrival of some cargoes from the United States, intended for Eastport.

The railway, had it been established, would have prevented such a state of things, and may save it for the future.

For the want of such a communication, Nova Scotia now finds it easier and more advantageous, notwithstanding a heavy duty of 20 per cent. against her, to export her great staple of fish to the States, than to Canada; whereas, if the railway were made, it would pass on to the latter, where there would be an extensive market for it, and flour would be received in return,

Halifax would become the grand emporium of trade for the British provinces.

With the assistance of the electric telegraph, an order from Quebec could be received in a few minutes, and the articles wanted could be sent off by the next train.

As the vessels now arrive in fleets in the spring, and again in the autumn, it is a matter of forethought and consideration to the merchant of Canada to know what he shall provide himself with.

To the intending emigrant it will afford him the choice of any month in the year to

set out for his new country, and if by means of friends previously settled, his place of abode has been chosen, he can time his arrival so as to have the shortest possible time to wait until his own crops are ready to supply him with food.

Arriving now as thousands annually do in the spring when the seed-time is at hand, and the land uncleared, they lose the valuable opportunity of that year's crop, and have to wait over, existing perhaps, upon their little capital for nearly eighteen months, until the succeeding harvest comes to them. To all such emigrants nearly a year may be saved.

Surprise has sometimes been expressed that out of so many who yearly land in the provinces, so many pass on and become settlers in the States.

To the poor man his labour is his capital, and he must transfer himself to the place where employment is to be found.

The proposed railway would be such a work as would engage thousands in its immediate construction. While the stimulus and new spirit it would infuse into the whole community, now cribbed and confined as it were to their own locations, would give rise to branches and other works which would employ additional thousands.

It has been seen that the population of some of the Western States have doubled and even tripled themselves in the course of ten years.

The population of New Brunswick is now only 208,000. Her revenue in 1847 was £106,000 sterling, or 10s. per head.

There is no apparent reason why, if the same facilities of employment and land for settlement were afforded, that her progress should not be also very great.

Every emigrant, induced to settle and remain in the country, may be calculated as producing 10s. annual revenue to the province,

If the formation of the railway increased the population of New Brunswick by 40,000 persons only, then her proportion of the guaranteed interest would be covered from that cause alone.

The same might occur also to Nova Scotia and Lower Canada.

It may be asked what is to become of the labourers employed on the railway during the winter. This is the season when lumbering or cutting of timber commences.— They might engage in it also. But with the wages earned in the summer, they should be incited to purchase small lots of ground of about fifty acres each.

The labours of the season over, or suspended upon the railway, they could most advantageously employ themselves in clearing, logging, and improving their own lots.— This they could do to such an extent that in the spring the women and older children could burn the logs off and put in some sort of crops for food, such as potatoes, Indian corn, &c.

Mechanics might either do the same if railway work could not be found for them, or find employment in the towns.

Another great effect of the railway would be to enhance almost immediately the value of all real and personal property. The effects produced by the Erie Canal in doubling and nearly tripling that of the City of New York has been stated.

Villages and towns would, no doubt, spring up in its course the same as on the canal. The railway would give them birth. Agriculture and external commerce would support and enrich them.

But if, by its means, the navigation of the Gulf of St. Lawrence is spared, what an amount of human suffering and loss of life will it not save.

The losses from shipwreck have been great, but not equal to that arising from protracted voyages and crowded emigrant ships.

In 1847, 89,738 persons emigrated to the British Provinces, of whom 5,293 persons perished at sea, and 10,000 are said to have died after their arrival.

This was a most unusual year, and it is to be hoped by every friend of humanity, that any thing like it will never occur again.

No human means could have saved all this loss of life, but there is no doubt, a less protracted voyage and a more favourable time than the spring of the year in the St. Lawrence would have prevented some of the fatal results.

The railway established, the passage may be shortened, and the time of emigration may be selected at choice.

Troops are annually moved to and from Canada. About the close of the navigation in 1843, a transport, having the 1st Royal Regiment on board, was wrecked in the mouth of the St. Lawrence. The men got safely on shore, but there were no roads or means of getting away from that place. By the personal exertions of one of the officers, who made his way through the woods on snow-shoes to the nearest settlements, and thence to Quebec, information was given of the wreck, and a steamer sent down to take them off. But for this, the consequences must have been that the regiment would have had to winter there in the best manner they could.

Embarking and disembarking at Halifax, all danger and inconvenience from the Gulf navigation would be avoided. Time and expense would be saved, and the season might be disregarded.

The mails to and from Canada could pass over British territory *exclusively* and they would be received at Quebec before the steamer reached Boston, and at Montreal about the same time as it arrived at that port.

In a political and military point of view, the proposed railway must be regarded as becoming a work of necessity.

The increasing population and wealth of the United States, and the diffusion of railways over their territory, especially in the direction of the Canadian frontier, renders it absolutely necessary to counterbalance, by some corresponding means, their otherwise preponderating power.

Their railway communications will enable them to select their own time and their own points of attack, and will impose upon the British the necessity of being prepared at *all points* to meet them.

It is most essential, therefore, that the mother-country should be able to keep up her communications with the Canadas at all times and seasons. However powerful England may be at sea, no navy can save Canada from a land force.

Its conquest and annexation are freely spoken of in the United States, even on the floors of Congress.

Weakness invites aggression, and as the railway would be a lever of power by which Great Britain could bring her strength to bear in the contest, it is not improbable that its construction would be the means of preventing a war at some no distant period.

The expenses of one year's war would pay for a railway two or three times over.

The following extract from the report of Lord Durham, Her Majesty's High Commissioner and Governor-General of British North America in 1839, is so apposite and just, and bears so strongly upon the subject under consideration, that it is conceived no better conclusion can be made to this Report than to insert it.

"These interests are, indeed, of great magnitude; and on the course which your Majesty and your Parliament may adopt with respect to the North American colonies, will depend the future destinies, not only of the million and a half of your Majesty's subjects who at present inhabit those provinces, but of that vast population which those ample and fertile territories are fit and destined hereafter to support. No portion

of

of the American continent possesses greater natural resources for the maintenance of large and flourishing communities. An almost boundless range of the richest soil still remains unsettled, and may be rendered available for the purposes of agriculture.—The wealth of inexhaustible forests of the best timber in America, and of extensive regions of the most valuable minerals, have as yet been scarcely touched. Along the whole line of sea-coast, around each island, and in every river, are to be found the greatest and richest fisheries in the world. The best fuel and the most abundant water-power are available for the coarser manufactures, for which an easy and certain market will be found. Trade with other continents is favoured by the possession of a large number of safe and spacious harbours; long, deep, and numerous rivers, and vast inland seas, supply the means of easy intercourse, and the structure of the country generally affords the utmost facility for every species of communication by land.—Unbounded materials of agricultural, commercial, and manufacturing industry are there. It depends upon the present decision of the Imperial Legislature to determine for whose benefit they are to be rendered available. The country which has founded and maintained these colonies at a vast expense of blood and treasure, may justly expect its compensation in turning their unappropriated resources to the account of its own redundant population; they are the rightful partimony of the English people,—the ample appanage which God and nature have set aside in the New World for those whose lot has assigned them but insufficient portions in the Old.”

And if for great political objects it ever become necessary or advisable to unite all the British provinces under one Legislative Government, then there will be formed on this side of the Atlantic one powerful British-State, which, supported by the Imperial power of the mother-country may bid defiance to all the United States of America.

The means to the end, the first great step to its accomplishment, is the construction of the Halifax and Quebec Railway.

(Signed) WM. ROBINSON,
Captain, Royal Engineers, Brevet-Major.

August 31, 1848.

Major-General Sir John F. Burgoyne, K. C. B.,
Inspector-General of Fortifications,
&c. &c. &c.

List of Inclosures to Major Robinson's Report of August 31, 1848.

Report on the proposed Trunk Line of Railway from an Eastern Port in Nova Scotia, through New Brunswick to Quebec, with seven appendices.

Bound Book containing sixteen Exploratory Plans.

Printed Map of Nova Scotia, New Brunswick, and a portion of Lower Canada, showing the explored route for the proposed Trunk Line of Railway from Halifax to Quebec.

Model Map.

General Section.

The foregoing relate to the line of railway recommended.

Plans Nos. 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, and 31, of a line of railway reported upon.

APPENDIX No. 1.

(Plans referred to :—General Plan No. 1, Book of Plans 16, Detailed Plans, Nos. 25, 26, 27, 28, 29.)

Report on and description of the proposed Trunk Line of Railway from Halifax through New Brunswick to Quebec.

THE exploratory surveys which have been carried on during the years 1846—7, for the purpose of ascertaining the practicability of establishing a line of railway from the Atlantic shores of Nova Scotia through the province of New Brunswick to the city of Quebec, on the River St. Lawrence, having resulted successfully, I have the honor to furnish you with a report upon the line which has been found practicable, and which has fallen under my more immediate observation and direction.

The port of Halifax, in Nova Scotia, being selected as the Atlantic terminus of the railway, the chief difficulties to be surmounted between that port and the St. Lawrence have been ascertained to be the range of highland in Nova Scotia, known as the Cobequid Hills, averaging from 800 to 1000 feet in height; and two ranges of highlands, one of which crossing the province of New Brunswick from the River St. John below the Grand Falls in a north-easterly direction, rises to a considerable elevation at the head waters of the Rivers Tobique, Miramichi, and Nepisiguit, and thence descends gradually to the shores of the Bay Chaleurs.

The other range lying between the rivers Restigouche and St. Lawrence, and nearly parallel to their general course, is very broken and lofty, some of the mountain ranges attaining an elevation of 3000 feet above the sea.

Another obstacle of a general nature exists, and which increased the difficulty of ascertaining a practicable line through New Brunswick, inasmuch as the course of the line of railway is at right angles to the general course of the numerous rivers which intersect that province.

The proposed line passes the first of these obstacles, the Cobequid Hills in Nova Scotia, about sixty-five miles from Halifax, by the valley of the Folly River, in the township of Londonderry, attaining its summit level 600 feet above high water at Halifax, at the lake from which that river flows, being the lowest point on the hills to which there is a favourable approach which has been ascertained.

The line avoids the broken and lofty chain of highlands in New Brunswick, by following the level shores of the Bay Chaleurs, and it ascends the range of highlands north of the Restigouche by the valley of the Metapediac River and the lakes at its head waters, by easy grades, attaining its summit level 760 above high water at a point about six miles north of the great Metapediac Lake, from which it then descends along the vallies of different tributaries of the St. Lawrence to the Metis River, which it crosses about ten miles above its mouth, and is then clear of the highlands.

The distance from Halifax to Quebec by the proposed line of railway will be about 635 miles.

Of these 124 miles are in the Province of Nova Scotia,
234 miles in New Brunswick, and
277 miles in Canada.

Commencing at Halifax, the comparative advantages of having the terminus in the city which is situated on the western shore of the harbour, or in the village of Dartmouth, which is on the eastern side, and immediately opposite the city, becomes a matter of detail for future consideration.

From Dartmouth the line passes through the broken chain of land which runs parallel with the south-east coasts of Nova Scotia by the valley formed by the chain of lakes

lakes which extend from Dartmouth to the Great Shubenacadie Lake, a distance of about twenty miles.

The highlands come in pretty close to the lakes on both sides, leaving here and there narrow flats along their borders. The rock is chiefly slate, and along the bottom of the valley are large quantities of loose fragments of rock from the adjacent hills, boulders, gravel, &c.

The gradients on this portion of the line which has been calculated chiefly from the sections made for the Shubenacadie Canal, which was intended to follow this chain of lakes, will be favourable, though from the rocky and broken character of the ground, it will be probably expensive.

For the first nine miles the line follows the western shores of the lakes. The hills are a short distance back, leaving a stripe of irregular low ground indented with bays, the water in which is shallow.

The summit level is at the south end of Lake Charles, from which the water flows into the Shubenacadie. The Dartmouth Lakes, the first of the chain, empty themselves into Halifax harbour, being 65 feet above high water, the rise from them to the summit level Lake Charles is only 25 feet, the distance being one mile.

After reaching the northern extremity of Lake William, nine miles from Dartmouth, the line crosses to the eastern shores of Lake Thomas, the next in the chain, and hence by the shores of Lake Fletcher to the Grand Lake.

The western shores of these two lakes are bold and rocky, with deep water. The eastern are easy as respect curvatures, and the water is shallow, should it be necessary to build into them.

The railway, will, however, probably interfere with the present line of road.

Should the terminus be in the city of Halifax, the line thence would join one coming from Dartmouth at the northern extremity of Fletcher's Lake, fifteen miles from Dartmouth, and nineteen from Halifax. The latter would be consequently the longest by four miles.

The summit level in the line from Halifax, between the waters flowing into Halifax Harbour and those falling into the Shubenacadie, is 232 feet above tide-water in the former. The gradients will be consequently more severe.

For the first seven miles after leaving Halifax, the line follows the shores of the Bedford Basin, a portion of Halifax Harbour, which are broken and rocky. To obtain curves of half a mile radius, heavy embankments will be necessary across the deep bays; for the remainder the expense and difficulties will be about the same with a line following the Lakes.

After leaving Bedford Basin, the line ascends the valley of the Sackville River for about three miles. On the east side of this valley is the ridge of land separating the Halifax and Shubenacadie waters.

The most favourable point ascertained for crossing this is about $5\frac{1}{4}$ miles from the head of the Basin, and is 232 feet above its waters. The heaviest grade involved to reach this will be forty-three feet per mile for three miles. It will also involve a heavy embankment, about 700 feet long, between the summit level and the shores of the Long Lake, from which it will descend to the north end of Lake Fletcher, by the valley of the Rawdon River, where it joins the line from Dartmouth.

Between the north end of Fletcher's Lake and the point where the line will strike the Grand Shubenacadie Lake, are three ridges projecting into the Lake, which will require to be cut through; the two next the Grand Lake being about thirty feet deep. Thence it follows the shore of the Grand Lake for about three quarters of a mile. The high land comes out close on the Lake, but the water is shallow.

Leaving the Lake shore at the $17\frac{1}{2}$ mile it crosses to the west shore of the Gaspe-reau Lake. There is a low ridge between the two which will require cutting.

It

It will be necessary to carry the line along the shallow water on the west shore of the Gaspereau Lake, leaving which it again strikes the shores of the Grand Lake at Sandy Cove, and follows it for half a mile to the outlet of the Shubenacadie River, which flows into the Bay of Fundy.

After leaving the Grand Lake, the line for nineteen miles follows the general course of the valley of the Shubenacadie River, as far as the mouth of the Stewiacke River.

About two miles from the Grand Lake, it crosses the Shubenacadie River, and then follows the western side of the valley, which comes in with an easy slope to the river, and offers no obstruction. An embankment of some eight or ten feet will be required across the valley of the Nine Mile River, from which, to Barney's Brook, at the 27th mile, the valey is broad and open, and nearly flat, and thence for a mile it will be on the level margin of the river.

At this place, Black Rock Point, the land runs out high upon the river on both sides. A cutting will be necessary on the eastern side, about thirty feet deep and a quarter of a mile long.

The rock being Plaister-of-Paris, with a covering of clay, it will be easily quarried. The line then crosses the river, the valley of which is crooked below this point, and passes through the highland on the western side by a grade of about thirty feet per mile, for less than a mile, and thence descends into a broad flat.

Between this and the mouth of the Stewiacke River, it crosses the Shubenacadie twice; the ground offers no obstructions, except an embankment which will be required at the 31st mile, about 6 feet high, for one mile, where the line crosses the broad marshes of the Shubenacadie, which are flooded by high freshets.

Between the crossing of the Stewiacke River, about 38 miles from Dartmouth, and the head of Truro mill-stream at the 50th mile, which is the water-shed of the Truro and Shubenacadie waters (145 feet above high-water at Halifax), there will be several cuttings of from 15 to 20 feet deep, so that none of the gradients may exceed 40 feet in the mile, and these will be short.

From the 50th mile the line descends by the valley of the Truro mill-stream, by an easy grade of about 17 feet per mile, to the village of Truro, at the 55th mile, which it will pass about a quarter of a mile to the westward, and cross the head of the Cobequid Bay by a bridge which will require to be about 500 feet long. From thence it commences the ascent of the range of hills known as the Cobequid Hills, which run north-east and south-west, nearly parallel with the bay, and directly across the line of the railway.

The rock formation through which the first portion of the line passes, ceases at the Grand Lake; from thence to Truro, the country, generally speaking, is of a fertile description, the hills being composed of a strong clay, with here and there limestone and gypsum rocks. The soil of the fertile valley in which Truro is situated, as well as the shores of the Cobequid Bay, is red sandstone.

After crossing the head of the Cobequid Bay, the line passes along the southern slope of the hills to the foot of the ascent of the 66th mile. In this distance it will have to cross the Chiganois and De Buit Rivers, and the swell of land lying between them, the highest elevation being between those rivers about 170 feet above high water; but none of the gradients, it is calculated, will exceed 40 feet per mile.

The summit-level which the line has to attain is by actual section determined to be 600 feet above high-water, being at the lake from which the Folly River flows.

The section, which has been accurately , shows a gradient of 1 in 85 feet; or about 62 feet per mile, for $5\frac{3}{4}$ miles; but by keeping a higher level, the ascent to the lake may be overcome by a grade of 57 feet per mile, for $6\frac{1}{2}$ miles.

In this distance there are eight ravines to be crossed, four of which will require heavy bridges.

The

The valley of the Pinebrook will require a heavy embankment, material for which will be supplied by a deep cutting necessary at the crossing of the road beyond.

The upper portion of the ascent, for four miles below the lake, is composed of hard igneous rocks, with a covering of earth in most places, but the rock will probably be met with if cuttings to any depth become necessary.

At about four miles on the south side of the lake seventy-one miles from Dartmouth, there is a breadth of about half a mile of conglomerates, shale and sandstone, in which a valuable deposit of speculative iron ore has been discovered; it is of very rich quality, and operations have been commenced by a company to work it.

The heavy grade ceases at the saw mill half a mile below the lake, in which distance there are three small ridges to cut through, which will furnish material for crossing the shallow arm of the Lake; thence the western shore is nearly straight, with shallow water, admitting of a level line, with easy curvatures along its margin.

At the 75th mile a small ridge at the north end of the lake separates its waters from those of the Wallace River.

The descent from the lake is very rapid into the valley watered by that river. By actual measurement it has been ascertained that the ground falls 356 feet in the first three miles northwardly from the lake; thence the valley is broad and flat. The hills on the eastern side rise very abruptly, those on the western side having a gentler slope towards the valley afford the most favourable ground for the location of a railway.

The actual section line, which has been run at a gradient of 70 feet per mile, may be improved upon by keeping a higher level, and the descent may be overcome by a gradient of about 66 feet per mile for $4\frac{1}{4}$ miles along the western side of the valley.

Here the hills turn abruptly to the westward, and on reaching the foot of this descent, at the 79th mile, some cutting will be necessary to carry the line with the radius of half a mile for one mile, round the shoulder of the hills.

A lesser range of hills lies north of the Cobequid Range, which, at this point is separated from them by the valley of one branch of the Wallace River, which the line ascends for $2\frac{1}{2}$ miles, at a grade of 35 feet per mile, and thence passes through this lesser range by the valley of the west branch of the Wallace River. Then crossing the valley of the Little Wallace River it falls at a grade of 35 feet per mile to the valley watered by Tulloap's Creek, by which it descends at easy grades for about seven miles to the 95th mile, where it turns the shoulder of the ridge of land lying east of the River Phillip by a curve of three quarters of a mile radius, involving some cutting, but to no great depth.

From thence it descends at a grade of 20 feet per mile for 4 miles along the fertile valley of the River Philip, which it will cross at a short distance below the confluence of the Black River, and ascend, for 5 miles, by the valley of the Little River by a very easy grade.

From this to Bay Verte the country presents a very level appearance, and the line will probably deviate but little from a direct line.

The gradients will be most favourable, and none, it is expected, will exceed 15 feet per mile.

At the 120th mile the line crosses the Tidnish River about a mile above its mouth, and thence follows the level shores of the Bay Verte, at a distance of from one to half a mile.

It leaves the Province of Nova Scotia 124 miles from Halifax Harbour.

The section of country traversed by the line, from the Cobequid Hills to Bay Verte, is generally speaking through light soil of good quality. There is little or no rock. Should any be met with, it will be sandstone, furnishing excellent building material.

Much of this portion of Nova Scotia is well cultivated and populous.

The line from Bay Verte enters the Province of New Brunswick, and as far as the

crossing of the Miramichi River, at the 223rd mile, although running nearly at right angles to the course of the rivers flowing into the Gulf of St. Lawrence, will deviate but little from a general straight course and from the level nature of the country, although it will have to cross the swells of land lying between the different rivers, it may be expected confidently that the heaviest gradients will not exceed 40 feet per mile, the generality being very favourable.

As far as the Cocayne River, the country traversed by the line is very level. The section line, which was run along the head waters of the rivers flowing into the Gulf of St. Lawrence, shews that the highest point is little more than 200 feet.

By following the general direction laid down on the plan, dependent, of course, upon the bridge sites which shall be selected on the different rivers, no difficulties of a serious nature will be encountered. Should any cuttings be necessary, they will not be expensive, as no rock is likely to be met with.

The section of country which will be opened up between Bay Verte and the Richibucto River offers much excellent land for settlement. From thence towards the head waters of the Kouchibouguac are extensive flat barrens, and the country between that and the Miramichi is very level.

The rivers are all small, and no heavy bridging will, it is expected be required.

It is proposed to cross the south-west branch of the Miramichi River near the head of the tide, opposite to the mouth of Indian Town Brook. It will require a bridge about 500 feet long and 30 feet high. There are heavy freshets in this river, but no damage need be apprehended to a well constructed bridge either from ice or freshets.

Between this and the north-west Miramichi River a detour will be necessary to the westward, to avoid the swell of land lying between these two rivers, and which runs to an elevation of about 300 feet. The line crossing the Miramichi opposite to the mouth of the Indian Town Brook, will ascend by the valley of that brook, and then diverge to the westward, through a flat cedar country to the north-west Miramichi River, which it crosses at the 234th mile, by a bridge, which will require to be 2000 feet long and 30 feet high, the river here being very wide and shallow. A site requiring a bridge of less length may probably be selected on further examination.

From this the line follows the broad valley watered by the north-west Miramichi, as far as the 260th mile, at gradients varying but slightly from a level, excepting the first five miles, which will require gradients of about 25 feet per mile. The land between the north-west Miramichi waters and the Nipisiguit River traversed by the line is almost a dead level, and it descends to that river by a grade of 25 feet per mile for three miles.

It is proposed to cross the Nipisiguit River near the Pabineau Falls, and after following the valley of the Nipisiguit a short distance it continues as far as the 325th mile to follow the general direction of the shores of the Bay Chaleurs, passing within a short distance of the town of Bathurst.

The precise direction of the line will of course depend upon the bridge sites selected on the several streams and rivers flowing into the Bay Chaleurs.

As far as the 305th mile the land is very level and the streams small. The Jaquet River lies in a large deep valley, but it is believed may be approached and crossed about four miles from its mouth without any great difficulty.

The gradients on this portion of the line will be found very favourable, and will not, it is calculated, exceed seventeen feet per mile, the greater portion being very much less.

The shores of the Bay Chaleurs are thickly populated. The inhabitants near Bathurst are chiefly Canadian-French. Towards the Restigouche the inhabitants are principally Scotch, many of them having excellent farms.

After reaching the valley watered by the Eel River, the line may approach the Restigouche River, either by following the valley of the Eel River to its source and thence by

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Sheet No. 10.

by the vallies of several small streams, and reach that river either at the mouth of Christopher's Brook, seven miles above Campbellton, or at a point five miles above that.

The summit level at the head waters of the Eel River has been calculated at 368 feet, which will probably be found too high. This would involve a grade of about 18 feet per mile for 16 miles.

It will perhaps be better to avoid this gradient and the curves which will be necessary in descending the vallies of the small streams flowing into the Restigouche, to cross the Eel River, and pass through the range of hills lying south of the River Restigouche, about five miles from the town of Dalhousie. The hill which rises immediately in the rear of that town here falls away almost to the level of the country about Eel River, and from thence the line would follow the bank of the Restigouche, passing through the village of Campbellton, and continuing between the present road and the shore as far as the mouth of Christopher's Brook. The gradients on this portion would be very slight.

Detail Plan,
Sheet No. 25.

Opposite to and above the mouth of Christopher's Brook the Restigouche is full of islands; the mountains, especially on the south shore, come down boldly to the river, and it is proposed to take advantage of these islands to cross the broad channel of the river to the more favourable ground on the north shore.

There is no accurate survey of these islands, but they are so numerous that the expense of bridging will not be greater than if the line were to cross above, when it would require a bridge of at least 1800 feet long and a heavy embankment on the north shore. The danger from the rush of the ice freshets, which sometimes occur in the spring of the year in this river, will be less, if the bridge be carried over among these islands.

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Sheet No. 11.

After crossing the Restigouche River, the line will follow the north bank as far as the mouth of the Metapediac River, at the 359th mile.

The section of country lying between the Restigouche and St. Lawrence Rivers is a vast tract of high land, intersected in every direction by deep vallies and vast ravines, through which the rivers flowing to the St. Lawrence and Restigouche wind their course.

The height of land from which these rivers flow respectively north and south, is full of lakes, and along them the mountain ranges rise to a great elevation.

The average distance between these two rivers is about 100 miles.

The only available valley which my knowledge of the country, or the explorations we have carried on enable me to report upon, by which a line of railway can be carried through this mass of highlands, is that of the Metapediac River.

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& 12.

This valley extends from the Restigouche to the Great Metapediac Lake, a distance of between 60 and 70 miles, and as the summit level to be attained in that distance is only 763 feet above tide-water, the gradients, generally speaking, are extremely favourable.

From the broken and rocky character of this section of the country, some portions of this part of the line will be expensive, especially the first 20 miles of the ascent, in which the hills in many places come out boldly to the river, and will render it necessary to cross it in several places.

The rock formation is nearly all slate. There are settlements on the Metapediac River, as far as the Mill stream.

Generally speaking, however, the greater portion of this section of the country is unfit for cultivation, consisting of a gravelly rocky soil, covered with an endless forest of spruce, pine, birch, cedar, &c.

From the mouth of the river as far as the 365th mile, the line continues upon the east bank. Above this, at the mouth of Clarke's brook, the rocky bank of the river

Detailed Plans
Sheet No.

is

is very unfavourable, and to obtain proper curves it crosses to the point opposite, and then recrosses immediately above, to the more favourable ground on the east bank.

Between this and the mouth of the Ammetssquagau River, the line, to obtain good curves and avoid those places where the hills come out bold and rocky, crosses the river four times.

The position of the line for three miles above and below the Ammetssquagau River, where the hills are steep and rocky close on the river, will be the most expensive part of the line.

Detail Plans.
Sheet No. 26

Above this the line follows the eastern bank to the 377th mile. The hills on either side are very high, but the eastern bank is pretty favourable. Between the 378th and 380th mile, the river turns twice almost at right angles, shut in on the south by a rocky precipice 150 feet high.

It will be necessary to cross the river three times here. The centre bridge will be a heavy one, but there is an island in the elbow, which will serve as a natural pier.— Above this from the 380th mile to the Forks (the mouth of the Casupscul River) at the 395th mile, the valley becomes more favourable. The hills on either side are not so lofty, and recede further from the river. The line crosses the river twice between the 385th and 390th mile, to avoid a rocky precipice on the left bank; and again about one mile below the Forks, making in the first 38 miles up the valley of the Metapediac, twelve bridges in all. These bridges will average from 120 to 150 yards long.

Detail Plans.
Sheet No. 27.

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Sheet No. 12.

From the 395th mile to the Metapediac Lake, the line continues on the eastern side of the valley; the ground is stony and uneven. The gradients will be very favourable, and, with the exception of "The Grave," at the 405th mile, where there is a rocky spur running out on the river, there are no very serious difficulties.

The line again crosses the river at the 409th mile, and from thence follows the eastern side of the Metapediac Lake to the 420th mile.

The mountain ranges to the westward are very lofty. There are two spurs running out on the lake, at the southern end, which the line turns at easy curves close to the shore; beyond this it passes through a cedar swamp into more favourable ground at Brocher's clearing at the north end of the lake, from this it ascends to the summit level 763 feet above tide-water at the 426th mile. This is the water shed between the Restigouche and St. Lawrence waters.

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Sheet No. 13.

Detail Plans.
Sheet No. 28.

Between this and the St. Lawrence the country is intersected and crossed by a constant succession of ridges, rising to a considerable elevation between the different small tributaries of the Tartigau and Metis Rivers. The line descends at easy grades by the valley of the former to the 432nd mile, where it turns to the westward, and ascends to the 435th mile, by the valley of one of its small tributaries. The water shed here between the waters of the Metis and Tartigau is about 750 feet, and the descent from this to the Metis, by the valley of Pacher's Brook, is rapid, and will involve a grade of 55 feet per mile, for 8 miles, which will carry the line clear of the highlands.

Further explorations may probably suggest improvements upon this line through the highlands, which, however, as far as regards gradients and curves, is as favourable as can be expected.

A party was sent to explore for a line from the Metapediac River, westward, following the valley of one of its tributaries, and thence across to the Rimouski River, and, from the reports I received from them, it appears probable that a practicable line may be obtained following the valley of Metallies Brook, 5 miles below the forks of the Metapediac, and along a succession of lakes to the Rimouski, and thence by the valley of the Torcadie River to the Abersquash, and by its valley to the point where the proposed line crosses it.

It would require a whole season to explore this section of country.

The

The proposed line, after descending the valley of Pachet's Brook and the valley of the River Metis, crosses the river at the 445th mile, about 10 miles above its mouth, and ascends by the valley of the River Haget, one of its tributaries, almost on a level to the water shed of the 459th mile between the Metis and Rimouski waters, and descends to that river at the 469th mile at a grade of 44 feet per mile for 5 miles.

The Rimouski River lies in a deep valley, and the line descends to it at this grade by the valley of the "Rosseau Bois Brulé," to gain the opposite valley of the Rigamard stream, by which it is proposed to ascend to the table land lying between it and the Trois Pistoles River. A bridge 500 feet long and 40 feet high, will be required across the Rimouski, as it is necessary to pass it opposite the mouth of the Rigamard. The hills on either side for the first two or three miles of this valley are steep; above that it widens, and the line reaches the table-land which extends to the Trois Pistoles River, at a grade which it is calculated will not be more than 20 feet per mile for 6 miles.

An improvement on this line may, perhaps, be made by descending the valley of the River Bois Brulé, and ascending by the valley of the stream of the Little Rimouski.

The line proceeds at almost nominal grades to the Abersquash River, which it crosses at the 500th mile.

Four miles further the table-land is intersected by the deep ravine formed by the stream of the Trois Pistoles River.

This will require a heavy bridge. The width between the banks at top is 300 feet, the stream at the bottom is 100 feet wide; the ravine being 150 deep, it will be necessary to have the centre span as large as possible, to diminish the great height required for the piers.

The line from this continues at very favourable grades, crossing the Rivière du Loup at the 527th mile, about 5 miles above its mouth, and thence (either in the second or third concession) for a hundred miles through a densely populated country of the most favourable description, to the Boyer River at the 620th mile, from which it rises to Beaumont Church, 278 feet above tide water, and descends at a moderate grade for about 9 miles, to Point Levi, opposite the city of Quebec.

(Signed)

G. W. W. HENDERSON,
Captain, Royal Engineers.

Major W. Robinson, R. E.
&c. &c. &c.

Book.
Sheet No. 13.

Book.
Sheet No. 14.

Book.
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Sheet No. 16.

TABLE of probable Gradients on proposed Halifax and Quebec Railway.

Prevailing Gradients	Canada.	New Brunswick.	Nova Scotia.	Total.
	Quebec to Restigouche River.	Restigouche River. to Bay of Vert.	Bay Verte to Halifax Harbour.	
	Miles.	Miles.	Miles.	Miles.
Level and under 20 feet per mile	222	151	66	439
20 to 40 feet "	42	71	37	150
40 to 50 feet "	5	8	10	23
50 to 60 feet "	8	4*	7	19
60 to 70 feet "	None	None	4	4
Total	277	234	124	635

* This gradient will be avoided by following the Restigouche instead of the Eel River.

(Signed) G. W. W. HENDERSON,
Captain, Royal Engineers.

APPENDIX No. 2.

(Plans referred to:—Nos. 17, 18, 19.)

Report on the Explorations from the Miramichi Lake, across the valley of the Tobique to the Restigouche River.

THE explorations carried on during the autumn of 1846 having shewn that the chief difficulties to be encountered by any line of railway passing through the central portion of New Brunswick was the large valley watered by the River Tobique, which running directly across the general direction of the line must be crossed by it; and that the height of land on the southern side was of great elevation. The explorations were directed in the following year (1847) to ascertain the practicability of ascending to this height of land from the table-land between the waters of the Miramichi and Nashwaak Rivers to the westward of Boistown, and to which there is easy approach from the level country to the southward; and having gained that height of land south of the Tobique River, to ascertain the practicability of crossing its valley at the most favourable grades.

Plan No 13.

This valley is about 30 miles wide. The highlands bounding it on the south side are very lofty. The lowest point at which they can be passed, as ascertained by our explorations, being at a point about 19 miles south of the river; 1216 feet above the sea, or 894 above the river.

The height of land or water shed on the north side of the valley is about 12 miles from the river, and 418 feet above it, 838 feet above the sea.

The exploration was commenced between the Napadogan Lake and the Miramichi Lake, about 20 miles north of the portage road from Boistown to Fredericton.

The

The line which has been reported upon as practicable involves, as will be seen, very heavy grades.

From the point of starting the line descends at a grade of about 54 feet per mile for 2 miles to the Miramichi Lake; thence it passes through a dry spruce country to the south-west of Miramichi River, which it reaches at the 5th mile; from this it follows the valley of that river for seven miles, at very easy grades to the forks of the river, where it crosses the west branch, and ascends by the valley of the north branch, as shown by the black line on the Plan to the point D, at the 21½ mile, at easy grades, shewn by the red line on the Section; none exceeding 16 feet per mile.

Plan No 17.

Then it meets a ridge of land which will cause it to diverge to the eastward, and involve a grade of about 50 feet per mile for 2 miles; and thence follows the valley of the north branch of the Miramichi, at a gradient of 44 feet per mile. The valley here is very narrow and broken, the highlands coming in close on either side.

The line leaves the valley of the River Miramichi at the 26th mile, and follows the valley of one of its tributaries, called the Dead Water Brook, at the same grade of 44 feet per mile to the 28th mile, at the point F.

From this it continues along the same valley, but at an easier grade of 20 feet per mile to the water-shed between the Tobique and Miramichi Rivers, 1205 feet above the sea at the 30½ mile.

The Odell and Beaver Brooks take their rise on this height of land, being tributaries of the Tobique, and the line attains its summit level 1216 feet above the sea, at the small lake which is the source of the Odell, at the 31st mile.

Plan No 18.

A small ridge divides this lake from the waters of the Beaver Brook, which would have to be cut through.

From this point commences the descent into the valley of the Tobique.

The direct descent by the valley of the Odell, &c., had been found impracticable, the fall being far too rapid.

The most favourable gradient, which can be maintained, is one of 58 feet per mile, for nine miles, by keeping along the side of the hills as far as the River du Chute, crossing several streams, one of which, that of Beaver Brook, will require heavy bridging.

After crossing the River du Chute, which will also require a heavy bridge, the line descends at a gradient of 15 feet per mile for 3 miles.

Here it has to cross the valley of the River Wapsky, about 2 miles wide, which will involve an ascending and descending grade of 66 feet per mile, each one mile, and a bridge 40 feet high across the stream.

This point (C 2 on the plan) is the water-shed between the Wapsky and the Little Gulquac, and the line descends at a gradient of 48 feet per mile for 5½ miles to the River Tobique by the valley of the Little Gulquac.

The Tobique, which the line crosses at the 50th mile, will require a heavy bridge, 50 or 60 feet high; the river is about 242 feet wide; on the south side the bank is bold and favourable for bridging, on the north is an interval flat, which will increase the length of the bridge or viaduct to about feet.

After crossing the Tobique, the line, keeping to the westward of that actually explored, ascends for the first 5 miles at a gradient of about 20 feet to the mile, through a dry level tract of country.

From this the grade increases to 44 feet per mile for 3 miles to the point E. from which the line ascends by the valley of the west branch of the stream, called the Two Brooks, for 4 miles, at a grade of about 43 feet per mile.

It continues to ascend at this grade for 4 miles (to the point (a)), the water-shed between the Tobique and Salmon Rivers, being 12 miles south of the former and 418 feet above it.

Thence

Plan No 19

Thence the line keeps westward of the exploratory line, avoiding the high ground crossed by it, following the vallies of the Salmon and Grand Rivers.

The first of these, it is calculated, will involve an ascending and descending grade of 20 feet per mile each 4 miles.

The line will ascend to the water shed, between the Grand River and Beaver Brook, a tributary of the Restigouche River, about 920 feet above the sea, by an easy grade of about 8 feet per mile.

From this point at the 78½ mile (b on the plan), it descends to the Restigouche River, by the valley of Beaver Brook.

It is calculated that the first 4½ miles will require a grade of 45 feet to the mile, and thence one of about 24 feet to the Restigouche River, about 11 miles. The whole distance being about 94 miles from the Miramichi Lake.

Other valleys also exist by which it is believed the Restigouche may be reached, after leaving the Tobique valley, and by about the same grades.

The valley of Boston Brook would bring the line to the Restigouche more to the westward; that of Jardine's Brook would carry it more to the eastward and nearer to the valley of the Kedgwick River, which is the only tributary of the Restigouche, by which it is believed a practicable route can be obtained through the highlands between the Restigouche and St. Lawrence Rivers, on this general direction.

The tract of country which this line passes through, and would open up north of the River Tobique is very excellent soil, and offers fine land for settlements.

(Signed) G. W. W. HENDERSON,
Captain, Royal Engineers.

Major W. Robinson, R. E.
&c. &c. &c.

APPENDIX No 3.

(Sketches attached.)

Report of Mr. Wilkinson.

Fredericton, December 31, 1847.

SIR,—

I HAVE the honour to state to you the general results of the exploratory survey in which I have been engaged, under your direction, during the past summer and autumn, with a view to the discovery in part of a line favourable for a railway between Quebec and Halifax. In doing so, I will as much as possible observe the brevity which you desire me to regard as sufficient.

Passing by the subject of preliminary arrangements, and the circumstances which controlled the selection of the lines examined, it will be sufficient to say, that the general object was to discover a favourable route between the valley of the Abawisquash, a branch of the Trois Pistoles, and a point on the Restigouche River, favourable for union with another division of the general line, in progress of exploration by Corporal Dumble, from the valley of the Tobique River.

The line first examined I will describe as Route No 1, so distinguished in the sketch hereto annexed.

Between

Between the head of Lac des Iles, discharging itself into the Toledi, and the Abawisquash River is a low depression in the summit level, or height of land, favourable, as I believe, for our object. From this point the ground appears generally practicable following the margin of Lac des Iles, and thence the course of its discharge towards the outlet of Eagle Lake, a distance by estimation of about nine miles. From Eagle Lake it is very probable that a communication with the Rimouski would be found by following the valley of the left hand branch of the Toledi to its source, and thence descending the valley of the Touradi. But the more direct course by Route No. 1 was experimentally continued. Between Eagle Lake and the middle branch of the Toledi is a continuous ridge of 300 or 400 feet average elevation above the former. Like other ridges in the neighbourhood, it consists of much good land for settlement, but apparently affords no pass suitable for our object, within an extent of six or seven miles.— On exploring from the middle branch westerly to the head of the lake, however, the descent appeared to exceed the ascent as much as 150 or 200 feet. A very direct communication would therefore be ineligible. The course to be recommended passes by an easy curve southward of the lake and the southern extremity of the ridge in the manner indicated in the sketch; thence north-easterly by the valley of the Middle branch. Where the line would enter this valley the general inclination is apparently about 25 or 30 feet per mile, until approaching within about three miles of the last of four successive rapids or falls. It is probable that the inclination here may be from 40 to 60 feet per mile, until we reach the dead or smooth water. The banks of the Middle branch afford only a small extent of flat ground, say from one to three chains in width, on each side alternately, seldom on both sides at once; but the slope of the rising ground is commonly moderate, and without abrupt angles or turns, with the exception of the three miles just mentioned. Here some degree of difficulty might occur in determining the best site for the line. A small extent of rock cutting at one or two points, would probably be necessary. Time did not permit an instrumental examination of the ground, but nothing like impracticability is indicated.

Passing the Falls, the valley of Middle branch south is level for a distance of about seven miles in a direct line south-westerly, including, in that distance, a lake of about two miles in extent. The bed of the valley consists of an alluvial deposit of great depth, through which the stream has a very tortuous channel, with a current scarcely perceptible, frequently very deep, and always remarkably clear. The next five miles of this valley ascend somewhat rapidly, say at the rate of 40 to 50 feet per mile.

From a distant but commanding point of view, I judged that the remaining rise might not be less favourable; but upon examination of the last four miles, the rate of ascent proved to be much more objectionable. The result, however, of a series of elevations and depressions taken by your direction, over this portion of the route, and which at leisure moments have been somewhat hurriedly computed, do not warrant me in saying that the rate of inclination of the four miles in question is more than objectionable. Its practicability is, I believe, proved by at least two examples of much steeper inclined planes daily ascended by locomotive power, with both passengers and freight. I refer to the Lickey Inclined Plane of 1 in 37 on the Birmingham and Gloucester Railway, and another of 1 in 34, which I understand to exist on the Hartlepool and Stockton. The sketch hereto annexed (No. 1) exhibits with regard to these the proportion of the more favourable acclivity, by which it appears practicable to escape from the valley of the branch of the Toledi under examination. No exploration has however been made in order to discover facilities, the existence of which I am not prepared to doubt of improving or avoiding this acclivity. Much lateral exploration must at some points be expected. We could scarcely hope that we should succeed, at the first attempt, without map or guide, in passing through a wide extent of primeval and almost unknown forest, over a line in no respect objectionable.

Passing the summit level at the source of the middle branch south, the route descends by the valley of the north-west branch of Green River. For the first five miles the rate of inclination is very moderate, deviating but little from a level; two lakes and much small water being included in that distance. From thence to the confluence of the east branch of Green River, a less regular and often more rapid descent is indicated. In the judicious distribution of the irregularities over a continuous descent in actual construction however, I am not prepared to say, that an inclination exceeding 30 or 35 feet per mile would anywhere be necessary.

Descending the last nine miles of the north-west branch, the valley becomes more contracted, the flat margin generally narrower, the banks steeper and higher, and the turns more abrupt. But these characteristics do not become so remarkable as apparently to affect the practicability of this portion of the route, until we approach to within about three miles of the conflux of the two branches, or upper fork of the main Green River; nor do they continue of the same kind beyond about two miles along the eastern branch.

This part of the line having come under your personal observation in order to ascertain its practicability, by curves of admissible radius, a more particular survey of the apparent obstacles, and a rough plot of the same, were made for your satisfaction. For more ready illustration, I avail myself of a trace from the original, No. 2, hereunto annexed, to which I beg leave to refer.

From A to I, being a distance of four miles and about 30 chains, are introduced six curves, of one mile radius each, arranged in a manner the effect of which would be as follows. From A to C the cutting would be insignificant. At B, about 5 or 6 chains in extent, partly of clay, slate may occur. At the point D, perhaps for an extent of 10 chains in each direction, deep cutting may be necessary, but no sufficient examination has been made to determine this fact; or whether to some extent a gap or depression may not exist, as to the point G. From E to I the cutting would apparently be light, these points being nearly on the same common level with the intervening point G, or say 30 or 40 feet above the surface of the water at the confluence of the two branches. In order that in this part of the valley the roadway may be clear of water, snow, ice, and driftwood, at all times, perhaps a less elevation than about 10 feet above the lowest level of the stream, could not be recommended.

Assuming that the maximum depth of cutting to be admitted, should not exceed 25 feet then the highest ground which could be intersected, would be 35 feet above the lowest level of the water. With the exception of the point D, the elevation of which is uncertain, it does not appear from the facts ascertained, that the intersection of any point so high as 35 feet, would be necessary, in order to obtain curves of one mile radius; or that cutting approaching to 25 feet in depth, would occur to an aggregate extent exceeding 50 or 60 chains along the portion of the line shown on the sketch. Were it a desideratum to pass this, apparently the most confined and crooked portion of the route, without cutting, it would appear that curves of from 20 to 80 chains radius would accomplish our object.

Pursuing the route along the east branch by an ascent apparently not exceeding 30 feet per mile, another branch occurs on the left, distinguished on the sketch as 'Otter Branch. An opening here to the eastward was noted for further exploration. In the meantime, following the main stream about due south for three miles, another opening claims attention. It was at first deemed probable that this would lead to the source of the main Restigouche. It may indeed lead to a favourable communication with this stream. But it was subsequently discovered, at it will be again necessary to notice, that the opening in question was really at the head of the valley of a principal branch of Green River, distinguished on the sketch as Green River East. Resuming the exploration at the end of the southerly range just noticed, of the East Branch,

Branch, this stream again turns suddenly to the eastward, flowing somewhat tortuously through a narrow valley, bounded by very high hills, and having a fall varying from 60 to 90 feet per mile. Having traced the stream to its source in a pass between high hills, and continuing an easterly course, we shortly meet with a spring, no doubt a tributary of the Restigouche, flowing south-easterly down a narrow and deep ravine. Crossing the head of this ravine, and passing over a high ridge, we descend suddenly 700 or 800 feet into the valley of the object of our search, the Gounamitz, a principal branch of the Restigouche. It was deemed probable that the source of the east branch of Green River, and that of the Gounamitz, might prove to be continuous and nearly on the same level. But it was now manifest, that the source of the former was in a high group of hills, bounding not the source, but the main valley of the Gounamitz, where this stream is still comparatively large, say 40 feet wide, with a brisk and copious current. Satisfied of the unfavourable prospect of a communication at this point, with the valley of the Restigouche, I returned to the opening by way of the valley of the Otter Branch. Circumstances prevented my personal examination of the ground in this direction; but Mr. Ramsay, to whom I confided that service, reports that the source of the Otter Branch is surrounded by high ground without an opening; but that about two miles from the mouth of the stream, on its right or northern bank, is a low depression, affording a favourable communication with the valley of a stream flowing northwardly and eastwardly, and no doubt a tributary of the Restigouche. It is most probably the main branch of the south branch of the Quatawamkedgwick.— He followed this newly discovered stream downwards, to where it receives a branch from the south, and then traced this branch upwards nearly to its source. By climbing he had a good view southerly beyond the source, and down the valley of the Gounamitz, but was prevented by unfavourable weather, and other hindrances, from completing all I had directed him to perform. He does not doubt, however, the existence of a practicable communication between the east branch of Green River, and the valley of the Gounamitz by the route he examined; but there will be about two to three miles of rough ground and steep banks. Whether these may occasion any real difficulty, an instrumental examination here, as well as at other points which have been noticed, will be necessary to determine. The general fact of practicability or otherwise, was, under the circumstances, all that we could hope to ascertain.

A route has now been traced from the valley of the Abawisquash, to the valley of the Gounamitz, which, with such corrections as might be expected would be necessary on a first examination, I believe to be practicable. I have also no reason to doubt, but many to induce me to confide in the practicability of the valley of the Gounamitz, down to the Restigouche, with a general inclination, varying from 30 to 50 feet per mile.— From its mouth is a favourable communication down the left bank of the Restigouche, to a point opposite the entrance of Beaver or Bostin Brook, the termination of Corporal Dumble's route from the Tobique before mentioned. A bridge of 100 or 120 feet span at this part of the Restigouche would be necessary, and would probably be the only one of so large a span from hence to the St. Lawrence. In that distance numerous bridges will be required; but they will be generally small, and neither their number or their several sites could be determined without an instrumental demarkation of the line.

In order to explain the further cause of the exploration, it is necessary to say, that, after tracing the east branch of Green River to its source, and being yet uncertain of any favourable descent into the valley of the Restigouche, whilst that into the valley of the Toledi also remains unimproved, it seemed probable that the abandonment of the valley of Green River might eventually be necessary. The hope of avoiding this alternative seemed to rest upon the success of three lateral explorations. The first, that by way of the Otter Branch, the success of which has already been mentioned.

The

The second, that by way of the southerly opening, towards the supposed head of the Restigouche. The third with a view to the discovery of a more favourable descent from the north-west branch of Green River, into one of the more northerly valleys of the Toledi, or, if necessary, into the valley of the Rimouski.

Leaving Mr. Ramsay with directions to make these three explorations, as far as practicable, I proceeded to employ as much as might be available of the rapidly-advancing season, in order to ascertain, by canoe, the character of such other routes, as the country might afford from the Restigouche north-westwardly. The routes I had in view are distinguished on the Sketch as No. 2 and No. 3.

Omitting the circumstantial matters of the exploration, I will commence my description at the Wagan Stream, the most southerly branch of the Restigouche. From hence, at an ascertained elevation of about 550 feet above the level of the sea, appears to be a favourable range of comparatively flat country, as observed from several commanding points of view, and as described by those who have passed over it towards the Sisson Branch, a favourable stream of moderate current, through a flat valley, and joining the main Tobique River, where the elevation has also been approximately ascertained at about 600 feet above the sea. The exploration of this extension of our route continued by way of the right-hand branch of the Tobique towards Boistown, would probably have occupied the remaining portion of the season, had circumstances permitted me to leave the country behind me with satisfaction. This route, as marked by the dotted line in the sketch, is not much less favourable for communication with Route No 1 than with No 3; but natural obstacles would render it apparently more difficult for continuation north-westward by Route No. 2.

I may indeed here remark, that natural obstacles seem to magnify both to the north and south of the Restigouche, as we advance eastward. Above the confluence of the Wagan, the banks of the Restigouche are comparatively favourable all the way up the stream as far as explored or observed. Descending the same stream below the Wagan, the banks become more abrupt and steep, but are neither so close or angular, but that much cutting may be avoided by occasional bridging, and the inclination of the valley is very favourable.

The mean rate of descent from the Wagan to the sea cannot exceed seven feet per mile by the course of the river, but the much greater part of the aggregate descent must apparently occur about the Quatawamkedgwick, and cannot be estimated at a less mean rate than ten to fifteen feet per mile. But diverging from the valley of the Restigouche by Route No. 1, we find the banks of the Gounamitz higher and steeper than those of the head of the Restigouche, by Route No 3, and again we find the banks of the Quatawamkedgwick by Route No. 2, still higher and steeper than either, rising in fact 1000 or 1200 feet very abruptly above the bed of the river.

With regard to the last mentioned route, it was at first my design to explore the Quatawamkedgwick by canoe to its extreme northerly source, to have found the most favourable communication thence to the valley of the Rimouski, and to have explored the latter as far as practicable. But insufficient opportunity of preparation, the advanced state of the season, and unforeseen causes of delay, obliged me to abandon the more difficult part of the undertaking, and I discontinued my ascent of the Quatawamkedgwick about a mile up the north or main branch, returning thence, and ascending by the south branch, less for the purpose of exploration than for a more direct return to the party I had left at Green River. As far as I am able to speak from personal observation of Route No. 2, the rate of inclination of the valley of the Quatawamkedgwick is no doubt favourable, say not exceeding 15 to 30 feet per mile up to the south branch. Above this point, the inclination of both the north and south branches appears to be steeper, at least for some distance, say not less than 35 feet per mile; but I have reason to believe that towards the head of each of these branches, but especially

pecially the north branch, there is much flat ground. But to render these inclinations available, however, it is most probable that the amount of bridging and cutting would prove to be heavy, owing to the very limited portion of flat margin, and the abruptly steep, and generally rocky character of the banks. An exact survey might prove these obstacles to be more avoidable than they appear to be; but without such survey, no safe opinion could be formed.

These remarks will be understood to apply only to the main Quatawamkedgwick, The valley of the south branch is at several points wholly unfavourable for a railway, but it affords lateral openings which might be available.

Upon returning to Green River by way of the portage from the south branch, I found that the party I left there, having explored the Otter branch route, and cut out and surveyed the portage, had proceeded on their way to explore from the north-western branch of Green River, with the view already explained; but having met you on the way, received your directions to return, and to explore more minutely the apparently objectionable part of the valley of Green River, before described and shown in sketch No. 2, until I should rejoin them. This circumstance fortunately coincided with directions which in the meantime I had found it necessary to send them, to return and meet me at the portage; foreseeing in consequence of unexpected casualties and delays, that it would be impracticable to rejoin them either in the valley of the Rimouski, or of the Toledi, as at first intended.

We had already been warned by snow and severe frost that only a small portion of the season remained. It appeared most desirable that this should be employed in tracing the supposed communication southerly from the east branch of Green River to the head of the Restigouche, and to join the survey to the end of my exploration by canoe, a little above the branch distinguished as "Return Branch" in the sketch, and also to examine, as far as possible, the features of Route No 3, between the valley of the Restigouche and the valley of the Squatuck, with the view to the connection of these by means of the lateral valleys of Green River.

I therefore directed Mr. Ramsay to proceed by the east branch, and to survey, by way of the southerly opening referred to, until he found the termination of my canoe exploration on the Restigouche, if it should prove that the opening led directly to the valley of this river. But as it was equally probable that he might find himself descending a branch of Green River, in order in this case to cut him off, my own undertaking was at the same time to survey from the main Green River eastwardly by its lateral valleys, towards the same point on the Restigouche. Mr. Ramsay's course proved to be down the branch of Green River distinguished in the sketch as Green River East, and he opportunely intersected my exploration a few hours after I had passed.

The connection with the Restigouche was shortly afterwards made, and the party returned with the view to explore north-westwardly for a favourable communication with the Squatuck. Some progress was made in the latter object, when another fall of snow and the increasing severity of the weather rendered it unavoidable further to prosecute the survey beyond the reach of our canoes, which were left at the main Green River, and on which we chiefly depended for our retreat.

It remains only to state the imperfect knowledge which an unfavourable opportunity enabled me to acquire of Route No 3. I have already remarked that indications existed of a favourable communication between the head of the Restigouche and the east branch of Green River, if such an object were desirable, either as an improvement or variation of Route No. 1. I have also stated that Route No 3 is favourable as far as it adheres to the valley of the Restigouche. From thence to the valley of the Squatuck, are several lateral valleys and openings, which require more or less pains for due examination.

The only object which a cursory exploration could accomplish, was the discovery

of which of these valleys and openings might appear most entitled to a particular survey. I have reason to believe, that practicable lines, approximating to those indicated in the sketch, would be found. My opinion is, that the difficulties of this route are confined to an aggregate distance of perhaps five or six miles on each side of the valley of Green River and they are not of great magnitude.

I have not personally examined, and have only partially seen, the valley of the Squack, but it is generally better known than any part of the ground included in this survey, and is reported to be, as I believe it is, generally flat and favourable for a line of railway. From thence up the valley of the left-hand branch of Toledi to the intersection of route No 1, the ground is flat with a very moderate ascent.

In the absence of barometers, by which to obtain an approximate section of the routes, as far as traced, the apparently difficult inclinations were occasionally tested by angles of elevation and depression; and from these, checked by the approximately known height of several points in the country examined, the assumed rates of inclination have been inferred. They would in most instances, I believe, prove to exceed what in actual construction would be necessary.

I may remark, with regard to the habitable character of routes, as far as examined, that No 3 would be the the most favourable for continuous settlement from the valley of the Tobique to the valley of the St. Lawrence.

Probably one-third, consisting of the more elevated parts of Route No. 1, would be unfavourable for settlement. Route No. 2, as far as examined, would not be suitable for cultivation immediately along the line, except at a few detached points, on account of the very broken and precipitous character of the banks of the Quatawamkedgwick.

I believe that each of the routes described, necessarily in very general terms, is practicable, as far as I have examined the same. Of the degree of practicability, or of the probable expense of construction, I conceive that no safe opinion could be formed without an approximate location. To discover what route or routes may be most eligible for preliminary survey, I deem to be the object of the exploration. A judgment upon this point with regard to any subdivision, must of course be materially governed by its relationship to the whole line. As far, therefore, as it may be either my duty or privilege, to offer any opinion, it is upon its special merits, in favour of Route No. 3; and more generally, because upon both national and colonial grounds, it appears most desirable to avoid any unnecessary deviation from the most direct line between the Bend of Petitcodiac and the River du Loup, which the natural facilities of the country will permit.

I have, &c.
(Signed) J. WILKINSON.

Major W. Robinson, R. E.,
Commissioner of the Quebec and Halifax Railway,
Exploratory Survey, &c. &c.

APPENDIX No. 4.

(Plans referred to:—Nos. 20, 21, 22, and 23.)

Report on a Line of Railway from Whitehaven to Amherst.

Halifax, March 14, 1848.

SIR,—

HAVING been directed by you to explore and report upon the capability of the country for a line of Railroad from Whitehaven to Amherst, we have attended to that duty, and beg leave to lay before you the following Report.

The

The general formation of the country consists of long continuous ridges, with valleys between them, in an eastern and western direction. One of these ridges commences at Cape Canso, passes Country Harbour, runs westerly on the south of the west branch of the St. Mary River, and continues onward to the western part of the province. The crest of the ridge is near the northern side, whence it slopes gently to the sea-coast; the height is about 600 or 700 feet. It is cut through by the valleys of Country Harbour River and of the St. Mary. There are several indentations across it between Country Harbour and Canso; viz., from New Harbour to Salmon River, about ten miles above its mouth; from Torbay, by Ingersol Bett's Lake, to Salmon River, near its mouth; from Whitehaven to Crow Harbour; and from White Point to Fox Island.

Northwardly of this ridge there is another range of high lands, which, commencing at Cape Porcupine on the Gut of Canso, runs parallel to the former, and terminates in the highland southward and eastward of Truro. It is cut across by indentations from Country Harbour to Antigonish; from Glenelg to Antigonish, by College Lake; from Glceelg to Merrigomish, by the east branch of the St. Mary and the French River, and by way of the East River to Pictou; also from Upper Stewiacke to Pictou, by the Middle River; besides several minor indentations. This ridge is of about the same general height as the former.

Between these ridges is a valley running from Chedabucto Bay on the east to the Basin of Minas on the west. It is interrupted by some hills at the head of the Stewiacke, but it generally preserves the character of a continuous valley. The highest parts of the bottom of this valley, more immediately connected with the present survey, is between Guysborough and Country Harbour, about the head of Salmon River, and between Country Harbour and the St. Mary at Glenelg.

The latter of these is found, by barometrical measurement, at the place which we crossed with the line, to be 226 feet above the sea; the former appears to be about the same height.

The rock formation of the southern ridge is generally granite and various kinds of trap; that of the northern, coarse slates and shales, variously inclined to the horizon, but mostly vertical, with some patches of trap.

The valley is soft sandstone and slate in layers, horizontal, or but slightly inclined.

The coasts of the Atlantic and of Chedabucto Bay are, so far as we could observe, composed of slate and shales of various kinds; the trap-rock being confined to the high grounds. The general direction of the strata of these rocks is S. 60 E. by N. 60 W.

Our first care was to make inquiry of surveyors and others acquainted with the peninsula on which Whitehaven stands, as to its general features and we were informed that the coast was rugged, but that in the interior there were extensive elevated flats, which once gained, but little difficulty would be experienced in proceeding.

We accordingly adopted that course, and found a barren rocky country, with elevated grounds, intersected with deep hollows, running across the course, of the line. We pursued this line as far as Ingersol Bett's Lake, and then abandoned it. It was now settled that we must either find a passage along the coast to Country Harbour, or get through to the northern side of the ridge, and follow the valley of the Salmon River; but as this was known to be rough and difficult, and withal circuitous, we resolved to make the first trial upon the coast.

Commencing at Whitehaven, at A, near Haulover Cove, the line may be carried across a level neck of land to Molasses Harbour, and thence along the shore of that harbour to B, at its head. Thence about three-eighths of a mile up a pretty deep valley, brings us to the Water shed C, between Molasses Harbour and an extensive bay on a pretty large stream which flows into Cole Harbor at D. This water-shed is only

only about 20 feet above the high-tide mark, giving a passage as easy as can be desired.

The length of this section A to D, is about 8 miles.

From D to E, 4 miles, the line is along the shore, passing through low points of ground and shallow bays. On this section cuttings and embankments of about 20 feet at greatest, will produce undulations within 40 feet to the mile.

From E to F, at the head of Torbay, 6 miles, there is a belt of flat ground between the high lands and the sea-coast, upon which the road can be carried so level as to level as to require no particular remark.

From F to G, across the Peninsula, $3\frac{1}{2}$ miles. The highest part of this section is within 30 chains of F, and about 54 feet above the sea; thence it is nearly level to within half a mile of the coast, where it is 50 feet in height; from which place it may descend with a uniform grade of 40 feet to the mile to G.

From G to the head of New Harbour at I, about 2 miles, there are several bluffs of slate rock, one of which will require a deep cut, or possibly a tunnel of about 300 yards in length.

Or, by passing over a bridge of about 100 feet in height at K, which may be done at grades of about 50 feet per mile, a mile and three-quarters would be saved in distance between Torbay and New Harbour; the expense not greater than by the shore. This will probably be found to be the most eligible route.

From New Harbour to L, Coddles Harbour, 4 miles. For the first two miles of this section, a tract may be obtained quite smooth and level. On the remaining two miles there are a number of small slate ridges about 30 or 40 feet high; with valleys but little above the sea-level between them.

The direction of the strata is S. 60 E. by N. 60 W. They have not been examined, but it is probable that some of them will have to be cut through.

From Coddles Harbour to M, at the head of Isaac's Harbour, $8\frac{1}{2}$ miles, there is but little difficulty in getting along the shore, except about a mile and a half at Coddles Harbor, where there is some broken ground that has not been particularly examined, but we do not apprehend much difficulty with that part. The remainder of the shore is sufficiently flat. It is supposed that a straight line can be found from L to M, but this has not been examined.

Between Isaacs Harbour and Country Harbour, 3 miles, is a ridge of 184 feet in height at N, which is its lowest part. On the eastern side of this ridge, from M to N, the rise is 1 in 32; on the western side, from N to O, the descent may be brought to 80 feet to the mile.

It is possible that a better passage may be found about a mile to the northward; it has not been examined, but from the general formation of the country there seems but little hopes of success.

It is probable that the only alternative in crossing this ridge, will be the employment of stationary power, or the tunneling of about a mile in length through whin-rock.

From O to P, about 7 miles, there is between the hills which bound the valley and the water, a range of low ground with an irregular surface, upon which a line may be carried, so as to produce nearly a level by cuttings and embankings of 20 feet at the maximum.

Turning off at P, we proceed up the valley of West Brook, a small stream which flows along the northern base of the southern ridge of hills formerly mentioned. Near the head of this stream at R, there is a water-shed, from which waters flow to the St. Mary by McKeen's Brook. The distance from the mouth of the West Brook to R, is 4 miles, and height, by barometer, 226 feet; giving an ascent of 56 feet per mile.—The cheapest route is along West Brook, the valley of which appears open and smooth; but if it be required to reduce the grade, the ascent may commence one or two miles further

New Harbour to
Cole Harbour.

New Harbour to
Isaacs Harbour.

Isaacs Harbour to
Country Harbour.

Country Harbour to
Glencelg, at St.
Mary's River.

further down Country Harbour River, keeping along the face of the high lands, as shown by the line on the plan. The face of the high lands along the river is steep and broken, and would probably require a heavy expense, but along West Brook it appears pretty even.

By carrying the line to the river, 1 mile below the mouth of West Brook, the grade would be reduced to 45 feet per mile.

From R to S, 2 miles,—there are several small lakes, with low ridges of ground between, which we did not particularly examine, but as seen from the road, we concluded it will be quite practicable to find a tolerably fair line between the lakes; the average descent will be about 15 feet per mile. Thence to T, at the St. Mary, 3½ miles, there is the valley of M'Keen's brook, which, as appears, is smooth and open; the descent is about 40 feet per mile.

From T to Mr. Alexander Sutherland's, the highest settlement on the east branch of the St. Mary, 13 miles,—the valley is with few exceptions pretty broad, with intervals along the river, and will present no obstacles, except from freshets. We could not ascertain the depth of the freshets very correctly, but from information and from ice-marks on trees, we conclude it will not exceed 4 feet.

East Branch of St. Mary's River.

The river may have to be crossed several times. The sectional area of water-way required, will be from three to five hundred square feet, according as the bridge may be higher or lower on the stream. The height of the river intervale at Sutherland's is, by a mean of five observations, 194 feet above the sea; and by a mean of two observations on different days, the height of T at McKeen's brook is 54 feet, giving a rise of 140 feet in 13 miles,—about 11 feet per mile.

At about a mile above Mr. Sutherland's is the foot of the falls, where the river descends in a rocky crooked channel, between cliffs of trap-rock, 90 feet in about a mile. This is a formidable obstacle; the river is too crooked to admit of a line in the chasm through which it flows, and the hills on the western side are high and steep: it will therefore be necessary to cut across the point on the eastern side. On this side we have, at the head of the falls, a narrow ridge of trap-rock, of 60 feet in height, jutting upon the river from the eastward; and at the foot of the falls, a deep valley, in which flows Campbell's brook, coming in also from the east; both of which must be crossed. The valley will require a bridge or embankment of 500 feet in length and 30 or 40 feet in height, and the ridge, a tunnel of about a quarter of a mile in length. By these means a grade sixty feet to the mile may be obtained, as shown by the section.

Southwards of Campbell's Brook there does not appear to be any obstructions to a descending grade of 40 feet per mile, along the river hills down stream to the level of the river.

From the falls to Lake Eden, about 2 miles, there are no difficulties: the banks in some places, are near the river, and the flat ground between them of moderate breadth; but there appears to be sufficient room for fair curvatures, though it may be necessary to cross the river two or three times. The rise in these two miles is about 15 feet.

From Lake Eden to Beaver Lake, about 4 miles, the line may pass close along the southern shore of Lake Eden, under a high range of hills, about a mile, to the entrance of a range of ponds and low ground two miles in length, leading westward to Beaver Lake—the head of the East River of Pictou. The height of Lake Eden above the level of high tide at Pictou is, by a mean of nine barometrical observations taken on three successive days, 381 feet; Beaver Lake is, by a mean of five observations taken on two different days, 398 feet above the same datum, and 17 feet above Lake Eden.

Heights of Eden and Beaver Lakes.

The water-shed between Lake Eden and Beaver Lake, at U, is within half a mile of the latter, about 40 feet above Lake Eden, and 23 above Beaver Lake.

There may be a uniform grade from Lake Eden to U, and from U, by the southern

side of Beaver Lake, for about a mile and a half; giving for the former 30, and for the latter 16 feet to the mile.

East River of Pictou.

From the foot of a range of flats connected with Beaver Lake; the East River of Pictou, which is here of a small size, begins to descend between high banks to the bridge on St. Mary's Road, 6 miles. On this section the line must follow the river flats, which appear sufficiently wide to admit of fair curvatures, except a distance about three-eighths of a mile above the bridge, when it will be necessary to run through a valley on the southern side, to avoid a narrow crooked channel through which the river flows between limestone rocks. On this section the river will have to be crossed several times. The section of water-way of the bridges, may be from 100 square feet near Beaver Lake, increasing as we descend, to 300 feet. The flowage of the intervals does not exceed three feet.

The average descent will be, for the first three miles, about 15, and for the remainder, 33 feet per mile.

From the St. Mary's Road to Grant's Bridge, 7 miles, the valley is broad and contains large intervals. The line, by cutting through some low upland points, may be carried pretty straight. The average descent is about 10 feet per mile.

From Grant's Bridge to the foot of the Rapids, near 3 miles, the river is crooked and confined between high lands of stratified sandstone and limestone, several points of which would have to be cut through.

This will be an expensive section. There is one circumstance, however, that would tend virtually to reduce the expense; the stone, owing to its structure and dip, which is about 50 degrees with the horizon, will be easily quarried, and will come in for drains, ballast, &c., on the road, as cheap, probably, as materials would from any other source. It will also open some capital limestone quarries, and it is not improbable, that building stone would be met with, though we did not observe any seams of the sandstone sufficiently thick for that purpose. The average descent of this section is about 40 feet per mile.

From the foot of the rapids to the Fish Pools, 3 miles, the line must keep along the river.

There will be little cutting through points, but it is likely there will be some bridging. The grade will be about 40 feet to the mile.

From Grant's Bridge, mentioned above, to the Fish Pools, there will be several bridges. It is impossible by a mere passing glance at the river, to even guess very correctly at the number, but it is not unlikely that there will be not less than five or six. The span may be about 60 feet till we get below the west branch, when it may be enlarged to 80 feet. The bottom is of rock, and it is not unlikely that stone for the abutments will be found in the excavations for the road.

East River to West River Pictou.

From the Fish Pools to the height of land between the Albion Mines and McCulloch's Brook, at V, about 3 miles, there is a rise of 133 feet. The ground will admit of a uniform grade, being about 44 feet per mile. At the Fish Pools it will be necessary to cross the river upon a bridge 30 feet in height, in order to get upon a range of tolerably level ground immediately above the steep banks of the river.

From V to Middle River at W, three miles, there is a dip of 40 feet into the valley of McCulloch's Brook, and then a swell of ground between this valley and Middle River. This swell may be crossed at grades of about 50 feet to the mile.

West River, Pictou, to River John.

From W to X, 2 miles, the ground rises about 70 feet, being an average of 35 feet to the mile. It will be necessary to cross the Middle River at the height of 40 or 50 feet, in order to get upon a flat table of ground on its western side.

From X to the West River at Y, four miles, there is a descent of 172 feet. The ground will admit of a nearly uniform grade, averaging about 43 feet per mile.

From Y to Z, 1½ miles, there is a rise of nearly 80 feet, giving an average of 53 feet per

per mile. The ground, though somewhat rough in some places, does not appear to contain any very formidable obstructions to a regular grade.

The point Z is on a flat table land, from which the line runs off to the westward.

From Z to A', $2\frac{1}{4}$ miles, the line passes over some undulations into the valley of the Saw Mill Brook, thence up that stream in a broad valley, which, continuing westerly, becomes the bed of Black River, a branch of the River John.

The height of the water-shed between Saw Mill Brook and Black River, at A', is 227-feet above tide-water, and the height at Z 96 feet above the same datum; the difference is 131 feet, and distance $2\frac{1}{4}$ miles, giving an average of 58 feet per mile.

It is likely that a uniform grade can only be obtained on this section by means of a good deal of earth-work. By embanking 16 feet at Y, and cutting 29 feet at A', the grade from Y to A' may be brought to 47 feet per mile; and from the peculiar form of the ground, it does not seem likely that there would be much additional expense.

From A' to the mouth of Black River, $8\frac{1}{2}$ miles, the valley is nearly half a mile broad, the stream meandering through flat lands with a sluggish current, showing the fall to be very trifling.

The height at the mouth of Black River, is not measured, but may be supposed about 100 feet, and the descent along the valley 14 feet per mile.

It will not be expedient to cross the River John below the mouth of Black River, because, though the general surface of the country is level, the river flows in a deep, narrow valley, which would have to be crossed. Above this place the banks are low, and moreover advantage may be taken of the valley of Nabiscump Brook, to obtain an easy rise to the table land on the west of the river.

River John to Tatamagouche Black River.

From the Forks of River John, mouth of Black River, we did not travel through the country, but ascertained it to be of the same character as the region along Black River,—a flat country with sluggish streams flowing through it, and offering no material obstruction to the formation of a Railroad.

From Waugh River, Tatamagouche, towards Amherst, we made no observations relative to this line, but the country is known to be so level, that there would be little or no difficulty in getting a good railroad line across it.

With regard to curvatures, from our limited means of making up a judgment, we can say but little, but from the slight observations that we were enabled to make, we think there will be none of less radius than half a mile.

The distances are as follows:

	Miles.	Distances
From Whitehaven to Cole Harbour	8	
Cole Harbour to Torbay,	8	
Torbay to New Harbour,	$5\frac{1}{2}$	
New Harbour to Isaacs Harbour,	$12\frac{1}{2}$	
Isaacs Harbour to Country Mr. Archibald's	6	
	—	40
Country Harbour to Glenelg	$13\frac{1}{2}$	
Glenelg to the summit of the highlands, two miles west of Lake Eden,	20	
Summit of highlands to Albion Mines	21	
	—	$54\frac{1}{2}$
Albion Mines to West River	10	
West River to River John	$12\frac{1}{2}$	
	—	$22\frac{1}{2}$
River John to Tatamagouche	14	

Tatamagouche

Tatamagouche to Wallace	12	
Wallace to the Province Line at Otter Creek	38	
	—	64
Total from Whitehaven to the Western Boundary of the Province		181 miles.

Ice at Whitehaven.

Respecting the ice at Whitehaven, the result of a good deal of inquiry amongst the inhabitants, and of shipmasters accustomed to the navigation of the coast is as follows.—That the harbour is frozen regularly in winter as far down as Fisherman's Island. Haulover Cove is also regularly frozen. Beyond these limits, though it is sometimes frozen, the liability does not seem to be greater than in Halifax harbour.—It was in consequence of this information that we fixed upon the point A for the terminus of the line. The ground will admit of a branch to the upper part of the harbour, which we have shown upon the plan.

The sea ice breaks up in March, and floats to the southward; that which passes through the Gut of Canso is in no great quantity, and in ordinary weather is set off by the current of Chedabucto Bay towards Sable Island. The main body of ice met with in that sea, passes eastwardly of Cape Breton, and with northerly and westerly winds is carried out to sea; but easterly weather brings it on to the coast of Nova Scotia. We could not learn that Whitehaven had ever been completely closed with this ice, but it has often been in such quantity as to make navigation in the night dangerous, and sometimes, at distant intervals of time, it has been in such quantity as to make the approach in day light, very difficult. On the whole it would appear that between the last of February and last of April, it may be accounted dangerous for a steamer to run in the night near Cape Breton, and direct from thence to Whitehaven; as there would be almost a certainty of having to cross a stream of floating ice in some part of this sea, though it but seldom happens that it approaches Whitehaven.

All which is respectfully submitted by
Yours, &c.

GEORGE WIGHTMAN.

A. CALDER, *Sergeant Royal Sappers and Miners.*

Major W. Robinson, R. E.
&c. &c. &c.

APPENDIX No 5.

Remarks on the inner part of the entrance of Whitehaven.

SIR,—

Columbia, Halifax, N. S., August 27, 1846.

IN pursuance of your orders, I have made a rough sketch of the inner part of the entrance of Whitehaven, which, with the accompanying remarks, I beg to submit for your consideration.

In fine clear weather, and by daylight, the approach to Whitehaven is easy, the shores being bold, and no out-lying dangers, if we except two rocks nearly a mile distant from the shores of White Island, one to the south-west, and the other to the south-east. These generally break and so show themselves.

White Island forms the turning point of the shore of Nova Scotia, as it deflects towards the northward to Canseau. The white rocks, and its elevation of 140 feet make it stand out prominently and easily distinguish it.

There are several channels in Whitehaven. Three can be used by steamers of any size. The middle, which is between White Island and the ledges to its westward appears to be best, is about 250 fathoms broad in its narrowest part, and carries bold water on both sides, and is besides the shortest and most direct, not exceeding half a mile

mile in length. However, as the directions of the channels differ, and all radiate nearly from the same point, a sailing-vessel can use the most favorable with respect to the winds. The western is also a very good channel, and is preferable for vessels coming or going from that direction. The soundings without this harbor are (near the shore) very irregular, especially in the approach to the Eastern channel, which is also injured for vessels of large draught of water, by a rocky patch with thirteen or fourteen feet water. It is situated near the entrance, and rather more than one-third across the channel, from the small island (Grassy Patch) off White Island.

When inside the harbour, care must be taken, as there are several shoal rocky patches (see Plan), which render the navigation difficult to strangers, and require to be well determined and buoyed, should the harbour be used for commercial purposes. There is an abundance of safe anchorage, with good holding ground, black muddy bottom, land-locked, and perfectly smooth.

In foggy weather this harbour is difficult of approach, especially to a stranger, at the soundings in-shore are very irregular; and I have not been able to learn any good indications of its vicinity to be gathered from the lead, so as to render its approach by that means certain; and Torbay, its immediate neighbour to the westward is a dangerous place to get into.

From the fishermen and small coasters I understand the currents round the point are uncertain, and generally depend on the wind, though the prevailing current is to westward.

I experienced the current in a boat when I visited the outer break; it was then setting to the westward, at the rate of one mile and a half per hour at least. I also perceived vessels in the offing setting rapidly in the same direction: the breeze was from the eastward and light, though it had previously blown hard from the same point.— We also, in our passage from Halifax to Canso, during a fog, with the wind from the southwest, experienced an easterly current; but the land once made, the land is easily attained, especially by a steamer.

A judicious arrangement of fog-signals and light-houses, with buoys on the principal dangers, and a good survey, with the sea-soundings well laid down, would make the approach in the night or during fogs attended with small danger to a careful seaman.

Latitude of observation, Rock Whitehaven $45^{\circ} 14' 0''$ N. Longitude of observation, Rock Whitehaven, $61^{\circ} 11' 4''$ W. Variation $21^{\circ} 42' 20''$ W. Rise of tide from three to six feet. High water at the change of the moon 7h. 40m.

In the Admiralty plan of this place, the general features and soundings appear correct, if we except some of the inner dangers, which are not noticed; but the scale is discrepant.

I have, &c.

(Signed)

P. FRED. SHORTLAND,
Lieutenant and Commander.

The Hon. W. F. W. Owen, Captain, R. N. &c. &c. &c.

(Received from Mr. DesBarres, Solicitor-General, May 2, 1848.)

To the Board of Directors of the Projected Railroad from Nova Scotia to Quebec.
Gentlemen,—

WE, the undersigned magistrates of the County of Guysborough, in the Province of Nova Scotia, hereby beg to state, that believing a report to have been made to the surveying party engaged in the survey of the contemplated railroad from this province to Quebec, and that such report has been made by certain inhabitants in the Settlement of Torbay, near Whitehead, who supposed (in ignorance of the nature of such lines of communication), that the present facilities of intercourse with the interior of the country for purposes of procuring fuel from the woodlands, &c., would be entirely

broken up in the event of the railroad terminus being at Whitehaven, and therefore have stated to the surveying party on the Whitehead route, that the "winter navigation to the spacious harbour of Whitehaven is quite impracticable from ice."

We, therefore, in view of the injurious tendency that such false information is calculated to produce on the minds of those unacquainted with the locality referred to, have obtained the accompanying affidavits of persons residing at Whitehead, and likewise of captains of coasting vessels residing in other places in this province, and of long experience in the winter navigation on the coast of said province, testifying to the capabilities of Whitehead Harbour at all seasons of the year.

To all of which, we as the residing magistrates of the County of Guysborough, wherein Whitehead is situated, beg hereby to record our certificate of their correctness, dated at Canso, Nova Scotia, January 1848.

(Signed)

ROBERT HARTSHORNE, J. P.
R. M. CUTLER, J. P.
WENTWORTH TAYLOR, J. P.
E. H. WAUCHEVILLE, J. P.
ABR. N. WHITEMAN, J. P.*
W. J. BEYLOU, J. P.
DAVID DOBSON, J. P. †
E. J. CUNNINGHAM, J. P.
WILLIAM HART, J. P.
FRANCIS COOK, J. P.
R. V. REFFEMEN, J. P.

* 1 affidavit sworn before him January 14, 1848.

† 4 affidavits December 25; 1 affidavit January 12.

Copies of the affidavits referred to in the above communication.

1.

William Spears of Whitehaven in the County of Guysborough, fisherman, maketh oath and saith,—That he hath resided at Whitehead aforesaid for twenty-eight years, and is well acquainted with the harbour of Whitehead aforesaid, and also with the drift-ice which passes from the eastward, also from the Gut of Canso to the westward, in the spring of the year; that the ice seldom comes into the said harbour in large bodies, and very seldom remains there long enough to prevent vessels entering the said harbour at any time of the year, it being carried away by the winds and currents, and dispersed over the ocean, generally in a south-westerly direction; that during deponent's residence at the said harbour he has not known a day in which vessels of the largest class would be prevented entering therein by ice, the said harbour being perfectly accessible at all seasons of the year.

Sworn to before me, at Whitehead, this 25th day of December, A. D. 1847.

(Signed)

DAVID DOBSON, J. P.

2.

Robert Spears of Whitehead in the County of Guysborough, fisherman, maketh oath and saith,—That he hath resided at Whitehead aforesaid for twenty-eight years; that he is well acquainted with the harbour of Whitehead, and also with the action of the ice which occasionally comes through the Gut of Canso, and also round the Island of Cape Breton, passing on to the westward, in the spring of the year; that the ice very seldom comes into the said harbour in large bodies, and very seldom remains therein long enough to prevent vessels entering the said harbour at any time of the year, it being carried away by the winds and currents, and dispersed over the ocean, generally in a south-westerly

south-westerly direction ; that during this deponent's residence at the said harbour, he never knew the ice to come into the said harbour in a large quantity but once, and that was in the year 1828, and then not to prevent vessels to enter the said harbour, the harbour being perfectly safe and accessible at all seasons of the year.

(Signed)

ROBERT SPEARS.

Sworn before me, at Whitehead, this 25th day of December, 1847.

(Signed)

DAVID DOBSON, J. P.

3.

John Munrow of Whitehead in the County of Guysborough, fisherman, maketh oath and saith,—That he hath resided at Whitehead thirty years ; that he is well acquainted with the harbour of Whitehead, and also with the navigation of the said harbour, from the entrance to the extremity ; that he is acquainted with the action of the ice, which occasionally makes its appearance off the said harbour, passing on in a south-westerly direction ; that it seldom comes in in large bodies, and very seldom remains therein long enough to prevent vessels conveniently entering the said harbour at any time of the year, it being generally carried away by the winds and currents, and dispersed over the ocean in a south-westerly direction ; that during this deponent's residence at the said harbour, he has never known a day in which vessels of the largest class would be prevented entering therein by ice, the said harbour being perfectly safe and accessible at all seasons of the year.

(Signed)

JOHN ^{his} ~~X~~ MUNROW,
mark.

Sworn before me; at Whitehead, this 25th day of December, 1847.

(Signed)

DAVID DOBSON, J. P.

4.

John Feltmate, of Whitehead, in the County of Guysborough, fisherman, maketh oath and saith,—That he hath resided at Whitehead aforesaid for twelve years ; that he is acquainted with the action of the ice, which occasionally comes through the Gut of Canso and round the Island of Cape Breton, and which passes Cape Canso to the westward in the spring of the year ; that the ice very seldom comes into the harbour of Whitehead aforesaid in large bodies, and never remains there long enough to prevent vessels entering the said harbour at any time of the year, it being carried away by the winds and currents, and dispersed over the ocean, generally in a south-westerly direction ; that during this deponent's residence at the said harbour, he has but once only known a few clumpits of ice to come into the said harbour, which went out the next day ; and has not known a day during the above period on which vessels of the largest size would be prevented entering therein by ice, the said harbour being perfectly free and accessible at all seasons of the year. (Signed) JOHN FELTMATE.

Sworn before me, at Half Island Cove, in the said county, this 25th day of December, 1847.

(Signed)

DAVID DOBSON.

5.

Thomas Monro, of Whitehead in the county of Guysborough, mariner, maketh oath and saith,—That he hath resided at Whitehead aforesaid about twenty-eight years, and during the greater part of the years aforesaid owned a vessel and sailed her as master ; that he is well acquainted with the action of the ice which occasionally appears off Whitehead, passing on in an oblique direction from the shore to the south-west ; that the ice never during his residence at said harbour came in in large bodies but once, and remained but a short time ; with this one exception, deponent don't
remember

remember one day that vessels of the largest class would be prevented entering said harbour, it being perfectly safe and accessible at all seasons of the year; deponent further saith, that he hath been coasting to Halifax, and all along the shores of Nova Scotia, at all seasons of the year, and has never on his return or outset, been prevented going or entering the aforesaid harbour during the time of his residing as aforesaid.

(Signed) **THOMAS MUNRO.**

Sworn before me, at Whitehead, this 12th day of January, A. D., 1848.

(Signed) **DAVID DOBSON, J. P.**

6.

Abraham Whiteman, of Canso, in the County of Guysborough, maketh oath and saith,—That he is now in the eighty-seventh year of his age, and that he was a coasting trader on the coast of Nova Scotia for more than half a century, and was in and about Whitehead, on the coast of said Province, at all times of the year, and always found the harbour there accessible and perfectly safe at all times.

(Signed) **ABRAHM. WHITEMAN.**

Sworn before me, at Canso, January 14, 1848.

(Signed) **ABRAHM. N. WHITEMAN.**

*Heads of Information obtained by Captain Henderson, Royal Engineers,
at Whitehaven, in October 1847.*

The ice from the Gulf of St. Lawrence, &c., comes round Cape Breton and through the Gut of Canso, in the spring of the year, and is brought by the easterly wind off the north-east coast of Nova Scotia, and if the wind chops round to the southward, it drives this ice into Whitehaven, Torbay, &c.

The harbour had been blockaded nine or ten times in the recollection of my informant, who had lived on that coast for nearly forty years. Four years ago the harbour of Whitehaven was blockaded up with drift ice for about ten days.

Generally speaking, it is more or less incommoded by drift ice, every two or three years.

It was frozen over in the winter of 1846-47, five or six inches thick all the way down to Big Island, at the mouth of the harbour.

This was considered unusual, as it requires the weather to be cold and very calm to freeze so much of the harbour. It freezes, however, every winter as far down as the long point opposite Fisherman's Island. (Signed) **E. W. HENDERSON,**

Captain, Royal Engineers.

APPENDIX No. 6.

*Report of the Sub-Committee, to whom was referred the communication
from Lieutenant E. Wallcott Henderson, Royal Engineers.*

*Council Room of the Quebec Board of Trade,
Quebec, May 12, 1847.*

THE Sub-Committee, to whom was referred the communication from Lieutenant E. Wallcott Henderson, Royal Engineers, have to report that, owing to the manner the accounts are kept at the custom house, and the nature of the trade with the lower ports, the value of the imports and exports cannot with any degree of accuracy be ascertained, and more especially to that portion of our trade with Gaspè, as, being in the province, a mere matter of form of clearance and entry inwards is observed.

Your Committee beg to hand at foot a statement of the number of clearances and arrivals to and from the various ports named in Lieutenant E. Wallcott Henderson's letter, for which they are indebted to the collector of the customs, and although they abstain from giving the nature of the cargoes, owing to the causes above stated, they would remark that, with the exception of but one vessel which cleared in ballast, the remainder

remainder had cargoes ; those from Halifax in general with valuable cargoes of West India produce, and from the other ports, fish and oils. The outward cargoes consisted almost exclusively of flour, provisions, &c.

With respect to the eastern ports of New Brunswick, your Committee are not of opinion that the trade between that portion of the above Province and Canada has materially increased within the last few years; and with respect to the trade with ports in the Bay of Fundy, regret to say that it all but ceased, which your committee attribute to the changes in the Imperial laws, more especially the Act passed in 1842, generally called Gladstone's Act ; before the passing of which all American provisions, by passing through the Canadas, were allowed to take the privileges and character of Canada produce, and imported into our sister-colonies as such, but with that change all inducements to receive their supplies from this ceased, as the proximity of those ports to Boston and New York, and the cheapness of breadstuffs and provisions in those markets, offered superior advantages ; and the result has been as stated ; the same remarks apply, to some extent, to Halifax, and other ports in Nova Scotia, where merchants, from their large increasing trade with Boston, by shipments of coals, plaister, &c., are enabled to take advantage by the return vessels of very moderate rates of freights, and a selection from a comparative cheap market.

With Gaspé the trade has been gradually increasing, and your Committee confidently look forward to be able to report the same with respect to our sister colonies, as our unrivalled canals are now being brought to a completion, and the spring of 1848 will see a fresh trade with the west brought into existence, and craft containing three to five thousand barrels of flour loading in Lakes Erie, Michigan, and Ontario, brought to our doors. With this a reduction in freights must follow ; and your Committee do not see why a barrel of flour or pork cannot be sold as cheap in Quebec and Montreal as it can in New York or Boston ; and if one of the inducements to purchase in the American markets is removed, the other, viz. : the proximity, will vanish with a railroad communication with Halifax, for we do not entertain any doubt but that St. John's will connect herself with the trunk line by a branch.

Among the almost numberless advantages that would follow the building of a railroad, both politically and commercially, your Committee would point out the certainty of a transportation to a sea-port in either New Brunswick or Nova Scotia, during the period our navigation is impeded with ice, of a large portion of bread-stuffs which every winter is locked up in Quebec and Montreal, to the great injury of the province at large, to which may be added the advantage that would follow by the transmission of the mails by the road, for which the Government now pay so large a sum for the transmission through the United States, which, for many weighty reasons, is objectionable, and, we may add, offensive to the feelings of a large portion of the inhabitants of both Canada East and Canada West. The Committee do not conceive they are called on to go into any length on the vast benefits that might follow by the line of railroad that is now engaging the attention of Government, to which the attention of this province as well as that of New Brunswick and Nova Scotia is so earnestly drawn, and in closing this report the Committee would in the most urgent manner bring the attention of the Imperial Government, through the present channel of communication, to the absolute necessity of freeing the inland navigation of the St. Lawrence from all obstructions that now exist, and which prevent American vessels from bringing their produce (for your Committee would not recommend their being allowed to carry any other than their own) direct to Quebec, or should they wish it, to use our canals to take their produce to any market they think proper, without breaking bulk ; this course we think highly desirable, as well as the equally desirableness of all our tolls being reduced to the lowest practicable scale, which, if followed up, must draw the vast produce of the West down our noble river, and for which trade there are now so many rivals in the field.

Arrivals from—

	Vessels.	Tons.	Men.
Gaspé	59	2545	222
New Carlisle	20	796	71
Antigonish	16	972	59
Arichat	14	792	55
Bathurst	1	44	3
Caraquette	7	245	20
Dalhousie	1	37	3
Guysborough	4	205	15
Halifax	17	1257	71
Miramichi	3	400	30
Pictou	2	79	6
Richibucto	7	250	23
Sydney	3	563	27

Clearances for—

	Vessels.	Tons.	Men.
Arichat	12	749	42
Bathurst	7	320	25
Canso	1	68	4
Caraquette	3	103	10
Cocayne	1	38	3
Dalhousie	9	349	30
Guysborough	2	95	8
Halifax	18	1386	74
Miramichi	27	1376	96
Pictou	3	184	11
Richibucto	9	418	28
Restigouche	8	315	23
Shippigan	1	47	3
Sydney	2	215	10
Shelburne	1	30	3
Gaspé	84	3334	249
Carleton	3	107	10
New Carlisle	10	489	32

APPENDIX No. 7.

Extract from the Report of the Commissioners appointed by the Legislature of the State of New York—by the Act of May 11, 1846—to locate certain Portions of the New York and Erie Railroad made to the Legislature, January 14, 1847.

COST OF MOTIVE POWER ON RAILROADS, PER TRAIN, PER MILE.

1st. Engine-men, Fire-men, and Station men:—

				cents	
Baltimore and Ohio Railroad	..	..	..	5	
Utica and Schenectady "	..	..	..	8	
Reading "	..	..	..	4.55	
Boston and Worcester "	..	..	..	5.50	
Fitchburgh "	..	..	..	7.00	
				<u>30.05</u>	$\times 5 = 6.01$
New York and Erie "	..	..	..	7.485	

2nd. Fuel:—

Reading Railroad.	Wood	..	\$3.50	23.70	
Boston and Worcester "	"	..	4.90	22.20	
Fitchburgh "	"	..	4.25	14.17	
Baltimore and Ohio "	Coal	..	2.00	8.00	
				<u>68.07</u>	$\times 4 = 17.02$
New York and Erie "		..		18.09	

3rd. Repairs of Engines and Tenders:

Reading Railroad	..	..	..	4.90	
Boston and Worcester "	..	..	..	9.05	
Utica and Schenectady "	..	..	..	7.93	
Fitchburgh "	..	..	..	5.20	
Western (Mass.) "	..	..	..	6.50	
Baltimore and Ohio "	..	..	..	9.00	
				<u>42.58</u>	$\times 6 = 7.09$
New York and Erie "	..	..	..	8.75	

4th. Oil and Cotton waste:

Reading Railroad	..	..	..	1.74	
Boston and Worcester "	..	..	..	1.24	
Fitchburgh "	..	..	..	1.30	
Baltimore and Ohio "	..	..	..	1.46	
				<u>5.74</u>	$\times 4 = 1.43$
New York and Erie "	..	..	..	2.94	

5th. Interest on cost of Engines:—

Baltimore and Ohio Railroad	..	..	..	3.01	
				<u>3.01</u>	$= 3.01$

6th. Conductors and Brakemen:—

Reading Railroad	..	..	..	4.11	
Fitchburgh "	..	..	..	6.20	
				<u>10.31</u>	$\times 2 = 5.15$

Take 63 per cent. for brakemen (which is the ratio on Reading road), as conductors should not be included, and the expense for brakemen is $5.15 \times 63 = 3.14$

Do. Baltimore and Ohio Railroad, as per estimate for coal trade = 2.40

5.54 $\times 2 = 2.77$
New York and Erie Railroad = 6.52

7th. Repairs of Railroad, chargeable to Locomotive and Tender:—

1st. Ordinary repairs; of these one-fifth is regarded as chargeable to motive power:—

Reading Railroad	..	..	..	13.66	
Boston and Worcester "	..	..	..	18.00	
Boston and Lowell "	..	..	..	13.50	
Western (Mass.) "	..	..	..	13.75	
Baltimore and Ohio "	..	..	..	18.30	
				<u>77.21</u>	$\times 5 = 15.44$

and 15.44×5

3.09
Carried forward 37.33

	Brought forward	37.33
2nd. Deterioration of iron, not yet settled by experience. Half of this wear is believed to be chargeable to locomotives and tenders, on account of their greater weight. Suppose rail cost \$7000 per mile, and will bear transport of 20,000,000 tons on a level road, average (say) 250 tons freight per train, equal to 80,000 trains. The cost per train will be \$8.75; and half of this is	<u>4.37</u>	<u>7.46</u>
The weight of engines in the cases above detailed is not known, but is supposed to average less than 15 tons for an engine of 20 tons on driving wheels; would require an additional expense: but the fuel on the line of road under consideration would be less expensive, about 7 cents., than the average for the same size of engine. In view of both considerations, it is believed a reduction should be made from the preceding result of (say)	<u>4.79</u>	44.79
And the estimate for a 20 ton engine, is	Cents	40.00

Forty cents per train per mile, equivalent to 1s. 8d. sterling.

[COPY.]

No. 30.

Government House, Halifax, April 19, 1848.

MY LORD—

I have the honor to enclose a series of Resolutions, passed during the late Session, having reference to the projected Atlantic and St. Lawrence Railroad, to which my attention has been called by an Address from the House of Assembly.

Your Lordship may rely on my taking the necessary steps to give effect to the wishes of the Legislature, subject to any instructions which Your Lordship may deem necessary on perusal of the Resolutions enclosed.

I have, &c.

(Signed)

J. HARVEY.

The Right Honorable EARL GREY, &c. &c. &c.

[COPY.]

No. 88.

Downing-Street, 10th May, 1848.

SIR—

I have to acknowledge the receipt of your Despatch of the 19th ultimo, No. 30, enclosing a series of Resolutions passed by the House of Assembly in the last Session of the Legislature of Nova-Scotia, on the subject of the proposed Halifax and Quebec Rail Road.

It does not appear to me that these Resolutions require me to furnish you with any special instructions. I have, in my Despatch of the 9th February last, already apprized you of the arrangement which I considered as the most equitable for dividing the expense of the Railway Survey between the three Provinces interested in the work; and so soon as Major Robinson shall have presented you with the Account of the Expenditure incurred for the service rendered in Nova-Scotia, you will take the necessary measure for the recovering payment of the sum advanced by the British Treasury.

I may add that I think it very desirable that you should attend to the recommendation of the House of Assembly, in respect to the reservation of such lands belonging to the Crown as are contiguous to the contemplated line of Rail Road.

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

(Signed)

GREY.

Lieut. Governor Sir John Harvey, &c. &c. &c., Nova-Scotia.

[COPY.]

Government-House, Halifax, 8th May, 1848.

MY LORD—

Under the circumstances in which I am placed by the Resolutions of the House of Assembly of this Province, adopted during the late Session of its Legislature, and of which a copy is enclosed, it becomes my duty to communicate with Your Excellency on the subject of the proportion of the expenses of the late Exploration of

the line for the proposed Rail Road from hence to Quebec, which it may be proper should be borne respectively by the Provinces concerned.

The principle of division, which appears to be favoured by Earl Grey, is that of entire equality, but as the effect of such a division would be to impose upon this Province a much higher rate than that of the *Mileage* principle, the latter is naturally contended for by the Nova-Scotia Legislature, while for the same reason, viz., that their interests are advantageously affected by the application of the opposite principle, the Legislature of New-Brunswick has lost no time in voting *one third* of the total amount of the expenses incurred, knowing that if the Mileage rate were to be adopted a far more considerable amount would fall to the share of New-Brunswick, the proportions of the total distance between Halifax and Quebec, being

Through Nova-Scotia	-	-	-	-	-	-	-	120 miles
New-Brunswick	-	-	-	-	-	-	-	240 "
Canada	-	-	-	-	-	-	-	280 "
								640

For myself I confess that I am averse to any question being raised on a matter so comparatively trifling, especially when a principle of division has been suggested from so high a quarter, and looking to the unequal effect which that of mileage would have by imposing upon New-Brunswick so large a share of the whole of the preliminary expenses of an undertaking of which, if carried into effect, perhaps a larger amount of commercial benefit is likely to be derived by Canada and Nova-Scotia, (as the termini) than by the mere transit of the Trunk through New-Brunswick, of which the enhanced value of her wild lands might constitute the chief advantage.

Under these circumstances, I am induced to submit to Your Lordship, how far the justice of the case might not be met by accepting *one third* as the quota of New-Brunswick, and (looking to the relative Revenues of the other two Colonies), dividing the remaining account rateably (according to the mileage principle), between Canada and Nova-Scotia,—this arrangement would moreover be in accordance with the original pledge given by the Assembly of Nova-Scotia, "that it would defray the expense of the exploration *within the limits of the Province.*"

Requesting the expression of Your Lordship's opinion upon this proposition,

I have, &c. &c. &c.

(Signed) J. HARVEY.

His Excellency the EARL OF ELGIN AND KINCARDINE, K. G., &c. &c. &c.

[COPY.]

[SEPERATE.]

Government House, Halifax, June 19th, 1848

MY LORD—

A Resolution of the House of Assembly, of which I have the honor to enclose a copy, having made it my duty to correspond with the Governor General on the subject, I have the honor to invite Your Lordship's attention to the letter addressed by me to Lord Elgin, (copy enclosed,) and to acquaint Your Lordship, that the Canadian Government has agreed to the principle suggested in my Letter, by assuming the payment

payment of £5250 of the residue of the expenses of the Exploratory Survey, of the proposed line of Rail Road between this place and Quebec, after deducting the proportion defrayed by the Province of New Brunswick, thus leaving to Nova Scotia the payment of the sum of £2900, being little more than the proportion contemplated in the Resolution.

I have, &c. &c. &c.

(Signed) J. HARVEY.

The Right Honorable EARL GREY, &c. &c. &c.

[COPY.]

No. 116.

Downing-Street, 14th August, 1848.

SIR,—

I transmit to you herewith, the copy of a Letter from the Assistant Secretary to the Lords Commissioners of the Treasury, on the subject of the repayment of the expenses incurred in the Survey of the proposed line of Rail Road between Halifax and Quebec, and in pursuance of their Lordship's wishes, have to instruct you to give the necessary directions for causing the proportion of those expenses to be defrayed by Nova-Scotia, to be paid into the Commissariat Chest on that Station.

I have, &c. &c. &c.

(Signed) GREY.

Lieutenant-Governor SIR JOHN HARVEY, K. C. B., &c. &c. &c., Nova Scotia.

(COPY.)

Treasury Chambers, 4th August, 1848.

SIR—

With reference to your Letter of the 18th ult., relative to the expenses incurred in the Survey of the proposed line of Rail Road between Halifax and Quebec, I am directed by the Lords Commissioners of Her Majesty's Treasury to request that you will move Earl Grey to instruct the several Officers in charge of the Governments of Canada, Nova-Scotia, and New-Brunswick, to cause the proportion of the Rail Road Survey expenses to be defrayed by each Province, to be paid into the Commissariat Chests of the respective Stations.

C. E. TREVELYAN.

H. MERIVALE, Esq., &c. &c. &c.

[COPY.]

No. 55.

Government House, Halifax, Oct. 18, 1848.

MY LORD—

I have the honor to acquaint Your Lordship, that the instructions conveyed in Your Lordship's Despatch of the 14th August, (No. 116) have been obeyed, and that

that I yesterday signed a Warrant for the payment from the Treasury of this Province into the Commissariat Chest, of Two Thousand Seven Hundred and Twenty One Pounds, Sixteen Shillings and Eight Pence, Sterling, (£2721 16 8 stg.) being the proportion of the expences of the St. Lawrence Railway exploration chargeable against Nova Scotia.

I have, &c.

(Signed)

J. HARVEY.

The Right Honorable EARL GREY, &c. &c. &c.

[COPY.]

No. 131.

Downing Street, 17th Nov. 1848.

SIR—

1. The Commissioners appointed by Her Majesty's Government to explore and survey the line of country offering the greatest advantages for the formation of a Railway from Halifax, through New Brunswick to Quebec, having completed the duties with which they were charged, I have now the honor to transmit to you the final Report of Major Robinson, addressed to the Inspector General of Fortifications.

2. I have perused this able document with the interest and attention it so well merits, and I have to convey to you the assurance of Her Majesty's Government that we fully appreciate the importance of the proposed undertaking, and entertain no doubt of the great advantages which would result, not only to the Provinces interested in the work, but to the Empire at large, from the construction of such a Railway.— But great as these advantages would be, it is impossible not to be sensible that the obstacles to be overcome in providing for so large an expenditure as would be thus incurred, would be of a very formidable kind. Before, therefore, Her Majesty's Government proceed to consider the question as to whether any steps should be taken to carry this plan into effect, it is necessary that we should be informed how the several Provinces would be prepared to co-operate in its execution.

3. It is obvious that the cost of the work would be too great, as compared to the return to be anticipated from the probable traffic, to give reasonable hope of its being undertaken by any Company as a private speculation. The question therefore arises, whether it would be expedient that in some form public assistance should be given towards the accomplishment of an object in which the public is so much interested.

4. The answer to this question must in a great measure depend upon the degree of importance which the Provinces attach to the opening of this line of communication, and upon the amount of exertion they would be prepared to make for the purpose. I am therefore anxious that the subject should be brought under the early consideration of the respective Legislatures, and that I should be placed in possession of their views with respect to it as soon as may be practicable.

5. In forming a judgment as to whether public assistance ought to be given towards the execution of the work, it will be necessary to take into consideration the different ways in which this might be done. Various modes of proceeding have been proposed: one is that of endeavouring to form a Company by guaranteeing to them a certain minimum interest on the capital to be invested in the undertaking. This plan would no doubt possess some advantages, but, on the other hand, it would be attended with
the

the disadvantage of depriving the public of the proper control over a great national work, and also of having a tendency to encourage inattention to economy both in the construction and subsequent working of the line. This last objection has been met by proposing that any Company formed to construct the line should receive assistance, not in the form of a guarantee of any given rate of interest, but of a fixed payment either of capital towards the execution of the work, or of an annual sum of money in addition to the receipts derived from traffic when the line is completed.

6. Another plan which has been suggested is, that the required capital should be raised by loan by the Government, and contracts entered into for the formation of the line, which when finished could be worked either by the Government, or by any Company formed for that purpose, and to which Company the working of the line might be leased, under such conditions, and for such a period as might be deemed advisable. The objections to this proposal are those usually raised against the undertaking of such a work by a Government, while on the other hand it would be attended with these advantages—first, that probably the capital required would then be raised on better terms than could otherwise be expected; and secondly, that the Government would have a more complete control over a great national line of communication.

7. I am not able at present to pronounce any opinion in favor of one or other of these plans, or even in favour of the measure being attempted at all, but I merely throw out these different suggestions for the consideration of yourself and of the Executive Council and Legislature of Nova Scotia.

8. It will further be very material to consider what return is to be expected for the outlay, and from what source the means of affording any pecuniary assistance to be given by the respective Provinces, can best be provided. Upon this part of the subject I have to remark, that in estimating the probable return which the Railway would yield, it appears to me highly necessary to advert not only to the direct return from the traffic, but to the indirect return from the increased value given to the Lands through which it will pass. That the opening of the line would, in the districts it traversed, greatly enhance the value of the lands which are still lying waste, and also, though in an inferior degree, the value of those already settled, there can be no reasonable doubt, though I do not possess the means of judging whether the amount of that increased value has been correctly estimated by Major Robinson in his Report. Hence it seems to follow that this increased value ought to be made available towards the execution of the work, and I would suggest for the consideration of the Colonial Authorities, whether it might not be desirable that Acts should be passed vesting in the hands of the Commissioners to be appointed for the purpose, all the hitherto ungranted lands lying within a certain distance of the line, in order that those lands might be sold, or otherwise appropriated, for the promotion of the undertaking.

9. It might also I think be very reasonably enacted that lands lying without a given distance of the line, should be subjected, on its being completed and opened, to some moderate charge in the nature of a rate, in consideration of the benefit the proprietors receive from it. The practice is general both in this country and in America, of rating for the highways the property which is benefitted by them, and I can see no reason why this rate should not be extended to Railways. Should this suggestion be adopted, it would, I think, be expedient to give the owners of land subjected to this charge the option of redeeming it upon easy terms, and of paying in land when they might have a difficulty in doing so in money. I understand from Major Robinson that the owners of land in one portion of Nova-Scotia have already offered to contribute liberally to this object.

10. In addition to the value which the different Legislatures would be prepared to contribute in land, or by the imposition of a local charge upon lands benefitted by the line, it would be necessary also for them to consider respectively what amount they

would be willing to grant from the general Revenue of the Province towards the payment either of the interest of a Loan to be raised for the execution of the work, or towards the sum which might be required to make good the engagements entered into with any Company that might undertake it.

11. The whole subject is one of the very highest importance, on which I shall be anxious to learn the conclusions to which the Colonial Authorities may come after mature consideration, and after such communication with each other as may be necessary.

I have, &c.
(Signed)

GREY.

Lieut. Governor, Lieut. General SIR JOHN HARVEY, &c. &c. &c.

[COPY.]

No 63.

Government House, Halifax, Dec. 8, 1848.

MY LORD—

I have the honor to acknowledge Your Lordship's Despatch of the 17th November, (No 131,) which, with the Reports of Major Robinson, will be submitted to the Legislature early in the Session.

Your Lordship may rely on the Members of my Government giving to the subject thus presented, the favourable consideration which is due to a project so vast, and involving, as it necessarily does, so many national and intercolonial Interests.

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

J. HARVEY.

The Right Honorable EARL GREY, &c. &c. &c.

APPENDIX No. 2.

(See Page 13.)

[COPY.]

No. 26.

Government House, Halifax, April 18, 1848.

MY LORD—

I have the honor to transmit herewith, a copy of an Act passed during the last Session of the Provincial Legislature, entitled "An Act to enable the Governor in Council to make Orders and Regulations for establishing an uniform rate of Postage throughout British America," which I trust will be found to have been framed in accordance with Your Lordship's views, and the suggestions of His Lordship the Post Master General.

I have, &c.
(Signed)

J. HARVEY.

The Right Honorable EARL GREY, &c. &c. &c.

Copy

[COPY.]

Charged with the Commission from the Government to carry into effect the wishes of the Legislature on the subject of the Postal arrangements of British America, I repaired to Canada, and on the 8th June, instant, waited on His Excellency the Governor General, and subsequently had an interview with the Executive Council of Canada, which resulted in the adoption of the Rules contained in the accompanying Letter from the Provincial Secretary on this subject, so important to the people of these Colonies. I received the most cordial and gratifying attentions from His Excellency Lord Elgin and the Members of his Government, who expressed their readiness to adopt any measures having a tendency to promote the general interests of British America.

(Signed)

JAMES B. UNIACKE.

Halifax, 30th June, 1848.

[COPY.]

Secretary's Office, Montreal, 13th June, 1848.

SIR—

I have it in command from His Excellency the Governor-General, in Council, to communicate for your information, and that of the Government of the Province of Nova-Scotia, the substance of a Minute in Council of this Province on the subject of the Post Office, which I believe I cannot do more conveniently than by placing in your hands an official copy of the Report of the Committee of Council, which was approved by His Excellency, in Council, on Saturday last.

The Governor-General desires me to say, that he feels a very great interest in the subject of your mission to this Province, and that he will, by the earliest opportunity, recommend to Her Majesty's Secretary of State for the Colonies, to pray Her Majesty's Government to carry out without delay, arrangements which seem to be required so much in the North American Colonies, and to have been for a considerable period ardently desired by Her Majesty's Colonial subjects.

His Excellency further commands me to say, that he will immediately communicate with the Lieutenant-Governor of New-Brunswick, for the purpose of facilitating the accomplishment of the contemplated measures, and that he will also advise with the Deputy Post Master General of Canada, for the purpose of procuring from that Officer, a communication to the Post Master General of all the information in detail, which may be necessary to enable His Lordship to carry out the Measure of a cheap and uniform rate of Postage, without delay, should Her Majesty's Government see no objection to adopt the suggestion contained in the Minute of Council of this Province.

His Excellency commands me to express his high approval of the zeal and ability with which you have conducted your mission to this Government, and his gratification in observing the friendly relations, which a community of interests, and of sentiment, seem calculated to produce, amongst Her Majesty's subjects of the North American Colonies.

I have, &c.

(Signed)

R. B. SULLIVAN.

The Hon. JAMES B. UNIACKE, Attorney General of Nova Scotia, &c. &c. &c.

Copy

Copy of a Report of a Committee of the Executive Council of Canada, approved by the Governor General in Council, on the 10th June, 1848.

MAY IT PLEASE YOUR EXCELLENCY :

The attention of the Committee of the Executive Council has been called to the important subject of the Provincial Post Office, by the arrival in this Province, and at the seat of Government, of the Honorable Mr. Uniacke, from the Sister Province of Nova Scotia, bringing Letters to Your Excellency from the Lieutenant Governor of that Province, shewing him to be authorized to explain the views of the Government there to the authorities in this Colony, with the object of arranging a plan for the united action of the Colonial Governments on this interesting subject.

Mr. Uniacke being thus authorized, submits a Memorandum explanatory of the intentions and opinions of the Government of Nova Scotia, which Memorandum the Committee of Council have taken into their most attentive consideration.

It appears that in anticipation of some Legislative provision by the Imperial Parliament, an Act was passed by the Legislature of Nova Scotia, giving the Executive Government full powers of acting in the premises, should they be placed in a condition so to act by the Imperial authorities.

The Post Master General of England by his Report to the Right Honorable the Lords Commissioners of Her Majesty's Treasury, on the 18th August, 1843, on behalf of Her Majesty's Government, consented to resign his controul over the Post Office of British America, upon certain conditions, which will still retain in effect the advantages of a central Government, these conditions are as follows :

First—That no transit Postage shall be charged on Letters between the Provinces, for the cost of conveyance through any Province.

Second—That two pence sterling the half ounce shall alone be charged on Letters by British Mails, between Great Britain and British America : and that this stipulation shall extend to Countries with which Postal Conventions may exist, and that Her Majesty's Government may demand such concession in their favour. If the rate be reduced on Provincial Letters, the benefit of such reduction to extend to the United Kingdom, and those Countries referred to. The rate to be collected according to the British scale.

Thirdly—That prepayment of Postage shall remain optional. Each Province shall keep the amount it collects, so as to avoid the necessity for complicated accounts. That an uniform system throughout British America is desirable, and is also the most equitable.

Lastly—That the Packet Postage belonging to the United Kingdom, and which in the Lower Provinces has hitherto been applied towards the general expenditure of the Department be remitted to England ; and that the transit postage, which may become due to the United States for the conveyance of the British Mails, should be defrayed in equal proportions by Canada and the United Kingdom.

The Committee of the Executive Council fully concur in the opinion that an uniform rate of cheap postage in these Colonies should be established. There is no subject upon which public opinion is so much united. Under the system which prevails at present, the Post Office is only used when no opportunities occur for evading the regulations. The rates of postage forbid the transmission of inclosures unless when it cannot be avoided : and correspondence is limited by considerations of expense, found to be oppressive in all classes of society.

This state of the Post Office in the Colony is found to be the more oppressive, because revenue from that source has not been accustomed to be received, and because the public mind is not disposed to consider any revenue which can be derived from
Postage,

Postage, as of sufficient consequence to be compared with the advantage of cheap correspondence: and moreover, the success of the admirable project of a penny postage in England has produced an universal conviction that high rates of postage are destructive of revenue, and of the means of self maintenance to arise from the Department itself.

Entertaining these opinions, and feeling that they are concurred in generally, the first object of enquiry is to fix a rate which, by its amount, would not be so large as to discourage correspondence, or induce evasions of the use of the Post Office, and which at the same time, would be sufficiently high to make the revenue of the Department defray its expenses.

On this question the Committee of Council are of opinion, that the establishment of a penny postage in preference to a rate somewhat higher would not increase the transmission of Letters by Post, so as to make the revenue of the Post Office sufficient for its expenses. They think that at a considerably higher rate of postage, the correspondence through the Post Office would be nearly equal to any which could be procured by a rate so low as a penny: while the higher rate would secure the public revenue from any considerable charge on account of the expenses of the Post Office.

The Committee are disposed to concur with the Government of Nova Scotia in fixing the rate of Postage on the half ounce Letter at Three Pence currency.

On enquiry of the Deputy Post Master General, the Committee find that the gross number of Letters transmitted through the Post Office in Canada in the last year is 1,873,386, which, if paid for at the uniform rate of Three Pence, supposing all the Letters to be single, or not over the half ounce, would produce £23,417 6s. 6d.

It is estimated that one-fifth would be a low proportion to add on account of Letters over that weight, which addition would produce £4,683 9s. 3d. To this remains to be added the Newspapers Postage, amounting to £7000, giving in all a revenue of £35,100 5s. 9d. The whole expenditure of the Canadian Post Office is stated by the Deputy Post Master General, deducting the sum paid to the United States Post Office, at £56,522 5s. 6d., which would make the present expenditure a little more than one-half greater than the estimated revenue to arise from a Three Pence Postage.

The Committee have no doubt but that the increase of correspondence, arising from the uniform low rate of Postage, would, in a few years, be fully as large as the whole of the present correspondence, and that not only would the expenses of the Department be repaid by revenue, but that there would be a considerable surplus.

To make the measure advisable, it would only be necessary to avoid loss, and therefore in recommending the adoption of the rate of Three Pence, the Committee feel that they are perfectly safe, and that there can be no danger of a continuing charge upon the Public Revenue arising from such a measure.

The Committee are glad to find that their opinion as respects this rate, is supported by that of Mr. Stayner, the Deputy Post Master General, who in a Letter to the Inspector-General, uses the following language:—

“I hope you will permit me to add on the subject of Letter Postage, that I am more and more impressed with the conviction that there should be but one rate, and that it should be Three Pence.”

Thus the Committee find that their own reasoning, the opinion of the Government of Nova Scotia, and that of an officer of great intelligence and experience in the Department of the Post Office, lead to the same conclusions.

The Committee would be glad to find that Her Majesty's Post Master General saw no objections to place the inland Postage on Letters from the United Kingdom, and from Countries with which there are Postal Conventions, at the same rate of Three Pence, currency, an amount so little over the proposed rate of Two Pence, sterling, that it is conceived the former rate cannot give rise to any serious objections. If there

should however be found any reluctance on the part of the Post Master General to assimilate the rate on English letters to the Three Penny rate proposed, the difference would not present any obstacle to an arrangement in the minds of the Committee.

The Committee of Council are prepared to adopt the suggestions submitted by Mr. Uniacke, as follows:—

That there be one uniform rate of Three Pence, Provincial Currency, throughout British North America.

That no Transit Postage between the Provinces be allowed.

That Two Pence, sterling the half ounce, shall remain as the rate in operation, as regards Letters by British Mails, to be extended to Countries having Postal Conventions with Great Britain, unless Her Majesty's Government should see fit to permit this rate to be changed to Three Pence currency.

The prepayment of Postage shall be optional.

That each Province shall retain the amount of Postage it collects.

The Packet Postage to be paid to England. The Provincial rate of two pence, sterling, to belong to the Province which collects it, and if prepaid in England, to be credited to the Province to which the Letter is addressed.

No privilege of Franking to be allowed.

Postage stamps for prepayment to be allowed, and Colonial stamps to be engraved.

Newspapers, Pamphlets, and Magazine Postage to be at the present rates, with power to each Legislature to send them free of charge.

The above, as observed by Mr. Uniacke, will leave for future arrangement the rate of remuneration for the transport of the British Mails by express, through the Provinces of Nova Scotia and New Brunswick to Canada.

There being no Act of the Provincial Parliament of Canada of the same effect, as in Nova Scotia, it would be impracticable for the Provincial authorities to assume the management of the Post Office before a Meeting of the Legislature. But the Committee are of opinion that the foregoing provisions should be introduced in a Bill to be laid before Parliament; and in the meantime they are induced to hope that, as Her Majesty's Post Master General is believed to have full powers of discretionary action in matters relating to the Colonial Post Office, Her Majesty's Government may be persuaded, upon Your Excellency's recommendation, to adopt the above rates and regulations, without further delay, the Committee pledging the Provincial Administration to make good any excess of expenditure over income which may possibly arise in carrying out such an arrangement.

The Committee respectfully recommend that if their views on this subject meet with your Excellency's approval, Mr. Secretary be directed to communicate the substance of this Minute to Mr. Uniacke, for the information of the Government of Nova Scotia.

Certified.

(Signed)

A. JOSEPH.

C. E. C.

[COPY.]

Remarks on the subject of Cheap Postage in British America, and the transfer to the control of the Local Governments the management of their Posts.

The Post Master General of England by his Report to the Right Honourable the Lords Commissioners of Her Majesty's Treasury, dated 18th August, 1843, consents to resign his control over the Post Offices in British America, upon certain conditions which

which will still retain in effect a portion of the advantages of a central Government, which are as follows :—

First—That no Transit Postage shall be charged on Letters between the Provinces for the cost of conveyance through any Province.

Second—That Two Pence the half ounce, shall alone be charged on Letters by British Mails, between Great Britain and British America, and shall extend to countries with which Postal Conventions may exist, and Her Majesty's Government may demand such concession in their favour, if the internal rate be reduced on Provincial Letters, the benefit to extend to the United Kingdom and those countries referred to, the rate to be collected according to the British Scale.

Thirdly—That prepayment of Postage shall remain optional, each Province shall keep the amount it collects, to avoid complicated accounts, that an uniform system throughout British America is desirable, and an uniform rate the most equitable.

Lastly—That the Packet Postage belonging to the United Kingdom, and which in the Lower Provinces has hitherto been applied towards the general expenditure of the Department, to be remitted to the Mother Country, and that the *Transit* Postage due to the United States for the conveyance of British Mails, should be defrayed in equal proportions by Canada and the United Kingdom.

The Legislature of Nova Scotia have met the foregoing propositions by the passage of a Law, authorising the Lieutenant-Governor to adopt the necessary measures for conferring on the people of Nova Scotia, and to aid in extending to British America, "an uniform rate of Cheap Postage, which has been found to increase the wealth and prosperity of those countries where it has been introduced and tried." The Legislature of Canada has not passed a Bill, but the Governor General, and His Excellency's Executive Advisers are willing to concur in such arrangement, and Her Majesty's Post Master General in the Report alluded to, observes, that it will be for Her Majesty's Government to determine whether these questions shall be decided at home, and at once, or be left to the decision of the Colonial Governments.

It is unnecessary to urge any reasons for the adoption of Postal Reform in British America, the experience of the Mother Country and of Republican America have proved that the principle is sound, that by reduction of price, intercourse is increased, contraband transmission of Letters suppressed, and the Revenue not ultimately diminished, the difficulty is the adaptation of the just rate, and in the United Kingdom the low rate of One Penny has been singularly triumphant, and perhaps it would have been more judicious to have adopted it here at once, but the Report of the Commissioners appointed by His Excellency the Governor General, and the Lieutenant-Governors of Nova Scotia, New Brunswick, and Prince Edward Island on this subject, and the subsequent action of the Legislature of Nova Scotia, appear to have sanctioned the rate of Three Pence per half ounce, and from the adoption of that uniform rate now, a low rate will in all probability follow, and it is therefore suggested that there shall be one uniform rate of Three Pence throughout British America.

That no Transit Postage between the Provinces be allowed.

That the 2d sterling the half ounce, shall remain in operation as regards Letters by British Mails, to be extended to countries having Postal Conventions with Great Britain.

That prepayment shall be optional.

That each Province shall retain the amount of postage it collects ; which requires uniformity of action in respect to the prepayment of postage.

The Packet Postage to be paid to England, the 2d sterling to belong to the Province where it is collected, and if prepaid in England, to be passed to the credit of the Province where the Letter is addressed.

The privilege of Franking to be abolished.

Postage stamps for prepayment to be allowed, and Colonial Stamps to be engraved. Newspapers, Pamphlets, Magazine Postage &c. to be transmitted at present rates, with power to each Legislature to send them within the Province free of charge.

The above will place the Post Office Establishment of British America on a footing of Reform, leaving for future arrangement the rate of remuneration for the transport of the British Mails by express to Canada and New Brunswick, this service the Department of Nova Scotia will perform on the most reasonable terms, the proportion of which express can be regulated between those Provinces.

In submitting to these terms it becomes matter for consideration, whether the Department in England ought not, in accordance with the Treasury Minute, 23rd September, 1842, to allow the Packet Postage to bear the charge of so much of the Establishments in British America at the places of delivery, as may not be required for internal distribution of Letters.

That the Post Office Departments in the several Provinces shall be separate and distinct, subject to the authority and control of, and bound to account to their respective Governments, in which shall be vested the power to appoint the chief and subordinate officers, and to extend or contract the various postal routes, offices, &c. within their own limits: and that each Province shall defray the cost of its own Post Office arrangements, Postal Routes, Stations, Couriers, &c.

[COPY.]

General Post Office, 9th June, 1848.

MY DEAR SIR—

I now beg to hand you the Letters to which I alluded yesterday, together with the Returns of the Post Office Revenue and Expenditure for the year ended 5th July, 1847, and a statement of the number of Letters and Newspapers sent through the Post in a year.

As regards the Letters, you will perceive that one of them—that addressed to Mr. Cayley, individually—is marked "*private*," it was drawn up hurriedly to assist Mr. Cayley with some views which I entertained on certain points of the question, and as I did not at the time it was written intend it as part of my public proceedings, I will be obliged by your considering it in the same light. I hope you will permit me to add on the subject of Letter Postage, that I am more and more impressed with the conviction that there should be but one rate, and that it should be 3d. The Americans are now agitating for an uniform 2 cent rate upon Letters, but it will probably be some years before the question is carried—ultimately I have no doubt they will have an uniform two cent rate.

Believe me, Dear Sir,

Yours, &c.

(Signed)

T. A. STAYNER.

The Honorable J. B. Uniacke, &c. &c.

[COPY.]

General Post Office, Montreal, 4th October, 1847.

GENTLEMEN—

After what has passed at our conversations, you will not I think be surprised at my remarking that I address myself to the duty of replying to your call upon me with a serious apprehension that what I have to say in immediate relation to your note will not be satisfactory to you, for the more I consider the sentiments and opinions expressed by you at our meetings, in regard to a new Constitution for the Provincial Post Office on this Continent, and to the plan of a Constitution as sketched in your reference to me, the more difficult does it seem (not to say impracticable), to devise a scheme which would be likely to accord with the views you have adopted, and wish to see carried out.

Your Requisition upon me is as follows: "Assuming that it would be desirable to establish within the Provinces a Central Department, as nearly analogous as possible to the position which the Imperial Post Office assumes with reference to the Colonies; but leaving the internal management of each Province as unshackled as the maintenance of harmony and the efficient working of the system between the several Provinces will permit; what in your opinion would be the character of the duties which would devolve upon the Central Management and the extent of the control which it would be necessary to assign to it."

In the conversations had with you to which I have already adverted, I gathered that (*except as to an uniform rate of Postage to extend through all the Provinces, without regard to territorial limits, or to the point where the postage was collected, upon which you had decided at starting; and agreeing likewise that the present lines of Post connecting the different Provinces, as regards the frequency of the trips &c., should remain as at present,*) your desire was that each Province should possess the entire right of regulating within its territorial limits, its own postal affairs, in all the various branches relating to such establishments. If I am correct in supposing the above to be the ground work of a new Constitution, I cannot discover the necessity for a Central Department or Power *within the Colonies* at all! I am compelled therefore to say that I cannot point out *the character of the duties which would devolve upon that Central Management*, for it seems to me there could be no functions for it to fulfil, that would not render it obnoxious to the "jealousy" alluded to by a member of your Commission, as likely to be excited against any Provincial authority that could be constituted; but that you may not imagine from this that I am attempting to obstruct the design of reforming the Post Office, or that I consider a great and beneficial reform impracticable, I take the liberty of respectfully offering a few observations on the question, in the hope that they may be found useful, and aid your endeavours to accomplish substantially, (although by a somewhat different process than that suggested in your note,) all that you have in view. With this intention I would submit that the Post Master General of the Empire should exercise that amount of control or supreme authority over the whole Post Office Establishment in British North America to which you have alluded, *and no more!* His Lordship would be a high and impartial Referee, far above all the suspicion of undue bias to which a Provincial Government might be exposed.

This authority, assuming as already stated the general independent action (as regards the Post Office) of each Province within its own limits, need only be appealed to by the Provinces, on extreme occasions, not likely to occur frequently, perhaps only when these Provinces cannot agree amongst themselves upon questions of joint interest.

I would submit that each Province should have its own local head of the Post Office

Department (which it has at present,) who would be the organ of communication with the Executive of his Province for carrying out the views of the Government.

The Deputy Post Masters General should also (under the sanction of their respective Governments,) communicate with each other on matters of common interest, and in cases of disagreement, as already observed, an appeal should be had (in some form which might easily be defined,) to the Post Master General in England, whose decision should be final and conclusive.

I ought perhaps to have observed in an earlier part of this communication, that I cannot believe the Imperial Government will consent to relinquish the control of the Post Office in these Colonies without securing conditions which it may deem essential to the maintenance of a proper and effective intercourse as well between the Provinces themselves, as between the Provinces and England, nor without securing further, the payment by the Provinces of the Packet Postage of 1s. per half ounce, and that Letters to and from England shall not cost to the receiver or sender more than 1s. 2d. sterling, including Inland Provincial Postage. Lord Clanricarde in his Letter to the Lords of the Treasury, dated 18th August, 1846, has classed these conditions under heads. Objections have been urged by your Commission to some of those conditions, but I do not doubt these objections might be overcome and a satisfactory arrangement arrived at, after a patient and deliberate consideration of the several facts and arguments bearing upon questions so new and untried among us, as these certainly are.

A general controlling or central power, as it is termed, as regards the Post Office Department, must assuredly exist somewhere. In the present condition of these Provinces, there are perhaps insuperable objections to that power being of a Colonial character; such objections cannot apply to a control vested in the Post Master General of England, exercised, as I have suggested it should be, only in certain defined cases, as when the rights of the Imperial Government are directly concerned, or in matters of common interest to the Provinces, when they cannot agree amongst themselves.

I have, &c.

(Signed)

T. A. STAYNER.

D. P. M. Genl.

Statement of the number of Letters and Newspapers sent through the Post in Canada, in the year ending 21st August, 1847, calculated upon a three weeks' account kept at every Post Office in the Country.

Letters	-	-	-	-	1,870,386
Newspapers	-	-	-	-	3,359,997

Of the above Letters it is estimated that 210,000 were for distances exceeding 300 miles.

(Signed)

T. A. STAYNER,

D. P. M. Genl.

General Post Office, Montreal, 9th June, 1848.

No. 1.

Gross Receipts of the Post Office Department in the Province of Canada—year ending 5th July, 1847.

Period. Quarter ending.	Gross Receipts in- cluding Packet and United States Postage.	Dead Letters, Missents, and Overcharges.	Gross Receipts after de- ducting Dead Letters, Missents, and Over- charges.
	Currency.	Currency.	Currency.
5th October, 1846	£20820 15 11½	£1311 2 7	£19509 13 4½
5th January, 1847	21328 19 1½	1365 15 2	19963 3 11½
5th April, 1847	21584 3 7½	1310 8 3	20237 15 4½
5th July, 1847	22530 19 5	1465 7 6½	21065 11 10½
Year ending 5th July, 1847 }	£86228 18 1½	£5452 13 6½	£80776 4 7

(Signed)

E. J. KING, Accountant.

T. A. STAYNER, D. P. M. G.

No. 2.

*Charges of Management of the Post Office Department in the Province of Canada,
year ending 5th July, 1847.*

	Quarter ending.	Currency.	Currency.
Salaries and Commissions	5th October, 1846	£4371 11 5½	£18675 4 3½
	5th January, 47	3871 14 9	
	5th April, 47	5689 3 10	
	5th July, 47	4742 14 3	
Travelling charges to Sur- veyors and other officers of the Department	5th October, 1846	£552 5 6½	1781 8 6
	5th January, 47	435 16 8½	
	5th April, 47	440 5 11	
	5th July, 47	353 0 4	
Conveyance of Mails, Mail Bags, and repairing do.	5th October, 1846	£8067 12 1	31130 0 9
	5th January, 47	7812 3 10½	
	5th April, 47	6425 5 9	
	5th July, 47	8824 19 0½	
Ship Letter Gratuities	5th October, 1846	£0 7 2	8 15 8
	5th January, 47	8 7 6	
	5th April, 47	0 0 0	
	5th July, 47	0 1 0	
Rents and Taxes	5th October, 1846	£169 8 0	379 8 0 Quarter
	5th January, 47	66 5 0	
	5th April, 47	77 10 0	
	5th July, 47	66 5 0	

	Quarter ending.	Currency.	Currency.
Law Expenses	5th October, 1846	£4 7 6	
	5th January, 47	0 0 0	
	5th April, 47	11 13 4	
	5th July, 47	0 0 0	
			16 0 10
Stationery for Post Office and Post Masters Printing, and Advertising	5th October, 1846	£266 2 5½	
	5th January, 47	296 19 5	
	5th April, 47	381 18 5½	
	5th July, 47	377 14 11½	
			1322 15 3½
Incidental expenses including Tradesmens' Bills, Special allowances, &c.	5th October, 1846	£843 9 9	
	5th January, 47	802 12 1½	
	5th April, 47	777 9 3	
	5th July, 47	785 1 1	
			3208 12 2½
Net United States Postage remitted to Washington	5th October, 1846	£637 1 4	
	5th January, 47	653 16 1	
	5th April, 47	617 10 7	
	5th July, 47	668 10 1	
			2576 18 1

Charges of Management, year ending 5th July 1847

£59,099 3 7½

(Signed)

E. J. KING,
Accountant.

T. A. STAYNER,
D. P. M. Genl.

No. 3.

Return of the total amount of Postage received by the principal Post Office Department in Canada, for the year ending 5th July, 1847, shewing the expenses charged on the same for the collection, and the net Revenue for that year.

Period. Quarter ending.	Gross Receipts after deducting Dead Letters, Missents, and Overcharges.	Charges of Management.	Net Revenue.
	Currency.	Currency.	Currency.
5th October, 1846.	£19,509 13 4½	£14,912 5 3½	£4,597 8 1
5th January, 1847.	19,963 3 11½	13,947 15 5½	6,015 8 6
5th April, 1847.	20,237 15 4½	14,420 17 1½	5,816 18 3
5th July, 1847.	21,065 11 10½	15,818 5 9	5,247 6 1½
Year ending 5th July, 1847.	£80,776 4 7	£59,099 3 7½	£21,677 0 11½

Copy

(COPY.)

Government House Halifax, August 16th, 1848.

SIR—

The subject of an uniform low rate of Postage, for all the North American Colonies, has, as Your Excellency is perhaps aware, for some time engaged the attention of the Legislatures of the North American Provinces. Formally presented in Lord Grey's despatch of 31st December, 1846, to the notice of the Governor-General, His Excellency's co-operation was assumed, by our Legislature, at its last Session, and both Houses proceeded to lay the foundation of a general measure, by the passage of Resolutions and a Bill, copies of which are enclosed.

In June last, Mr. Uniacke, the Leader of the Administration in this Province, went up to Montreal to ascertain the views of Lord Elgin, and if possible, to secure uniformity of action between the Governments of the Lower Provinces, and that of Canada. I am happy to inform you that his mission was most successful, and that the basis of an arrangement was sanctioned by the Governor-General in Council, which if concurred in by Your Excellency, may in the approval of the Imperial Authorities, should it be found that an Act of Parliament is not necessary, be carried into immediate effect, under the authority now vested by statute in the Post Master General.

That Your Excellency may have this subject before you in due form, I beg to enclose copies of a Letter addressed by the Secretary of Canada, by Lord Elgin's command, to Mr. Uniacke, and the Report from the Committee of the Executive Council, by which it was accompanied.

I shall be happy to be put in possession of Your Excellency's views on this subject, and would suggest that a copy of any communication which you may send to me, may be forwarded to His Excellency the Governor-General,

I have, &c. &c.

(Signed)

J. HARVEY,

His Excellency SIR EDMOND HEAD, &c. &c. &c.

[COPY.]

Government-House, Fredericton, August 19th, 1848.

SIR—

I have the honor to acknowledge your Excellency's communication of the 16th instant, enclosing papers relating to the Post Office. I will take immediate measures for laying those documents before my Executive Council, after which I shall communicate again with your Excellency on the subject.

I have the honor to be

Sir,

Your obedient Servant,

EDMOND W. HEAD.

His Excellency SIR JOHN HARVEY, K. C. B. K. C. H., &c. &c. &c.

[COPY.]

Government-House, Fredericton, November 7th, 1848.

SIR—

In the Letter which I had the honor to address to Your Excellency on the 19th August last, I promised to communicate again with reference to the views of the Government of this Province in the matter of the Postal arrangements.

I cannot do this better than by enclosing a copy of a Letter which I have this day addressed to His Excellency the Governor-General of Canada.

I am, Sir,

Your Excellency's obedient Servant,

EDMOND W. HEAD.

His Excellency Sir JOHN HARVEY, K. C. B., K. C. H., &c. &c. &c.

[COPY.]

Government House, Fredericton, Nov. 7, 1848.

MY LORD—

I have the honor to acknowledge Your Lordship's Letter of the 1st of November, enclosing a copy of a Memorandum from the Inspector General of Accounts, and a copy of a Report of a Committee of the Executive Council of Canada on the subject of Postage.

I have the satisfaction to inform Your Lordship, that the Executive Council of New Brunswick will be quite ready to introduce and support in the Provincial Legislature, a measure substantially agreeing with the proposition of the Committee of your Executive Council—that is to say, they would adopt a uniform rate of 3d. per $\frac{1}{2}$ ounce, subject to the conditions laid down by Her Majesty's Post Master General.

The Executive Council have as yet made no formal Minute of their opinions, and I have not, therefore, communicated these views to Her Majesty's Secretary of State for the Colonies, but I shall do so after the next meeting of the Council.

I have forwarded a copy of this Letter to His Excellency Sir John Harvey, in order that the Government of Nova Scotia may know that we are ready and anxious to co-operate with that Province and Canada in carrying out a measure which we believe to be of the utmost importance to these Colonies.

I am, my Lord,

Your obedient Servant,

(Signed)

EDMOND HEAD.

His Excellency the GOVERNOR GENERAL, &c. &c. &c.

APPENDIX No. 3.

(See Page 13.)

[COPY.]

No. 26.

Government House, Halifax, April 18, 1848.

MY LORD—

I have the honor to enclose a copy of an Address passed by the House of Assembly, praying for an extension of the number of Free Ports in Nova-Scotia, which I have to request may be laid at the foot of the Throne, with Your Lordship's favorable recommendation.

I have, &c. &c.

(Signed)

J. HARVEY.

The Right Honorable EARL GREY, &c. &c. &c.

[COPY.]

No. 129.

Downing-Street, 14th November, 1848.

SIR—

With reference to your Despatch, No. 27, of the 18th April last, on the subject of extending the privileges of Free Warehousing Ports to certain Ports in the Colony under your Government, and also with reference to my Despatch, No. 67, of the 24th February last, relative to the Customs Establishment to be in future maintained in that Province, I transmit, for your information, the accompanying copy of a Letter from the Secretary to the Lords Commissioners of the Treasury, from which you will learn the reasons which have hitherto induced their Lordships to postpone giving any directions on the subject, and the necessary measures which have now been adopted for ascertaining the number of additional officers for whom it will be necessary to provide in the event of the several applications for the extension of Free Warehousing privileges, to which I have adverted, being acceded to by Her Majesty's Government.

I have, &c. &c. &c.

(Signed)

GREY.

Lieutenant-Governor SIR JOHN HARVEY, &c. &c. &c., Nova-Scotia.

[COPY.]

Treasury Chambers, 17th October, 1848.

SIR—

With reference to the several communications from the Colonial Office, as detailed in the margin, on the subject of the extension of Free Port privileges to various Ports in the North American Colonies, and likewise to your Letter of 13th May last

10th June, 1847.
3d July, 1848.
18th " "
5th Aug. "
14th Sept. "
30th " "

and

and accompanying Address from the House of Assembly of Nova-Scotia, I am commanded by the Lords Commissioners of Her Majesty's Treasury to request you will state to Earl Grey, that as the adoption by Parliament during the last Session, of measures for the revision of the Laws relating to Trade and Navigation, would probably have rendered any special proceeding with respect to the extension of Free Port privileges unnecessary, my Lords deferred giving any directions on the subject of the application forwarded to them in these Letters from His Lordship's Department.

But I am further to state, that my Lords, adverting to the intention signified in the Minute of their Board of 24th December last, relating to Customs Establishments in the Colonies, which was communicated to Lord Grey in the Letter from this Department of 4th January last, in regard to the mode of providing for the expenses of officers under the Board of Customs at any additional Free or Free Warehousing Ports, have now called upon the Commissioners of Customs to report what additional officers a compliance with the several applications in question will render it necessary to employ, and that, upon receiving this Report, my Lords will communicate further with Lord Grey on this subject.

I am, &c.

(Signed)

C. E. TREVELYAN.

HERMAN MERIVALE, Esq., &c. &c. &c.

APPENDIX No. 4.

(See Page 13.)

[COPY.]

Government House, Halifax, Nov., 15, 1848.

SIR—

The Barque "Lulan," George McKenzie, Master, arrived at Pictou on the 18th September, having on board 186 souls, of whom 121 were Highland Immigrants on their way to Prince Edward's Island and Cape Breton. The Small Pox having broken out on the voyage, the vessel was placed in Quarantine, but the people were subsequently landed, put into hospital, and supplied with medical attendance and all the necessaries required for their sustenance or restoration to health. Twenty-four died, four or five still linger in the hospital, but 97 of the Immigrants are reported as free from disease and ready to proceed to their destinations.

Seventy-two of these poor people are on their way to Prince Edward's Island, where their relations and friends are settled. Though the expences already incurred under my instructions for their relief has far exceeded the head money paid in Nova Scotia, I had directed the Board of Health at Pictou to hire a vessel and transport them to Prince Edward's Island, when I was made aware that, by a Law of that Province, 25s. sterling Head Money would be demanded on their landing.

Under these circumstances, I am induced to bring the case to the notice of Your Excellency, and to ask your interference to obtain a remission of a tax which those Immigrants are utterly unable to pay, and which, it would seem unfair, should fall on the Treasury of Nova Scotia, in addition to the expence already incurred.

If Your Excellency takes the same view of the case, you will perhaps permit the Immigrants

Immigrants to land without payment of Head Money, from the vessel in which I shall direct them to be conveyed over, leaving the question of liability open till the Accounts can be finally made up. Should Your Excellency not feel at liberty to do this, I shall direct your Draft on the Treasury of Nova Scotia to be paid, and rely upon your disposition, and that of the Island Legislature, to refund the amount, should it appear, on a review of all the facts, unreasonable to exact it.

I have, &c. &c. &c.

(Signed)

J. HARVEY.

His Excellency Sir DONALD CAMPBELL, &c. &c. &c.

[COPY.]

Government House, Prince Edward's Island,

November 17, 1848.

SIR—

I have the honor to acknowledge the receipt of Your Excellency's communication of the 15th November, instant, detailing the circumstances under which Your Excellency had directed Seventy-two Immigrants landed at Pictou from the Bark "Lulan," in the month of September last, to be conveyed to this Island, and requesting me to permit these Immigrants to land without payment of the Head Money to which they are liable under an Act of the Legislature of this Colony.

I regret to say that the Law of this Island relating to Immigrants, a copy of which I enclose for Your Excellency's information, gives no discretionary power to the Executive Government to remit the Head Money, to which all Emigrants are subjected before they can be permitted to land here. Cases have occurred during the present season in which Immigrants destined for this Island, upon merely landing at Pictou and remaining there a few hours, have had to pay a tax under the Provincial Statute of Nova Scotia, and have again been compelled to pay a similar tax upon their arrival here, yet I was restricted from affording them any relief. In the present instance I shall be under the necessity of availing myself of the alternative proposed by Your Excellency, of drawing upon the Provincial Treasury of Nova-Scotia for such an amount as shall be equal to 25s. sterling per head, upon the number of Immigrants who may be landed in this Island from the vessel in which Your Excellency has directed them to be conveyed from Pictou. At the same time it will afford me much satisfaction to bring the case of these poor Immigrants under the consideration of the Legislature in the next Session, and I have the fullest confidence that upon a review of the facts connected with it, every disposition will be evinced to act equitably towards the Province of Nova-Scotia.

I have, &c. &c. &c.

(Signed)

DONALD CAMPBELL,

Lieutenant-Governor.

His Excellency Lieutenant-General SIR JOHN HARVEY, K. C. B., &c. &c. &c.

(COPY.)

Government-House, Halifax, Nov. 30, 1848

SIR—

I have the honor to acknowledge Your Excellency's Despatch of the 17th instant, and to acquaint you that your draft was promptly paid. I need not, I trust, assure Your Excellency that I have the most entire reliance upon the equitable disposition of the Legislature of Prince Edward's Island, should it appear on a review of the facts connected with the case of the Lulan, that this Province has a fair claim to be reimbursed the sum now advanced.

I have, &c. &c. &c.

(Signed) J. HARVEY.

His Excellency the Lieutenant Governor of Prince Edward's Island.

APPENDIX No 5.

(See Page 14.)

(COPY.)

No. 21.

Government-House, Halifax, 15th April, 1848.

MY LORD—

I have the honor to transmit Addresses from the Legislative Council and House of Assembly of Nova-Scotia, congratulating the Queen on the birth of a Princess Royal.

May I request that Your Lordship will present these Addresses on the first fitting occasion, and tender to our gracious Sovereign my own respectful felicitations on the happy event.

I have, &c.

(Signed) J. HARVEY.

The Right Honorable EARL GREY, &c. &c.

(COPY.)

No. 87.

Downing Street, May 9, 1848.

SIR—

I have to acknowledge the receipt of your Despatch, No. 21, of the 15th ult., enclosing Addresses from the Legislative Council and House of Assembly of Nova-Scotia, congratulating Her Majesty on the Birth of a Princess.

You

You will acquaint the Houses of the Provincial Legislature that I have laid the Addresses before the Queen, and that Her Majesty was pleased to receive them very graciously.

I have the honor to be,

Sir,

Your obedient,

Humble Servant,

GREY.

Lieutenant-Governor SIR JOHN HARVEY, &c. &c. &c., Nova-Scotia.

APPENDIX No. 6.

(See Page 14.)

[COPY.]

SIR—

It has become my melancholy duty to communicate to you the intelligence of the decease of Her Royal Highness the Princess Sophia, which event took place at Kensington Palace on the 27th May.

I have the honor to be,

Sir,

Your most obedient,

Humble Servant,

(Signed)

GREY.

Lieutenant-Governor SIR JOHN HARVEY, G. C. B., &c. &c. &c.

APPENDIX No. 7.

(See Page 14.)

[COPY.]

No. 104.

Downing Street, 24th June, 1848.

SIR—

I have considered the provisions of the Act of Council, 11th Vic. No. 21, and under all the circumstances of the case, I shall advise Her Majesty to confirm it. The enactment is in substance, the same with one of the Canadian Legislature, which has already received Her Majesty's sanction. I should have had great difficulty in following this course had I thought that the Act in reality encroached to any extent on the independence of the Judges, or rendered them improperly liable to dismissal under the expression of the temporary will of a popular Assembly. But I think it will make no substantial difference in their tenure of office, while it will define the nature

nature of that tenure by positive enactment, instead of leaving it as at present to depend mainly upon usage. The Lieutenant Governor will be enabled to remove a Judge upon a joint Address from the two Houses, but he is not required to do so; and if he thinks there is sufficient ground for a Judge's removal, he possesses already the power of suspending him until the Queen's pleasure be known, and may exercise this power either upon an Address from the Legislature, or otherwise. The present enactment is virtually a restriction not an extension of his power, as seems to have been apprehended by the Judges. It is true that an amendment, for which much apparent reason was advanced, requiring the charges on which the Address is founded to be stated, was required, but I do not regard its rejection as implying that any Judge ought to be removed without distinct charges having been preferred against him, and duly established. If I had so understood this decision of the Legislature, I could not have advised Her Majesty to confirm this Act, as I think it would establish a principle fatal to the independence of the Judicial Bench, and therefore most injurious to the public good, to admit that a Judge could properly be removed upon any vague grounds of having ceased to enjoy the confidence of the Legislature, or for any other reason than proved misconduct. But while this great constitutional maxim is fully recognised, it seems to me a sufficient objection to the introduction of the suggested provision, that it might have given rise to difficulties and discussions which it is well to avoid, as to the technical sufficiency of the necessary statement of charges. In this country the law does not, as you are aware, define what are to be the grounds on which the two Houses of Parliament may address the Crown for the removal of a Judge, yet such a step is never proposed except upon distinct allegations of misconduct. I cannot doubt that the Legislature of Nova Scotia will be guided by the same rule, and, in the highly improbable case of its failing to do so, by the appeal to the Queen in Council, which is provided, the same protection is substantially given to the Judges as if the proposed amendment had been made in the Act without the attendant inconvenience. For these reasons, I apprehend no disadvantage to the administration of Justice from the confirmation of this enactment, and Her Majesty will, therefore, be advised to confirm to it.

I have the honor to be,

Sir,

Your most obedient,

Humble Servant,

GREY.

Lieutenant-Governor Major-General SIR JOHN HARVEY, &c. &c. &c.

(*Vide part Appendix No. 20.*)

APPENDIX No. 8.

(*See Page 14.*)

[COPY.]

No. 105.

Downing-Street, 26th June, 1848.

SIR—

I have received your Despatch, marked confidential, of the 26th of May last, stating your views with regard to conferring honorary distinctions on the retired Members of the Executive Council of Nova-Scotia.

Under

Under the particular circumstances detailed in your correspondence on this subject, I think that the best rule is, that those Members only should be allowed to retain the title of "honourable" who have served in the capacity of Councillors for a very considerable time, or with peculiar distinction.

Acting upon this principle, the honor ought to be conferred upon Sir Rupert George, and Mr. Johnston. Considering the services which have been rendered by these Gentlemen, it would I conceive, be invidious to withhold from them the compliment which is about to be conferred upon three members of the Executive Council of New Brunswick, and you will be at liberty to make a communication to them to that effect.

I shall postpone deciding upon the claims of other members of the retiring Council to this distinction until I receive a further report from you on the subject.

I have the honour to be,

Sir,

Your most obedient,

Humble Servant,

(Signed)

GREY.

His Excellency SIR JOHN HARVEY, &c. &c. &c.

(COPY.)

No. 40.

Government House, Halifax, 21st July, 1848.

MY LORD—

I have the honor to acknowledge the receipt of Your Lordship's Despatch, No. 105, dated 26th June last, and I beg to acquaint your Lordship that in compliance with the suggestion therein contained, public notice has been given in the Royal Gazette of the 19th inst., of the pleasure of Her Majesty, that the Honourable Sir Rupert D. George, Bart., and the Honorable James W. Johnston, in consideration of their long services, should retain the honorary distinction they held as Members of Her Executive Council in Nova Scotia.

I feel assured that your Lordship will concur with me in opinion that the services of Mr. S. B. Robie, late President of the Legislative Council, have rendered him not less deserving of the same mark of Royal Favour, and I trust Your Lordship will feel yourself at liberty to recommend that he should retain the title so long enjoyed.

I have, &c. &c. &c.

(Signed)

J. HARVEY.

The Right Honorable EARL GREY, &c. &c. &c.

[COPY.]

No. 114.

Downing-Street, 10th August, 1848.

SIR—

I have received your Despatch, No. 40, of the 21st July, reporting that you had caused public notice to be given in the Royal Gazette of Nova Scotia, of the Queen's pleasure that Sir Rupert George and Mr. J. W. Johnston, should retain the honorary

honorary distinctions which they held whilst Members of the Executive Council, and recommending that the same mark of Royal favour should be granted to Mr. S. B. Robie, late President of the Legislative Council in Nova-Scotia.

The proposal you have made, on behalf of Mr. Robie, is in unison with my own feelings, and I have therefore much pleasure in informing you, that, having submitted this gentleman's name to the Queen, for the distinction in question. Her Majesty has been pleased to command me to convey to you Her authority for conferring upon him the proposed mark of Royal favour.

I have the honour to be,

Sir,

Your most obedient,

Humble Servant,

GREY.

His Excellency Sir JOHN HARVEY, &c. &c. &c.

APPENDIX No. 9.

(See Page 14.)

Government-House, Halifax, June 7th, 1848.

MY LORD—

Having submitted Your Excellency's Despatch of the 20th May, and the observations of the Inspector-General of Canada, by which it was accompanied to my Executive Council, I have now the honor to report that the view taken here when the Proclamation issued, of the Proviso to the 3rd Vict. of the Canadian Act 10 & 11 Vic. cap. 31, was that it not only gave to Your Excellency, and Your Council, a discretionary power to be exercised, but offered to the Lower Colonies an example to be followed, leading to an unrestrained inter-colonial free trade, the inconveniences of which, whatever they were, it was presumed would be borne by each Province cheerfully, in consideration of the vast industrial and national advantages to be derived from a commercial union of all the British Possessions on this continent. This has been the object steadily kept in view by the Legislature of Nova-Scotia for several Sessions, and when the Canada Act provided for the mode in which all articles, the growth, produce or manufacture of the different Colonies, should be freely interchanged, it was natural, that in Nova-Scotia a degree of promptitude should be shown, to meet in a proper spirit what appeared to be the policy of Your Excellency's Government and the provisions of that Act.

Your Lordship will perceive, that Nova-Scotia was willing to have entered upon a fair experiment of this system, without fearing the competition that she must inevitably sustained, with the industry and skill of the larger Province, whose fruitful soil, and milder climate yield for exportation abundance of agricultural productions, and with those manufactures stimulated by larger capitals, and by a more extensive Home Market, those of the Lower Provinces would have been compelled to enter upon a rivalry, that however ultimately beneficial to the whole Commercial Confederation, might, for a time at least have been regarded as severe.

The

The exceptions taken by Mr. Hinks to the immediate adoption of the policy contemplated, in its widest extent, appear to my Council, so far as they arise out of an apprehension of loss of Revenue, to proceed upon the assumption that our manufactories in the Lower Province are much more extensive and formidable than they really are,—of this the Inspector General may be assured, that with our present establishments in full activity, £500 of Revenue could not be lost to Canada before the close of the Navigation gave to the Legislatures of both Provinces an opportunity to revise the Laws, and while relieving the inter-colonial trade from all unwise restrictions, so adjusting the system as to guard the Revenues, indispensable to the fulfilment of the financial obligations of each respective Province.

A Sugar Refinery existed here some years ago, but could not be sustained. There is not one now in Nova Scotia. The Navigation will have closed before such an establishment could be erected, your Lordship will perceive therefore, that the Sugar Duties of Canada, for this year at least, are secure.

We have two or three Tobacco Manufactories, but conducted on so small a scale that the Home Market is largely supplied with the foreign article. Our Leather Manufactures are inadequate to supply the domestic consumption on terms sufficiently reasonable to secure it. English and American Boots and Shoes are brought here in large quantities, and meet a ready sale. Your Lordship will therefore recognize in this doubtful struggle for the command of the Home Market, even with the advantages of freight and ad-valorem duty in our favour, the utter impossibility of our throwing manufactures either of Leather or Tobacco into Canada, to endanger that portion of her Revenue which arises from British or Foreign importations.

We have two Chocolate Factories, by whose proprietors small shipments may be occasionally made to Québec, but the quantity sent up will be very trifling, too insignificant certainly, to require for the protection of Canadian Revenue a specific restriction.

With these explanations, I trust that Your Lordship will feel that no evil can arise of a nature so imminent and practical, as to render a restrained exercise of the powers conferred by the Colonial Legislatures, for this year at least, indispensable.

The view taken by Mr. Hinks of the possible effect of the Inter-Colonial Trade upon the interests of the British manufacturer is sound, and on this point further legislation will be required.

There is no desire in this Province, while seeking to enlarge the sphere of Colonial enterprise, industry and skill, to shut the British Manufacturer out from the general competition.

As Mr. Uniacke was about to proceed to Montreal, a copy of Mr. Hinck's observations was handed to him, with a request that he would, while in Canada invite, with your Lordship and the Members of your Government, such an unrestrained discussion of the whole subject as might lead to the adoption of a system mutually satisfactory and advantageous.

(Signed) J. HARVEY.

His Excellency the EARL OF ELGIN AND KINCARDINE, Governor-General.

(COPY.)

Memorandum relative to the Negotiations at Montreal for the Regulation of the Inter-Colonial Trade between Canada and Nova Scotia.

On arriving at Montreal one of the first objects to which my attention was solicited, was the embarrassment in which the Trade between the two Provinces was likely to be involved from the construction which the Executive Council of Canada had given to the

the Revenue Acts passed by the Provincial Parliament at its late Session. In an interview with the Honorables Mr. Sullivan, Provincial Secretary, and Mr. Hincks, Inspector General, a copy of the Minute then lately forwarded to Mr. Howe was submitted to us. The purport of this Paper was practically to render nugatory the Act passed by our Legislature, having for its object a free and unrestricted intercourse between the Provinces, and to which effect had been given by the Proclamation issued by His Excellency Sir John Harvey.

My attention had been turned to this subject by complaints made to me at Quebec that Fish, Oils, Chocolate, &c. the produce or manufacture of Nova Scotia, had been refused to be admitted to entry unless on payment of duty. The Officers of Customs had also declined to admit Coal from Cape Breton.

On the question being referred to the Inspector General, however, orders were immediately issued that these articles should be admitted free of duty as the Produce of this Province.

His Excellency the Governor General expressed his satisfaction at our visit to Montreal at that particular period, as an early and fair adjustment of this question, which, if delayed, might lead to embarrassment and irritation, would be the more readily accomplished.

I found an opinion prevalent in Canada that the action of our Executive in issuing the Proclamation was premature, and was afforded an opportunity of vindicating the course pursued.

The terms of the Proclamation promulgated in the Royal Gazette by the Governor-General, bearing date 7th April, and the note added to the Schedule of Duties appended to the Act of Parliament of Canada, which appeared in the same paper, led necessarily to the conclusion that the Act was identical in spirit and terms to that passed by our own Legislature, and that the Proclamation referred to was intended to give it effect, and to establish a system of entire reciprocity.

True it was that no authentic copy of the whole Act had been received,—but the note in the Schedule was clear and decisive. The departure of several vessels for the Ports of Canada, required immediate action, and His Excellency and his Council, after due deliberation, deemed it essential to the Public Interests to issue the Proclamation, and thus meet the tender of reciprocity made by the Government of the Sister Province.

Although inclined to admit the force of the arguments contained in the Inspector-General's able Paper, as applicable to the peculiar position of Canada, we suggested that the limited construction given to the Act was opposed wholly to the principles of Free Trade, and was certainly at variance with the intentions of the Legislature, inasmuch as the language in the note to the Schedule of Duties was clear and definite.

We felt bound, however, to submit to the views expressed by the Executive Council of Canada, from a desire to meet the difficulties in which the question was involved, and if possible, adopt a course which would place the Trade on a safe and satisfactory footing.

The current expenses of the Government and the interest due upon the Public Debt of Canada, render necessary the imposition of heavy Duties on several articles of general use and consumption which although operating as protective, are levied with the sole purpose of raising a Revenue. They are exacted on importations from Great Britain as well as from Foreign Countries, and the Members of the Administration agreed, that if similar articles coming from the Colonies were relieved from duty, an invidious distinction would be established to which the Growers and Manufacturers at Home would not submit, and a policy adopted obnoxious and injurious to the Canadian Manufacturer.

Practically it would lead to the introduction of Manufactories in the Sister Colonies,
and

and convert them into Manufactures for the Canadian Market, thus advancing their interests at the expense of the British as well as the Foreign Producers. This was a result never contemplated by the Province of Nova-Scotia in passing the Act in question.

Finding that there was an Act in Canada giving His Excellency the Governor-General the power to admit certain articles free of duty, and that the Executive Council were prepared to advise His Excellency to apply it to this particular case, I prepared a list of such articles as I thought it necessary to have thus admitted, excluding manufactured Sugar and Tobacco.

Although I have thus stated the question as it was presented to us in Canada, I think it right to observe that I consider the fears entertained of any effective competition from this Province wholly groundless. We had the assurance of the Inspector-General, however, that the consideration of this question was first pressed upon them by enquiries from Nova-Scotia, whether Refined Sugar, manufactured there, would be admitted free of duty. Hence arose the difficulties we had to contend with.

The Inspector-General most strongly objected to the free admission of Sugar and Tobacco, and being aware that we had no manufactories of these articles to afford a surplus for the Market in Canada, I saw no difficulty in excluding them from the list.

Objections were made to the free entry of Shoes and Boots, but on our assurance that we were not able to compete with the Canadian domestic manufacturer, these objections were waived.

Having thus settled the terms of our Commercial intercourse for the current year, until the Legislatures of the two Provinces have again met and had an opportunity of reconsidering the question, a Minute in Council was framed and sanctioned, and the Despatch from His Excellency the Governor-General to Sir John Harvey prepared by His Lordship, of which I had the honor to be the bearer.

I trust its terms may be satisfactory to His Excellency and my colleagues in Council. It was approved of by Mr. Uniacke and Mr. Young, who both aided me in the negotiation.

His Excellency the Governor-General and the Executive Council in Canada met the question with a sincere desire to respond to the liberal policy of our Legislature, as far as lay in their power, with a disposition to relieve it from all practical difficulty, and with a promptitude of decision alike gratifying to my colleagues and myself at Montreal.

(Signed) MICHAEL TOBIN.

Halifax, 20th June, 1848.

[COPY.]

Government House, Halifax, 21st June, 1848.

MY LORD—

I have the honor to acknowledge the receipt of Your Lordship's communication, dated 9th June, instant, in reference to the admission of certain productions of Nova Scotia, into Canada, duty free, until the next Session of Parliament.

I have, &c. &c. &c.

(Signed) J. HARVEY.

His Excellency the Right Honorable the EARL OF ELGIN AND KINCARDINE.

APPENDIX No. 10.

(See Page 14.)

[COPY.]

No. 24.

Government-House, Halifax, April 17th, 1848.

MY LORD—

I have the honor to transmit herewith, “ An Act relating to the Crown Land Department of this Province.”

This Act is a transcript of the one passed in the Session of 1847, a single clause, (that which reduced the salary of the future Commissioner of Crown Lands below the amount assigned to the present officer) having been advisedly omitted.

That Act Your Lordship described in your Despatch No. 38, dated 30th September, 1847, as unobjectionable—the single exception taken to it, being the connection of the Crown Lands with the more general question of the Civil List—an objection now removed, by the passage of the Bill already transmitted and explained.

A suspending clause forms part of this Act, but I trust that Your Lordship will be enabled to advise Her Majesty to assent to it.

Before the annexation of Cape Breton to this Province, that Island possessed its own Land Department.

Ever since the annexation this establishment has been maintained, the united Province being chargeable with two distinct Departments and two sets of Officers, the whole system being needlessly cumbrous and expensive, so much so, in fact, that comparatively little Revenue has been derived from land, the greater portion having been swallowed up in the expense of management.

Another evil experienced under this system was the remote position of the Cape Breton Officers, with whom the Head of the Government could only communicate by correspondence, and over whose proceedings it was almost impossible to exercise the proper inspection and control.

The present Act contemplates the consolidation of the offices under one chief, who will, either immediately or remotely, become a Member of the Government, by which greater simplicity and uniformity of management will be ensured, and the whole service be brought under proper check and control.

The saving of expense will probably be £480 Sterling, and ultimately when the pensions fall in, about £800 Sterling per annum.

Your Lordship will perceive that the redundant officers belonging to that class whose claims to retiring allowances are frankly acknowledged, have been provided for. One, a very aged man, being left in possession of his whole income—and his son, the Cape Breton Commissioner, being provided with a pension, equal to about half the amount which he now receives.

I have, &c. &c. &c.

(Signed)

J. HARVEY.

The Right Honorable EARL GREY, &c. &c. &c.

[COPY.]

No. 99.

Downing-Street, 20th June, 1848.

SIR—

I have received your Despatch, No. 24, of the 17th April, 1848, transmitting for the Royal confirmation an Act relating to the Crown Land Department of Nova Scotia.

I collect from your covering Despatch that you anticipate from the arrangements contemplated in this enactment, that there will be an immediate saving of £400 per annum, and an ultimate saving when certain Pensions fall in of about £800 per annum, at the same time that the Land Department will be better regulated.

With reference to these considerations I am desirous that this Act should speedily be brought into operation; but as it charges certain payments upon the Casual and Territorial Revenues of the Crown in Nova Scotia, Her Majesty cannot be advised to sanction it until she shall first, by assenting to a Civil List Act, have formally surrendered these Hereditary Revenues to the controul of the Legislature.

It is, however, obviously desirable not to delay the new arrangements, and if, as relating to the management of the Crown Lands, they can be introduced by you whilst acting under the Queen's authority, I am to instruct you that Her Majesty authorises you to give effect, provisionally, to these arrangements, and that she will allow the Act in Council as soon as the Crown Revenues have been legally surrendered to the Legislature.

I have the honour to be,

Sir,

Your most obedient,

Humble Servant,

(Signed)

GREY.

His Excellency SIR JOHN HARVEY, &c. &c. &c.

(COPY.)

No. 43.

Government House, Halifax, 21st July, 1848.

MY LORD—

I have the honor to acknowledge Your Lordship's Despatch of the 20th June, (No. 99,) and beg to inform Your Lordship, that, acting under the Authority and Instructions therein conveyed, I shall proceed at once to consolidate the Land Departments, to reduce the expence, and while, if possible, assuring to the Province the advantage of greater promptitude and efficiency, shall endeavour also to render this branch of the Public Service an additional source of strength to the Provincial Government.

I have, &c. &c. &c.

(Signed)

J. HARVEY.

The Right Honorable EARL GREY, &c. &c. &c.

APPENDIX No. 11.

(See Page 15.)

[COPY.]

No. 28.

Government-House, Halifax, April 18th, 1848.

MY LORD—

At the close of my Despatch (No. 2,) dated 10th February, I had the honor to write to Your Lordship: "I am gratified in being enabled to say, that I have no reason

reason to apprehend that there is any desire on the part of my advisers, to urge upon me at present the disturbance of the occupants of any other offices, *until the arrangements which are confessedly called for in the Financial and Territorial Departments of the Public Service in this Province shall have undergone the necessary consideration and revision*, after which it will probably become my duty to communicate further with Your Lordship on the subject, with a view to obtain your approbation and concurrence on their adoption."

This passage was written, not only in reference to the views and plans of the gentlemen then about to assume the responsibility of my Executive advisers, and which were freely explained to me at the time, but with a clear appreciation of the large discretion given me in that portion of Your Lordship's Despatch of the 31st March, in which you say, "I should feel no objections to somewhat increasing the number of political offices, (for instance by appointing a Financial Secretary, and a responsible Chief of the Department of Public Lands and Works,) should the expense of doing so, without injustice to those now in the public service, be found to be not more than the Colonial Revenue would conveniently bear."

The Act forwarded by this mail for consolidating the Crown Land Departments, provides for the arrangement of one branch of the public service, which it is evident engaged at the time that Despatch was written a share of Your Lordship's attention. The Act which I have now the honor to enclose, remodels the Financial Departments, and provides for a strict Audit and Inspection of Public Accounts.

A very few facts, and a single extract from a public document of the highest authority will convince Your Lordship of the imperative necessity which existed for some such measure. Your Lordship will hardly believe, that the Treasurer of the Province has been, for nearly half a century, Auditor of Public Accounts, when his own, it will be evident, were the most important accounts to audit. Less improbable will it appear that, under this system, extensive irregularities and defalcations existed in this Department, and remained undiscovered for so many years, as to form a most instructive commentary upon its liability to fraud.

The Committee of Public Accounts, selected from the business men of both branches of the Legislature, without reference to politics, thus referred, in 1844, to the loose and unsatisfactory way in which Public Accounts were examined and business conducted in this Province :

"The Committee in closing their report have to observe, that they find it altogether impracticable in the limited time allowed for the purpose, to give that close and satisfactory examination to the several Accounts and Papers submitted to them, that the public interest demands, and are fully of opinion that this duty can never be well and properly performed, unless some person of suitable qualification is appointed to inspect and audit all accounts and papers connected with or coming from the respective Departments of the Public Service, who could devote his time and attention to a minute and thorough investigation of all these several accounts and papers as they come to hand : Such an appointment, the Committee believe, would effect a saving probably far exceeding any expense it might involve—would facilitate the business of the Legislature when convened, and it is hoped, would exhibit a much more satisfactory state of the Public Accounts."

Acting in the spirit of Your Lordship's Despatch, and, in one case, adopting the name suggested by Your Lordship—the other being borrowed from the Canada Act, (in which Province the corresponding officer sits in Parliament and holds his place in the Cabinet upon public confidence,) the Bill transmitted provides for two distinct Departments, that of *Receiver General*, who is to receive and pay all the Public Funds, submitting his accounts to an independent officer for inspection, and discharging in virtue of his office, the duties of Chairman of the Board of Revenue, and other functions
analagous

analogous to those which the Chancellor of the Exchequer performs at home; and that of a *Financial Secretary*—to whose office the accounts for every pound of expenditure within the Province are to be forwarded, and who besides being held responsible for their accuracy to the Government, of which he must be a Member, will be useful in the Assembly to give a ready explanation on every question coming within the purview of his own peculiar Department.

Of this Act, I feel after the evidence which has been adduced, I can with confidence anticipate Your Lordship's approval; and in that case, I have to request that should Her Majesty be advised to give to it the Royal assent, I may be early apprised of the fact, that I may bring the new system into full operation with as little delay as possible.

During the passage of this Bill through the Lower House, Mr. Samuel P. Fairbanks, the Provincial Treasurer, presented a petition to that body, accompanied by copies of the correspondence which, with a Memorial to your Lordship, at his request, I now enclose.

A Protest against the measure was also entered upon the Journals of the Legislative Council, by the minority, after a vain endeavour to destroy it in that Branch.

The questions raised by these documents are two-fold: the impropriety of placing the Receiver General in the Government and in the Legislature, and the injustice to be done Mr. Fairbanks by the abolition of his office.

A few explanations will enable Your Lordship to perceive the true character of both these objections. I have *nine* members in my Executive Council, but *three* of whom yet hold offices of Emolument: To conduct the Government efficiently, I should be able to command the services of at least six or seven of these gentlemen, day by day, throughout the year. This can only be done by bestowing upon them such offices as naturally subdivide the business of the country, and for the maintenance of which the people are willing to tax themselves.

If under one Governor, the party having the majority, upon *ex parte* representations, can be permitted to extract pledges, by which their friends are to be permanently provided for, and every future Governor permanently obstructed, it follows as a matter of course, that Constitutional Government cannot be carried on.

The Liberal party in Nova Scotia, have ever held that under Lord John Russell's Despatch of 16th October, 1839, the right to have the "Treasurer or Receiver General" in the Cabinet and in the Legislature, acting as a responsible head of a Department, was fully conceded, in a manner so formal, and in such close analogy with British practice, that it became a fundamental part of their Constitution, and when Mr. Fairbanks was appointed in 1845, (his friends having a temporary ascendancy) in open violation of that right, they deeply resented the attempt to change the tenure of "Public confidence" into a tenure for life; and in the Legislature, the Press, and in every public mode, they declared their determination to restore the office to its legitimate position the moment they attained to power. As little would the people of Nova Scotia respect (and Your Lordship would not estimate their intelligence very highly if they did) a similar attempt on my part, to fasten permanently one of my present advisers in the offices of Secretary or Attorney General, in violation not only of Lord John Russell's Despatch already referred to, but of that which Your Lordship did me the honor to address to me, and through me to the people of this Province, on the 31st March.

The objection urged that the public funds would be endangered by the Receiver-General being in the Government and the Legislature, requires us to believe that a man who is liable at any moment to be called on to resign his office and leave his chest and accounts in the hands of a vigilant political opponent, will be no less accurate than he who may hold undisturbed his position for half a century. This assumption

tion is negated by all Colonial experience. The Receiver-General of Lower Canada under the old system, suspected for years, ultimately became a defaulter to a vast amount—he was a permanent officer—not a *Responsible head of a Department*.

The Treasurer of this Province, whose irregularities were exposed in 1845, just previous to Mr. Fairbanks' appointment, was a permanent officer, and *not a Responsible head of a Department*.

I shall regret very sincerely, if any disappointment is experienced by Mr. Fairbanks, who is a very respectable man, and a very correct officer, but I humbly conceive that to impress the Colonists with a belief that those important Despatches on which they fondly believe their right to Constitutional Government is founded, can be frittered away by any Governor, or by any party, for no National or Provincial object, but to provide for a single individual would have, at the present moment, a most injurious effect.

I have, &c.

(Signed)

J. HARVEY.

The Right Honorable EARL GREY, &c. &c. &c.

To the Right Honorable Earl Grey, Secretary of State for the Colonies.

The Memorial of Samuel Prescott Fairbanks, Treasurer of the Province of Nova-Scotia.

RESPECTFULLY SHEWETH—

That during the recent Session of the Provincial Legislature, an Act has passed for the professed object of creating two Parliamentary Offices—one of them, that of Financial Secretary, is new—but the other, that of Receiver General, has no duties attached to it that are not now performed by Memorialist as Provincial Treasurer. The Act in this respect only changes the name of the office; its effect, however, is to displace Memorialist from office, and to withdraw his only means of support for a large family, without any retiring allowance.

In Your Lordship's Despatch of 31st March, 1847, you declare, "that when individuals have engaged in the public service under a belief sanctioned by custom, that they obtained a tenure of their offices during good behaviour, it would be most unjust to change that tenure to one of dependance on a Parliamentary majority without ensuring them a provision that would make up for the loss of official income"—but Memorialist submits that his case is stronger than those over which Your Lordship casts the protection of British precedent and practice.

Before Memorialist's appointment was made or thought of, the Imperial Government, at the suggestion of the Lieutenant-Governor, had, after deliberation and on principles of public policy, declared the Treasurer's Office to be non-political, the acceptance of it imposing on the incumbent the necessity of retiring from the Legislature. Your Lordship is respectfully referred to the following extract from a Despatch of Lord Stanley, dated 2d August, 1845: "It may be possible that circumstances may prevent you from making your selection except from one or other of the two Branches of the Legislature; but in such case Your Lordship will require from the proposed incumbent a pledge that, on resigning his seat, he should not again enter either House, unless with the express sanction of Her Majesty's Government. Your Lordship will consider this instruction as conclusive on the subject."

The office was offered to Memorialist without solicitation on his behalf, and on the condition

condition imposed by Lord Stanley. Standing nearly at the head of the Bar of Nova-Scotia by seniority, after a practice of thirty years, and holding the office of Queen's Counsel and a seat in the Legislature, Memorialist naturally looked for preferment in the channel of his Profession; and therefore, when it pleased Her Majesty's Representative to entertain an opinion that his services would be useful to the Public in another sphere, it became a matter of prudence to enquire as to the tenure on which the office was to be held, as of the first importance in influencing Memorialist's determination as to its acceptance.

Your Lordship's attention is particularly requested to the terms of the first communication addressed by Lord Falkland to Memorialist with respect to the appointment, also to that of Her Majesty's then Attorney General, at that time the leading Member of the Administration, copies of which are transmitted herewith, and both affording unequivocal evidence of the unsolicited tender of the office. These Letters, with the subsequent correspondence, which is also annexed, will satisfy Your Lordship not only of the above fact, but also that the clearest assurance was conveyed that the office was not to be considered political or subject to the fluctuation of political parties.

Your Lordship's attention is further invited to the Despatch of Lord Falkland to Lord Stanley, dated 18th November, 1845, informing him of the appointment of Memorialist, (provisionally,) and enclosing him a copy of all the correspondence, and also to the reply of Lord Stanley's Successor, the Right Honorable W. E. Gladstone, acknowledging the receipt of this Despatch, and enclosing Her Majesty's Warrant, under her Royal Sign Manual, to perfect the appointment, thus affording the strongest evidence that it was made deliberately and upon full consideration of all the circumstances.

Memorialist has the satisfaction to reflect that the attempt to displace him has not originated in any charge of incapacity or neglect of duty. He has endeavoured faithfully and honorably to acquit himself to the Public, and certainly never supposed that whilst he fulfilled the obligations which the confidence of his Sovereign through Her Representative had imposed upon him, he could be deprived of his office by an Act of the Legislature, without any regard to the sacrifices he had made, or to the injury which must result to his private interests.

But that Your Lordship may fully understand the grounds upon which the Members of the Provincial Government rest their justification, for thus disposing of the office and disregarding what must be considered only a Measure of Justice, Memorialist begs to state, that having accidentally learned that such a Bill had been determined upon at the Council Board and was about to be brought before the Legislature, he immediately waited on His Excellency Sir John Harvey and submitted to him all the documents to which reference has been made, and subsequently with his knowledge and approbation addressed both Branches of the Legislature by petition. That in the discussion which followed, it was urged that in the year 1839 Memorialist held a seat in the Legislature, when the Despatch of Lord John Russel determined the tenure upon which the Treasurer's office was thereafter to be held, and that Memorialist was aware that there existed a party at that time who would carry out the principle of Departmental Government, embracing the offices of Treasurer and Excise whenever they had the power—and consequently in accepting the office Memorialist must have known its insecurity. It would be unprofitable as well as uninteresting to Your Lordship to revert to the past, or to enumerate the variety of undefined opinions which at different periods have prevailed among public men in Nova Scotia, upon subjects of this nature, or to allude to the various interpretations which were put on this and other despatches: but long subsequent to that despatch the management of the Public Treasury having been brought to the notice of Government, the tenure upon which it was to be held was deliberately and advisedly established. To Her Majesty's Principal Secretary of State for the Colonies and to Her Representative administering the Government in
Nova-Scotia,

Nova Scotia, Memorialist apprehends, belonged the right of adopting such arrangements as would best promote the public interests—and it was not for Memorialist to question the wisdom of the conclusions—or to doubt that acting in the name of Her Majesty, they had the authority to make the appointment upon such terms as they pleased. Your Lordship will learn from the despatch of Lord Falkland, dated 17th May, 1845, the circumstances which led to their decision upon this matter.

Memorialist abstains from offering any observations upon the policy of making the Receiver of public monies a political officer—it is due, however, to himself to transmit to Your Lordship, copies of an amendment proposed by Mr. Johnston, late Attorney General, in the Lower House, and of the protest of the minority in the Legislative Council, amounting to within one of an equal division, showing the opinions which prevail in both these Bodies as regards the provisions and character of the Bill.

It is no small consolation to Memorialist to reflect, that by the suspending clause, the consideration of the subject is withdrawn from the influence of those party feelings which have unhappily disturbed this Colony for so many years, and referred for Your Lordship's decision. The spirit which animates Your Lordship's Despatches in reference to recent changes, affords the strongest encouragement, that that decision will be directed by impartiality and a sense of justice.

In conclusion, Memorialist trusts he may be excused from adding that he has now attained that period of life at which it is difficult to resume his former business.—Memorialist is fifty-three years of age—for ten years during the most valuable portion of his life, he served as the Representative of a large and respectable constituency, in the Provincial Assembly, their confidence was continued to him until his appointment, and he was required to resign his seat. At that time also Memorialist enjoyed a good practice in the legal profession—this also was abandoned—neither position nor practice can now be regained. Your Lordship will thus perceive how deeply important to Memorialist's future welfare, is the decision to which Your Lordship may arrive.

May it please Your Lordship to give the foregoing a favorable consideration, and to advise such a course to Her Majesty as will be in accordance with the equitable principles of Her Government, and manifest a beneficent regard to the situation and claims of one of Her Majesty's faithful subjects, either by requiring an adequate retiring allowance, or that the provisions of the Bill should not apply to the present incumbent.

And Memorialist, as in duty bound, will ever pray, &c.

SAMUEL P. FAIRBANKS.

Halifax, 18th April, 1848.

Copy of Lord Falkland's Letter to Mr. Fairbanks, tendering him the Office of Treasurer.

Private and Confidential.

Government House, Halifax, October 31st, 1845.

MY DEAR SIR—

You are aware that the office of Provincial Treasurer has been for some time vacant. You are probably also apprised that this appointment is to be held in future by a Gentlemen totally unconnected with the Legislature.

Should it comport with your views to resign your seat in the Assembly; and with your interest to abandon your professional prospects in Liverpool, to assume the duties

and

and responsibilities of a Government office in Halifax, it will give me very great gratification to nominate you to the post become vacant by the dismissal of Mr. Wallace.

I am,

My dear Sir,

Your's very faithfully,

FALKLAND.

S. P. FAIRBANKS, Esq., M. P. P.

Mr. Fairbanks' Reply to Lord Falkland.

Halifax, 13th November, 1845.

MY LORD—

I have the honor to acknowledge with very grateful sentiments, the receipt of Your Lordship's kind communication of the 31st ult., tendering to my acceptance the office of Treasurer lately become vacant by the removal of Mr. Wallace.

If I hesitate in giving to your Lordship an immediate and decided answer, I trust Your Lordship will ascribe it to a very natural anxiety on my part to ascertain the precise terms upon which I should enter upon the duties of that office, both as regards my future connection with the Legislature and its permanent tenure, since, if I leave my profession and present place of residence, Liverpool, I must expect to place my reliance for the future support of my family, principally upon the emoluments of the office.

May I therefore respectfully enquire of Your Lordship, whether I am to consider that part of Your Lordship's letter which refers to the office as being hereafter unconnected with politics, as conveying the views of Her Majesty's Government upon that point.

I am fully sensible that this appointment must be held on the same terms upon which Colonial appointments, such as the Judges and other Officers, are made—that is to say, during Her Majesty's pleasure, but the deep importance of the question to me, induces me to ascertain whether I may view the contemplated appointment of Provincial Treasurer as one removed from the chances of political fluctuations and change of parties, and therefore practically depending on good conduct for its permanency.

I have the honor to be,

Your Lordship's

Faithful and obedient Servant,

SAMUEL P. FAIRBANKS.

To the Right Honorable Viscount FALKLAND.

Answer of Lord Falkland.

Government House, Halifax, Nov. 14, 1845.

SIR—

In reply to your letter of yesterday's date requesting to be informed whether that part of my letter to you of the 31st ult., in which I refer to the office of Treasurer

as being one, "the holder of which must be hereafter unconnected with politics, is to be considered as conveying the views of Her Majesty's Government on the subject"—and likewise, "whether should you sacrifice your professional prospects and remove your family to Halifax, in order to accept the appointment, you may regard it, as one removed from the chance of political fluctuations and change of parties, and therefore practically dependant on good conduct for its permanency."

I have to acquaint you that I have received express instructions from Lord Stanley, to make the secession from political life of any gentleman whom I may appoint as Treasurer, an indispensable stipulation to his taking the office, and I therefore consider that the appointment will be from henceforward as it has been heretofore, totally independent of political fluctuations, and that although you will hold it by the same tenure as that by which all other Colonial offices are held, viz:—Her Majesty's pleasure—it is not to be supposed that after the sacrifices you will have made for the purpose of devoting yourself to its duties, any cause short of what would occasion the dismissal of any other individual holding an office, *not looked on as political*, can operate to your removal.

I am Sir,

Your obedient Servant,

FALKLAND.

S. P. Fairbanks, Esq.

Mr. Fairbanks' Letter to Sir Rupert D. George, Provincial Secretary, accepting the appointment.

Halifax, 14th November, 1845.

SIR—

His Excellency the Lieutenant Governor having very kindly afforded me such explanations with reference to the tenure of the office of Provincial Treasurer, as have entirely removed from my mind every degree of uncertainty on that point, I now beg leave to state, for His Excellency's information, that I accept the office, and shall endeavour, by a faithful discharge of its duties, to merit the confidence which the Government have been pleased to repose in me.

I have the honor, &c.

S. P. FAIRBANKS.

Sir Rupert D. George, Bart.

Despatch of Lord Falkland, communicating the appointment of Mr. Fairbanks.

No. 352.

Government House, Halifax, 15th Nov. 1845.

MY LORD—

I am happy to have it in my power to acquaint you that after having exercised the most careful discrimination in the selection of a successor to Mr. Charles Wentworth

Wentworth Wallace, I have appointed (provisionally) to that office, Mr. Samuel P. Fairbanks, at present one of the Representatives of Queen's County in the Provincial Parliament, and a practising Barrister of reputation at the Bar of Nova Scotia, on whom I had lately conferred the office of Queen's Counsel.

In obedience to Your Lordship's Instructions, contained in your Despatch No. 242, dated 2nd August, Mr. Fairbanks relinquishes his seat in Parliament, and, as a matter of course, quits the legal profession; and I herewith transmit a copy of the correspondence which took place on my offering him the post of Treasurer.

Should Her Majesty think proper to confirm Mr. Fairbanks' appointment, I would request that the Warrant under the Sign Manual, requiring that a Commission to Mr. Fairbanks, as Treasurer, may be issued under the Great Seal of the Province, may be sent as soon as possible, and I shall consider myself peculiarly fortunate in having secured the services of that gentleman to the public, as he is in every way qualified, both by business habits and a thorough knowledge of accounts, to discharge the duties of the office; and his high character for unimpeachable integrity will insure the confidence of the community.

I have, &c.

FALKLAND.

LORD STANLEY.

Answer to the foregoing Despatch.

Downing Street, 31st Decr. 1845.

MY LORD—

I have received Your Lordship's Despatch, No. 352, of the 15th ultimo, reporting the arrangements you have made for filling up the office of Treasurer of the Province of Nova Scotia.

I have to acquaint you in answer that I have submitted the name of Mr. Samuel P. Fairbanks, to the Queen, and that Her Majesty has been graciously pleased to approve his appointment to the above mentioned situation.

I accordingly enclose herewith a Warrant under the Royal Sign Manual authorizing your Lordship to carry this appointment into effect, and I have to instruct you to obtain from Mr. Fairbanks, and remit to Mr. Smith, the Chief Clerk of my office, the sum of £11 5s. 6d., being the amount of fees and stamp duty chargeable on instruments of this nature.

I have, &c. &c.

W. E. GLADSTONE.

The Right Honorable VISCOUNT FALKLAND.

Copy of Letter from Her Majesty's Attorney General accompanying the Letter of Lord Falkland.

Halifax, 31st October, 1845.

MY DEAR FAIRBANKS—

Lord Falkland writes you by this mail to say that your acceptance of the Treasury in Halifax, vacant on Mr. Wallace's removal, and held temporarily by Mr. Fraser, will afford him pleasure.

I know there are few things of this nature that would afford his Lordship more pleasure than he feels in making you this offer.

He requests me to say to you that he considers the appointment, under the Despatch of Lord Stanley, and the circumstances of the case as in effect, an appointment for life, or good behaviour, which is the same thing, and not in the least exposed to political fluctuations. He would have mentioned this in his own note, but forgot it. I need not say to you that every member at the Council Board rejoices at anything that offers you gratification or advantage—a feeling in which I deeply participate, much as I shall regret your absence from the Assembly, should you deem it for your interest to accept the office.

Believe me, &c. &c.

J. W. JOHNSTON.

Whereas the policy of introducing into the Executive Council and Legislature, the Treasurer of the Province, or any other officer whose duties impose upon him the constant and personal receipt and payment of the Provincial Revenue, is unsound and injurious to the public interest. That so long as the receivers of the Revenue are non-political officers they are subject to the strictest supervision by the Provincial Government and Legislature, without any inducement on the part of either to screen them from enquiry on any suspicion of neglect or malversation; while on the contrary, if converted into parliamentary officers, adding their weight to the continuance in power of their party, they become possessors of an influence at the Council Board and in the Legislature unfavorable to a faithful and vigilant scrutiny into their official conduct, and thus this Bill, while it affects to add securities for the faithful administration of the Revenue, does necessarily defeat its proposed object by making the officer therein called Receiver General a Parliamentary Officer.

And whereas, it is unsound policy to place the Revenues of the Country in the hands of an officer whose continuance in office and the subsistence of his family depend on the result of elections every four years at least, with little or no supervision, than that of colleagues embarked in the same cause, having the same political interests and dependent on the same political contingencies and fluctuations.

And whereas such policy is unnecessary for carrying out the administration of affairs by Heads of Departments, because already the Provincial Secretary and the Attorney and Solicitor Generals hold their offices on a political tenure, and the intention of the Government is announced to add thereto a Financial Secretary and Commissioner of Crown Lands, and the undue increase of this official power in the Government, by the introduction also of the Receiver General into the Council, has a tendency injurious to the just independence of the Legislature and the welfare of the Country.

And whereas the Secretary of State for the Colonies, commanded the late Lieutenant Governor in filling the late vacancy in the Treasurer's office, to impose as a condition of office that the incumbent should withdraw from the Legislature; and the present Treasurer having been appointed under that Despatch, and having in obedience to its command, conveyed to him by the Lieutenant-Governor, withdrawn from political life, as the condition of his appointment, his non-political tenure of office was established, under the authority of the Crown, in the constitutional manner, that is to say, through the Secretary for the Colonies and the Lieutenant-Governor of the Province.

And whereas the Receiver General under this Bill, is but a new name for the Treasurer, the functions of the officer regarding the receipt and payment of the Provincial Revenues being unchanged.

Resolved

Resolved therefore, that this Bill be amended, by striking out the whole thereof that applies to the abolishing of the office of Treasurer, and the appointment of a Receiver General, with such alterations in the Bill as may be necessary to carry out this amendment.

Copy of Protest against the passing of a Bill entitled "an Act to provide for a more accurate Audit and Inspection of Public Accounts in this Province, and for the appointment of certain Officers therein," extracted from the Journals of the Legislative Council of 7th April, 1848.

Dissentient—

First.—Because the officer who is to receive and pay the public money and be responsible to the Legislature, whether he be called Treasurer or Receiver General, ought not to be a member of that Legislature, or in the possession of a political office.

Second.—Because the present Treasurer will receive great injustice and injury from the effect of this Bill; he was, as appears from Despatches and other Documents submitted to this House, selected for the office on account of his eminent qualifications for it, and the offer of it was made to him without solicitation on his part, and fearing that questions might be raised as to the propriety of making the office political, he respectfully enquired, previously to accepting it, whether the office was to be permanent, and was told upon authority from the Secretary of State for the Colonies, that it was to be so considered; upon this authority he separated himself from a respectable constituency whom he had represented for ten years, he abandoned a profitable legal practice, which has passed into other hands—he sold his property at much loss that he might remove to Halifax, with his large family, and now without any fault or deficiency, he is to be cast upon the world, because he has confided in the faith of the Representative of Her Majesty, supported by Her Majesty's Secretary of State for the Colonies.

(Signed.)

JOHN NOVA SCOTIA,
JOHN MORTON,
A. KEITH,
M. B. ALMON,
W. A. BLACK,
H. G. PINEO,
JAMES D. HARRIS,
JOHN E. FAIRBANKS,
DAVID CRICHTON.

A true Extract.

(Signed)

JOHN C. HALLIBURTON,
C. L. C.

Halifax, N. S., 15th April, 1848.

COPY.

No. 101.

Downing Street, 2d June, 1848.

SIR—

I have received your Despatch, No, 28, of the 18th April last, transmitting for the Queen's confirmation, an Act to provide for the more accurate Audit and Inspection of the Public Accounts in Nova Scotia, and for the appointment of certain

Public Officers. The present Financial system, under which the Treasurer of the Province has to audit his own accounts, is obviously defective, and may have facilitated the extreme irregularities and defalcations to which you have alluded. You do not, however state, neither do I understand you to wish it to be implied, that any irregularities have occurred since the appointment of Mr. Fairbanks, the present Treasurer—I am glad to perceive, on the contrary, that you describe him to be “a respectable man, and a very correct officer,” and the more so, because your favorable opinion of Mr. Fairbanks confirms an impression to the same effect, which the records of this office would justify me in entertaining, and prevents the anxiety which I might otherwise experience at any delay in putting an end to the present Financial System.

2. Anxious as I am to assist in carrying into effect that altered system of financial administration, which your responsible advisers, and the majority supporting them in the Legislature, may consider to be most conducive to the public interests, it is my duty, when I conceive Legislation taking a course which, as I conceive, will prove extremely prejudicial to the public interests of the Province, to point out with a view to a further and more deliberate consideration of the subject, the objections to which the measure now submitted to me for Her Majesty’s decision, appears to be justly liable.

3. The Act, if allowed, would create two distinct Departments—one, that of a Receiver General, who is to receive and pay all the public funds, submitting his accounts to an independent officer for inspection ; and the other, that of a Financial Secretary, to whose office all accounts for every item of expenditure are to be forwarded, and who is to be responsible for their accuracy to the Executive Council and to the Assembly, of which bodies both these officers are to be members.

You quote a passage from a Despatch of mine, dated 31st of March, 1847, for the purpose of shewing, as I understand, that I authorized such an arrangement as is above described. But if you closely examine the passage, you will perceive that I did not contemplate having in the Executive Council and Assembly more than one officer of Finance, and I entertain a very decided opinion that the two officers in whose hands the present Act leaves the very important duties of controlling the expenditure of the Province, should not both hold their places by a political tenure

5. In this country the Comptroller of the Exchequer, who in fact is chiefly responsible for the due application of the public money to the purposes sanctioned by the Legislature, is not merely exempt by practice from removal by the occurrence of changes of Administration, but is made by Law to hold his office during good behaviour and he can only be displaced, like a Judge, on a joint Address from both Houses of Parliament. Without thinking it necessary to go so far as to secure by a similar Law, the independence of the analagous office of Receiver General in Nova-Scotia, it appears to me that the footing on which it ought to be placed, is that of giving to the holder that practical security for its permanence, which under the recent arrangements will be enjoyed by those of the public servants in the Province who are not to be members of the Executive Council.

6. The arrangement would then be, that the Financial Secretary would direct all payments to be made for the public service and would be the organ of the Administration in all matters of finance, performing duties analogous to those which in this country devolve upon the Board of Treasury, and the Chancellor of the Exchequer, as a Member of that Board, while the Receiver General will be a Ministerial Officer, holding his office, practically during good behaviour, with duties answering to those which are imposed upon the Comptroller of the Exchequer ; I should hope that upon further consideration the Legislature will concur with me in thinking that, to this extent the precedent afforded by the arrangements in force in this Country should be thus followed.

7. Another circumstance to which I think it right to draw your attention, has also had

had some influence in leading me to the conclusion that it would not be proper to advise Her Majesty to confirm the present Act. I allude to the hardship that would be inflicted upon Mr. Fairbanks, if he were deprived of his office of Provincial Treasurer without adequate compensation or provision. In the same Despatch of 31st March, 1847, which you have quoted as an authority for sanctioning the proposed arrangement, I stated my opinion that "where individuals have engaged in the public service, under a belief sanctioned by custom, that they obtained a tenure of their offices during good behaviour, it would be most unjust to change that tenure to one of dependance on a Parliamentary majority, without securing them a provision that would make up for the loss of official income." I also added,—“I think it would be proper to recognise as an invariable rule, that no person should, without such a provision, be deprived of an office (except upon the ground of unfitness or misconduct), unless he had accepted it on the distinct understanding that it was to be held virtually as well as nominally during pleasure. I entertain a strong conviction that the adoption of such a rule will be found conducive, not only to the interests of the holders of the offices, but also to those of the public, and to a true economy of the public money.”

8. Now it is not alledged that there is any reason for removing Mr. Fairbanks on the ground of his unfitness or misconduct, and the sole reason that I can discover for his exclusion from office, would be that he is not a member of your own Government, or of the House of Assembly. With reference therefore to the general views already communicated to you, I consider this reason to be unsatisfactory and to be founded upon an erroneous conception of the best course to be adopted, to ensure fidelity and efficiency on the part of Officers taking any part in the management of public finances.

9. You are doubtless familiar with the circumstances connected with Mr. Fairbanks' acceptance of the Provincial Treasurership, but nevertheless it is due to him to repeat them. The office of Treasurer being vacant, Lord Falkland offered it to Mr. Fairbanks, and in making the offer by Letter, His Lordship gave the following explanation respecting the terms on which the office would be held. "You are probably also apprized that this appointment is to be held in future by a gentlemen totally unconnected with the Legislature." Aware in all probability of the correspondence with the Home Government about changing the form of Government, he was not satisfied with the explanation, and hesitated to accept the office. But in answer to Mr. Fairbanks' enquiry of Lord Falkland, whether His Lordship conveyed the views of Her Majesty's Government as well as his own, it was expressly stated to Mr. Fairbanks that the office would be unconnected with politics, that Lord Stanley had instructed Lord Falkland to make the secession from political life of any officer whom he might appoint Treasurer, an indispensable stipulation to his taking office, and that Mr. Fairbanks might consider that he would hold it totally independent of political fluctuations.

10. Under these circumstances Mr. Fairbanks resigned his seat, and accepted the office; I consider that he has now a strong claim to be maintained in his present position. I have therefore to require that you will invite the attention of the Assembly to the passages above quoted from my former Despatch, and that you will impress upon the Members of your own Government, as well as on the Assembly, the necessity of adequately providing for Mr. Fairbanks, either with another office, if the present one be abolished, or by granting him compensation.

I have, &c. &c.

(Signed)

GREY.

Lient. Governor, Lient. General SIR JOHN HARVEY, K. C. B., &c. &c. &c.

(COPY.)

No. 42.

Government House, Halifax, July 21, 1848.

MY LORD—

I have the honor to acknowledge the receipt of Your Lordship's Despatch of the 23rd of June (No. 101). This Despatch having been laid before the Members of the Executive Council, has appeared to them to call for some explanatory statements, which are embodied in the Document herewith enclosed. Should Your Lordship adopt the suggestions thrown out in this paper, and desire personal explanations on any point not sufficiently illustrated, you will please notify me at as early a moment as may suit Your Lordship's convenience.

I have, &c. &c. &c.

(Signed)

J. HARVEY.

The Right Honorable EARL GREY, &c. &c. &c.

[COPY.]

MAY IT PLEASE YOUR EXCELLENCY.

1. The unexpected rejection by the Colonial Secretary, of the Departmental Bill, places us in a position of so much embarrassment, and leads us to anticipate so many serious difficulties, in discharging with satisfaction to Your Excellency, and credit to ourselves, the functions we have assumed, that we regard it as our first duty to remind Your Excellency of the terms upon which we accepted office, and of the obligations which we conceive ourselves to be under to the majority in the Legislature, whose confidence we enjoy.

2. The inherent vice of old Colonial Governments, was the absence of adequate control, by the majority of the Constituency over the Departments by which the whole Executive machinery was moved; a minority, sustained by the Imperial authorities, often in spite of vainly struggling and discontented majorities; still more frequently without that harmonious mutual co-operation, wanting which there can neither be vigor in the Government, nor widely diffused contentment among the body of the people. Lord Durham's Report exposed this fatal defect in our old modes of Administration; and from the period of its publication, whatever crude opinions might have been previously entertained, opposing parties rallied to secure or to resist the introduction of improvements by which the anomalies of the old system would be swept away, and self-government, by the constitutional modes recognised by all parties in England, would be established in their stead.

3. For ten years the people of Nova-Scotia—variously tried, and often disappointed—have laboured to place the Executive Departments of their Country in the hands of those who, from time to time, possessed, in their judgment, the requisite qualifications to successfully conduct the administration of public affairs. Their right to exercise these powers, clearly indicated in Lord Durham's Report, was expanded in Lord John Russell's Despatch of October, 1839, since the publication of which, in these Provinces, the fair claims of Officers appointed previous to its promulgation, have formed the only acknowledged barrier to the full enjoyment of the high privileges, which, formally conceded by that Despatch, could never afterwards, but for some gross forfeiture of confidence or allegiance, be constitutionally withdrawn.

4. The rights of every officer appointed previous to that period have been honorably respected, but no officer appointed since, except to Judicial situations, has been regarded as holding his place by any other tenure than that proclaimed in the Despatch ; and any attempt by a Nova-Scotian, for his own personal advantage, to narrow the common rights of his countrymen, and to withdraw any of those offices from the constitutional control of the Assembly, has been warmly disapproved, and the attempt itself regarded as establishing anything but a claim to reimbursement out of the public funds. In this position Mr. Fairbanks deliberately placed himself in 1845, and, after years spent as a public man in vain resistance to the introduction of the new system as a whole, he set the example of shewing how easily it might be violated, by any party having a temporary ascendancy, giving pledges to those they appointed to office that the tenure should be for life.

5. If the office of Treasurer be withdrawn, what security have the people for permanent control over any other? Should Mr. Fairbanks succeed and reap the reward of an attempt upon our Constitution, which his countrymen deeply resent, others may find it convenient to imitate his example, and there may not be wanting, in the fluctuations and changes of parties, persons high in authority to aid them.

6. Giving to Earl Grey's comparison of the duties of a Colonial Treasurer with those discharged by the Controller of the Exchequer in England, all the weight to which any suggestion from His Lordship is so eminently entitled, we cannot but regard it as unfortunate, that the analogy was not perceived in 1840, and that the Receiver General in Canada, whose duties are precisely the same as those discharged by Mr. Fairbanks, has been ever since, and is now a Responsible Head of a Department, liable there to removal with every change of Administration.

7. Having thus explained, with clearness and decision, the general views entertained on this subject, we now proceed to consider its bearing upon our own positions, claims, and obligations. When Mr. Uniacke was called upon by Your Excellency to aid in forming an Administration which would be supported by a majority in the Legislature, he expressly stipulated for the vacation of the two Crown offices, the Secretaryship, the chief offices in the Treasury, Revenue, and Land Departments, and the office of Queen's Printer, in all but seven, but all alike essential to the framework of that new system of Executive Responsibility which we had been authorised to introduce.—Yielding to Your Excellency's desire, an Administration was finally arranged, including but three of these offices, it being perfectly understood, that the others were to be assumed by persons enjoying the confidence of a majority of the Assembly, so soon as measures necessary to secure consolidation and accountability, could be carried through the two Houses. As these were matters purely of internal regulation, touching our own Officers and our own funds, we could not conceive, after all that had passed in North America, with the example of Canada, under four Governors General before us, and with Lord Durham's Report and the Despatches of Lord John Russel and Earl Grey, in our hands, that we were to be further embarrassed with the vested rights of individuals, whose only claims to consideration arose out of opposition to the views of those distinguished Statesmen, and to the very system we assumed office to establish.

8. So little did we apprehend difficulty in adjusting these details, so perfect was the mutual understanding in reference to them, that no secret was made of the policy to be pursued, and a suspending clause was only attached to the Departmental Bill, at Your Excellency's request on its final reading in the Upper House. In the full assurance only of the entire command of the departments deemed essential, could we have made the declaration, or justified it when made, that we should resist any desire for "sweeping changes of subordinate functionaries." Your Excellency knows, with how little satisfaction that declaration was received by many who were accustomed to see all the higher offices in the Government and Household change occupants on a change of administration

ministration in England, and who, in the neighboring Republic observe thousands retiring into private life unprovided and unheeded, every four years.

9. We may over-estimate the moderation displayed by a party, having established a complete political ascendancy, after a contest of ten years, but if Earl Grey was aware of the sacrifices we have made, to guard from inconveniences and loss, all whose removal was not indispensable to the security of the administration, and the efficiency of the public service, he would scarcely desire that, after thus resisting the pressure of our friends, for the protection of our opponents, we should be left for the remainder of the year with no effectual controul over the Land, Finance and Revenue Departments, wanting which, by any party, there can be no efficient or satisfactory administration of affairs.

10. His Lordship will scarcely believe, that when in conformity to law, and the practice of the Mother Country, members of the Government, who had accepted office, ascended the hustings in March last, they had to encounter the active or concealed hostility of many persons holding official employment, and that at least one Head of a Department actually voted against the return of the Attorney General and Provincial Secretary. This sort of internal conflict Earl Grey will at once perceive is incompatible with the improved principles of Colonial Government, and must render any administration that permits it very weak and inefficient. His Lordship will find in the Blue Book, the names of 161 officers employed in the Civil Service of this Province. After conducting the administration for months but four removals have been pressed, but two or three others are required. We have asked for no office, that is not or has not been made by the peculiar circumstances which have occurred here, political. We desire none, that we are not prepared to surrender to our opponents, whenever we cease to enjoy the confidence of Your Excellency, and the support of Parliament.

11. The best proofs that we have limited our claims to the smallest number of offices by the aid of which, it could ever have been supposed, that Responsible Government could be carried on, are to be found in the facts that, at this moment, the Secretary is the only officer friendly to the Administration in the Province Building—within which the chief business of the country is daily transacted : and that that officer, rather than displace gentlemen having families to support, has retained, in his own department, where the strictest confidence would seem to be essential, all the persons he found there in the hope that they may be provided for, before Your Excellency is asked to sanction other appointments.

12. This state of things cannot continue. We do not believe that Earl Grey, who with these explanations will clearly comprehend it, will for a moment desire that it should. If such should be his determination—if no Civil List Bill be acceptable but one which no party in the Colony can carry, if the Land Bill is to be again deferred, and the organization of our Revenue and Financial Departments, and the inspection of our Accounts to be postponed, till Pensions are provided which the Legislature dare not vote, we do not disguise from Your Excellency that we see before Nova Scotia all the perplexities and difficulties of the past, aggravated by intense disappointment.

13. Knowing the activity which those who have ever resisted the introduction of Constitutional Government into this Province have displayed, to create erroneous impressions at the Colonial Office, and by no means undervaluing their resources or the skill of the agents they employ, our first and obvious duty to his Lordship the Secretary of State, to Your Excellency and to the Legislature, is to vindicate as we trust we have done, in the Minutes to be transmitted by this mail, the moderation of our views and the general policy and justice of the measures passed in the recent Session.

Should Earl Grey desire further information, we are content that one or two Members of Council should proceed to England, to furnish his Lordship with any explanation that may be required, and to adjust details which cannot perhaps be so easily arranged

ranged by correspondence. It is our duty to make very rational effort to bring into practical operation the views, which we believe, on both sides of the Atlantic are entertained in sincerity and good faith ; to do this we will make any sacrifice, and exhaust every honorable resource. Having done so, if the Country is thrown again into confusion, or left with an Administration powerless for good, the fault will not be ours.

(Signed)

JAMES B. UNIACKE,
MICHL. TOBIN,
HUGH BELL,
JAMES McNAB,
GEO. R. YOUNG,
JOSEPH HOWE.

*Mr. Huntington and
Mr. DesBarres, absent ;
Mr. Doyle, sick.* }

Halifax, July 21, 1848.

[COPY.]

No. 50.

Government House, Halifax, 18th August, 1848.

MY LORD—

I have the honor to acknowledge the receipt of Your Lordship's Despatch, of the 4th of August (No. 113), in which Your Lordship leaves to me a discretionary power in reference to the proposed Delegation. I have, since the receipt of this Despatch, naturally considered the policy and propriety of this measure, and have, by the advice of my Council, determined to postpone for the present, availing myself of the privilege accorded. In the very confident hope that the explanations and arguments already forwarded, and the receipt of which is acknowledged by Your Lordship, may remove the difficulties and smooth the way to a final adjustment of the important questions involved, I shall patiently wait for Your Lordship's judgment on the points presented in these papers, respectfully suggesting that should a Delegation appear to be desirable, after I am honoured with further communications from Your Lordship, it may still be resorted to at any time prior to the meeting of the next Session of the Legislature.

I have, &c.

(Signed)

J. HARVEY.

The Right Honorable EARL GREY, &c. &c. &c.

[COPY.]

No. 58.

Government House, Halifax, Nov. 2, 1845.

MY LORD—

Though participating for various reasons in the deep interest felt by Members of my Council in the final decision of Your Lordship on the important Bills for arranging the Civil List and Public Departments of this Province, I have not deemed it proper, since my Despatch of the 18th August was forwarded, to press the topics they include upon Your Lordship, knowing how various and important are the claims upon your attention.

The

The enclosed letter addressed to Your Lordship by the Provincial Treasurer, it of course, becomes my duty to submit, and in doing so, I may be permitted to hope that, in considering the prayer of it, Your Lordship will also carefully weigh the views and arguments presented in the Minute of Council transmitted with my Despatch of the 21st July, No. 42.

I have, &c. &c.

(Signed)

J. HARVEY.

The Right Honourable EARL GREY, &c. &c. &c.

[COPY.]

Treasurer's Office, 2nd November, 1848.

MAY IT PLEASE YOUR EXCELLENCY :

The enclosed letter addressed to the Right Honorable the Secretary of State for the Colonies which is open for Your Excellency's persual, is the result of that continued state of anxiety, which is imposed upon me by the uncertainty of my present official position, which I was greatly in hopes it would have been in Your Excellency's power to remove without a direct appeal to the Colonial Office.

Your Excellency gave me some encouragement to hope that this would be the case, but as many weeks have elapsed since the probable period named by Your Excellency for that purpose, I have concluded that Your Excellency is not yet in that position which would justify a communication to me of what has passed in correspondence with Earl Grey—or his decision, if any has been arrived at, on the subject of my memorial.

Your Excellency will notice the reasons which I have considered a justification of the course I have taken, and I have respectfully to request that Your Excellency will be pleased to forward my letter.

I have the honor to be,

Your Excellency's

Obedient and humble Servant,

SAMUEL P. FAIRBANKS.

His Excellency the LIEUTENANT GOVERNOR, &c. &c. &c.

Halifax, 2d November, 1848.

MY LORD—

I had the honor to address Your Lordship by Memorial in April last, respecting a measure which had passed the Legislature of Nova Scotia, affecting the office of Provincial Treasurer, of which I am the present incumbent.

It is with extreme reluctance I venture again to trouble Your Lordship on the subject.

I do not doubt that the final decision of Her Majesty's Government will evince a favorable consideration of the merits of my Memorial, and yet I cannot conceal from Your Lordship that whilst I remain uninformed of this decision I am suffering a degree of

of painful anxiety and suspense which adds to the weight of responsibility and care incident to the peculiar duties of my office.

I did hope that His Excellency Sir John Harvey would have felt himself at liberty to relieve my mind from this perplexity, and with this view I waited upon him on the 12th August last. His Excellency then informed me that a correspondence was still open on the subject, but that he hoped in a few weeks to make known to me the conclusion to which Your Lordship should arrive. I presume from not having since heard from His Excellency, that he is not yet in possession of the requisite information.

I should regret very much if, in making this direct appeal to Your Lordship, I am in any respect departing from official propriety, or manifesting an unreasonable impatience. The issue is one of very deep importance to me. Whether I am to continue in office, or labor for the support of a large family in any other sphere, are questions which, both my time of life, as well as the uncertainty of success, press upon me with painful interest.

Your Lordship will discover in these feelings, the motives which have constrained me to prefer this application.

I have the honour to be,

With very high respect,

Your Lordship's obedient,

And humble Servant,

SAMUEL P. FAIRBANKS

The Right Honorable EARL GREY, &c. &c. &c.

[COPY.]

No. 130.

Downing Street, 15th November, 1848.

SIR—

I have the honour to acknowledge the receipt of your Despatch, No. 42, of the 21st July, in which you enclose a Minute of your Executive Council (signed by 6 Members of that Body), in explanation of their views, respecting the Act recently passed by the Legislature of Nova Scotia, for remodelling the Financial Departments of the Government of that Province.

2. To this exposition of the views of the Members of your Government I have given the most attentive consideration in my power, but I find nothing in their observations which tends to diminish the force of the objections which I entertain to a part of this measure, as explained in my Despatch, No. 101, of the 23d of last June.

3. I freely acknowledge on behalf of Her Majesty's Government, that the question involved in this Act, exclusively affects the internal interest of Nova Scotia, and that in accordance with those views, as to the principles on which the Government of the British North American Provinces should be administered, (and which I have more than once had occasion to explain,) the opinion of the inhabitants of Nova Scotia, in favour of this Law, (as expressed through their Representatives in the Assembly) ought properly to prevail, even though Her Majesty's Ministers may not concur in thinking that

it is framed in the manner best calculated to promote the real interests of the Province. As therefore the honour of the Crown is not pledged in this case, and there is a great distinction between the claims of Mr. Fairbanks to Her Majesty's protection, and that of the Judges, I will not refuse to submit this Act in its present shape to the Queen for confirmation, if, after a full consideration of all that has been advanced on the subject, the Provincial Legislature shall, by an Address to the Crown, signify their wish that it should be so confirmed. In such a case, I shall at once be prepared to advise Her Majesty to comply with their wishes. It will however be necessary, in bringing this subject again under the notice of the Legislature, that the whole correspondence, including my Despatches of the 23rd June last,—your Despatch, No. 42, enclosing the Minute of your Council,—and the present Despatch, should be submitted to their deliberation.

4. It is I trust superfluous for me to observe, that Her Majesty's Government can have no object in view, but to promote the real interests of the inhabitants of Nova Scotia, and that we are far from wishing to oppose the adoption of such measures, either in this or any other occasion, as are considered necessary by the Responsible Advisers of the Queen's Representative, for giving to them that proper authority and control over the Local Administration which they ought to possess.

I should hope therefore, that it will be distinctly understood that I entertain no doubt whatever, that the Financial Affairs of the Province will be best conducted by being placed under the immediate superintendence of one of the Responsible Advisers of the Local Government, and that my objection is not against the general principle of the present measure, but to the creation of *two* political offices in the Finance Department.

5. With regard to Mr. Fairbanks' claims to compensation, in the event of the abolition of the office of Provincial Treasurer, I still entertain the opinion that a great hardship would be inflicted upon this gentleman, if an adequate provision is not made for him by the Legislature, but for the reasons already stated, it must rest with the Legislature of Nova Scotia to act in this matter, as to them may seem right. I must however, avow my conviction that the true and permanent interests of the inhabitants of the Province will not be promoted by persevering in passing the Act under consideration in its present shape. Such a determination on the part of your Council and their supporters, would necessarily be regarded by me as a departure from those principles, which in my Despatch, No 25, of the 31st March, 1847, I endeavoured to establish with regard to the class of Officers from which the holder ought to be considered removable on other grounds than those of misconduct, and to which principle I understood the Members of your Council, on their first appointment to have declared their unreserved adherence. The opinion which I have formed of their moderation and public spirit on that occasion, leads me to hope that they will not depart so widely from the line of conduct which I believed they had determined to adopt, as to effect the removal of Mr. Fairbanks from the public service of the Colony, without that just and reasonable compensation to which he is fairly entitled.

6. With respect to the complaint urged by the Executive Council, that the existing administration has to encounter the active or concealed hostility of many persons holding official employments, and that one Head of a Department at least voted against the return of the Attorney General and Provincial Secretary to the Assembly, I have to observe that I am aware of no remedy against what is termed "the concealed hostility," of persons holding permanent offices to an administration opposed to that to which they may have been indebted for their appointments. It is impossible but that such persons should like all others, have their personal political feelings and it is not unnatural that they should desire the advancement of the party to power to whom they are thus indebted, but these persons must be aware that the condition upon which they will

will be suffered to enjoy exemption from dismissal for any other cause but that of positive misconduct, will be that they should abstain from taking any active part in political contests. Such indeed is the well understood rule which prevails in this country, and I am of opinion that a similar rule should be enforced in Nova Scotia. In the smaller society of a Colony, it is not unreasonable to expect that party disputes should run higher than in the larger and more settled society of this Country; and it becomes the more necessary, therefore, that in the Colonies neutrality in party contests should be observed on the part of holders of office not regarded as political. I should think it by no means unreasonable to make it known to such persons, that they would be expected to abstain from the exercise of their right of voting at Elections against any Member of the existing Administration for the time being, inasmuch as they could not give such votes without forfeiting that neutral position in politics which is the condition of their permanent tenure of their respective offices. Perhaps it might not be unattended with advantage to enforce this rule by legislation, and to impose upon the holders of subordinate situations in the public service in Nova Scotia, the same disqualification from taking any part in Elections to which all persons employed in the collection of the Revenue are subjected by the law of this Country. It must, of course be also required from them that they should honestly and faithfully discharge the duties of their offices and afford all the assistance in their power to the actual existing Administration, and without reference to any possible difference from their political opinions.

I have, &c. &c.

(Signed) GREY.

Lieut. Governor, Lieut. General SIR JOHN HARVEY, K. C. B., &c. &c. &c.

(COPY.)

No. 62.

Government House, Halifax, Dec. 8, 1848.

MY LORD—

I have the honor to acknowledge the receipt of Your Lordship's Despatch of the 15th November, (No. 130.) communicating the decision of Her Majesty's Government in reference to the Act for remodelling the Financial Department of this Province.

I shall, in obedience to Your Lordship's instructions, submit the Correspondence, of which that Despatch forms a part, to the Legislature at the approaching Session.

Whatever may be the ultimate decision as respects Mr. Fairbanks, it is due to my Council to observe, that towards that gentleman they have no personal feelings to gratify that they stipulated for the control of the Treasury and Revenue Departments before assuming office—that this policy was avowed and clearly understood by the country prior to the Elections—and that but for the necessity that existed for remodelling the Departments, those who held them would have been required to have retired at the formation of the present Government.

I have, &c. &c. &c.

(Signed) J. HARVEY.

The Right Honorable EARL GREY, &c. &c. &c.

Appendix

APPENDIX No. 12.

(See Page 15.)

(COPY.)

No. 103.

Downing-Street, 24th June, 1848.

SIR—

I have received from Mr. Johnston two Letters, dated 11th of April, and the 20th May last, on the subject of the tenure of the office he holds of Queen's Advocate in Nova Scotia.

You will acquaint Mr. Johnston that his representations have received my careful consideration, but that they do not tend to alter the decision I have already communicated to you in my Despatch, No. 72, of the 24th of March last.

So much inconvenience would in my judgment result, under the system of Government now established in Nova Scotia, from permitting the advisers of the Lieutenant Governor to be opposed in the Legislature by the gentlemen holding office at the pleasure of the Crown, that it is not in my power to allow the existence of a practice so detrimental to the public interests, and Mr. Johnston must be informed that he must make his election between ceasing to take part in the proceedings of the Assembly, or relinquishing the office he holds.

The difficulty raised by Mr. Johnston, with regard to the absence of any legal mode of giving up his seat, may, I conceive, be met by petition to the House of Assembly, and I have no doubt that the means of enabling him to resign it would be readily found. The second objection, urged by Mr. Johnston, to his immediate retirement from the Assembly, is of a very different kind, and while I fully recognize the validity of the reasons he urges against the abandonment of the political relations and duties which such a course would involve, I think he must himself perceive that, under present circumstances, these considerations apply with equal force as objections to his retaining a seat in the Assembly, in the character of a person holding Office under the Crown. I am therefore of opinion that he ought to relinquish Office.

I have the honor to be,

Sir,

Your most obedient,

Humble Servant,

GREY.

His Excellency SIR JOHN HARVEY, &c. &c. &c.

APPENDIX, No. 13.

(See page 15.)

[COPY.]

No. 22.

Government House, Halifax, 15th April, 1848.

MY LORD—

In transmitting an "Act to provide for the Collection of the Revenue", it becomes my duty, from the nature of the Act itself, and in consequence of a Protest

test handed to me by one of the Collectors liable to be effected by the policy on which the measure is based, to trouble Your Lordship with a few explanations.

By reference to my Despatch, No. 23, dated 2nd of April, 1847, it will appear that the House of Assembly, in which, at that time, my late advisers influenced the majority—by an union of all parties on that question—were shaping their legislation to meet the new policy of the Imperial Parliament, by which differential duties were abolished, and the Colonies authorized to repeal the duties of Customs.

The Revenue Act, and the Act to repeal the duties of Customs, were transmitted with that Despatch.

These Acts having been assented to by Her Majesty, the Collection of Revenue, by the Officers of Customs in Nova Scotia, ceased on the 31st of March last, and these officers are now closing their accounts, and preparing to hand over the Warehouses—temporary arrangements having been made for the efficiency of the service, and the payment of the expense out of the funds of the Colony in the meantime.

Your Lordship is probably aware that this Province has long been burthened with two cumbrous and expensive Revenue departments : that of the Customs, and another consisting of County Excise Offices, but which collected no Excise duties, except a small tax on distilled spirits, and were in fact Colonial Custom Houses collecting Provincial Impost Duties. Of these, there are, perhaps, thirty in the whole, the officers being paid by a commission on the amount they received.

It appearing by the Treasury Minute of the 19th February, transmitted with Your Lordship's Despatch (No. 67) of the 24th February, that their Lordships contemplated keeping up officers in all our ports for the enforcement of the Navigation, Registry, and Passenger Laws, for whom accommodation was required in the offices heretofore used for these and revenue purposes, the Legislature became desirous that these officers, if a satisfactory arrangement could be entered into with the Lords of the Treasury, should also be entrusted with the enforcement of the Provincial Laws and the collection of Provincial duties, so as to consolidate the whole service under one Department—save expense and relieve the Trade from the intolerable burthen of double entries.

The advantages to be gained are consolidation, simplicity, some saving of money, and a great saving of time. There would also be this additional advantage, that the officers employed, receiving a per centage, or salary from the Province, in addition to their allowance from the Treasury, would be better paid.

The evils to be feared are the want of local information and sympathy with the Colonial service, if the officers all come from home, and owe their appointments to the Treasury, irrespective of the Lieutenant Governor, who would thus be divested of patronage in an extensive branch of the public service. Under any view of the case it would be better if the Lieutenant Governor could be authorised, in completing the new arrangement, to select, out of the officers now employed in the Customs, those who are best qualified to conduct the combined Departments, as Your Lordship will perceive by the Treasury Minute several of them will become redundant. In view of these advantages and evils presented by the position of affairs during the recent Session, joined to the uncertainty as to who were to be the officers employed here by the Treasury, it is evident that nothing could be done but to pass the Act enclosed, which, reciting the Imperial enactments in its preamble, merely arms me with powers to employ the Controllers of Customs, and consolidate the Departments, if it shall appear advisable so to do, after conducting the necessary negotiations and correspondence with Her Majesty's Government.

With what propriety Mr. Dewolfe, or any other Collector, pending such negotiations can press his personal claims against the adoption of a measure so general, and apparently so advantageous, I must leave Your Lordship to judge. Should he be ultimately

affected by the measure, which is more than probable, I presume he can appeal to the Legislature ; in the meantime, I must solicit Your Lordship's attention to a few points upon which it is of much consequence that I should be as early as possible, informed.

1st. Will the Lords of the Treasury sanction the employment of their officers, provided such an addition is made to their emoluments out of the Provincial funds as will make it an object for them to collect the Colonial duties.

2nd. Will their Lordships enter into any arrangements, by which, reserving to themselves the patronage of the higher offices, as is done by his Lordship the Postmaster General in his department, a certain proportion of the subordinate offices shall be in the gift of the Lieutenant Governor.

Whatever view Her Majesty's Government may take of this matter, it is of the utmost consequence that instructions should be transmitted to me with as little delay as possible, as all our arrangements are of a temporary character, and will continue so till the powers sought are conferred or formally withheld.

It is essential to the security of the Revenue, and the efficiency of the Government, that they should be rendered permanent.

I have, &c. &c.

(Signed)

J. HARVEY.

The Right Honourable EARL GREY, &c. &c. &c.

[COPY.]

TO THE RIGHT HONOURABLE EARL GREY, HER MAJESTY'S SECRETARY OF STATE FOR THE COLONIES, &c. &c. &c.

The Petition of Thomas Andrew Strange Dewolf, Collector of Impost and Excise for the District of Halifax, in the Province of Nova Scotia.

MOST HUMBLY AND RESPECTFULLY SHEWETH—

That for nine years previous to his appointment to the Office of Collector of Impost and Excise, as hereinafter mentioned, your Petitioner was one of the Representatives for the County of Kings in the General Assembly, and upwards of five years he held a seat in the Executive Council, under the Government of the late Sir Colin Campbell, and His Excellency Lord Falkland.

And your Petitioner further states, that the said office at Halifax is an ancient office, having existed more than sixty years—that the income thereof for more than twenty years past has been seven hundred pounds currency a year—that on the 30th April, 1844, your Petitioner then being a Member of the House of Assembly, was appointed to it by Lord Falkland, under the conditions set forth in the accompanying correspondence, and his appointment was approved and confirmed by Lord Stanley, in a Despatch, dated 20th June, 1844, No. 173, copy of which is annexed hereto, and your Petitioner further states, that the question referred to in the Letter of Sir Rupert D. George, then Provincial Secretary, dated 21st April, 1844, was afterwards decided in the negative by the Legislature, by an Act passed in the year 1846, and approved by Her Majesty on the 19th May in that year, which Act is still in force—and your Petitioner as such Collector of Impost and Excise Duties, was thereby made ineligible to be elected a Representative in the House of Assembly, and disabled from holding a seat in the Legislative and Executive Councils of the Province—that previous to the passing of the said Act, Lord Stanley in his Despatch to Lord Falkland, dated 18th June,

June, 1845, No. 230, had recommended the enactment of a Law, excluding from the House of Assembly and Executive Council all persons engaged in the *direct collection* of the public money, and Lord Falkland signified to your Petitioner that his future tenure of the said office would be like other non-political offices, dependant on good behaviour,—and as such your Petitioner has since held the said office, having abstained from offering at the last General Election, and abandoned all further interference in legislative and political matters, devoting himself wholly to the duties of his office, and confidently relying on the protection of the Government while he faithfully discharged the duties thereof; that after the decision of the Legislature and the assurance of the Queen's Representative, your Petitioner felt himself secure in said office, and was confirmed in that belief by the published declaration of His Excellency Sir John Harvey, that “as Her Majesty's Representative he would be no party to depriving any of Her Majesty's servants of any office they held, otherwise than by giving his assent to a voluntary surrender of them, should they think fit to make it, for the attainment of a great public object”—and your Petitioner as well as other Provincial Officers was exceedingly gratified with the instructions and observations contained in Your Lordship's Despatch to His Excellency Sir John Harvey, of 31st March, 1847, No. 25, with reference to the protection against political changes.

And your Petitioner further shews, previous to his appointment to his office, he had for many years resided, and carried on business at Horton, in the County of Kings, being about sixty miles distant from Halifax, and after being assured that his tenure of office would depend on his good behaviour, your Petitioner broke up his establishment in Horton, abandoned his business there, and removed his family to Halifax, where he has since his appointment resided.

That your Petitioner has devoted his whole time to the performance of the duties of his office, which he has faithfully discharged, to the satisfaction of the Government and the public. And your Petitioner further shews to Your Lordship, that on Friday the 31st March last, having accidentally heard that the local Government intended to Legislate him out of his office, he immediately waited upon His Excellency Sir John Harvey, when His Excellency stated that he was not aware of any such intention, and assured your Petitioner that he would not give his assent to any Bill affecting the private interests of any individual, unless such Bill contained a suspending clause, and that he had given a similar assurance to Mr. Fairbanks the Treasurer, who had also applied to him respecting his office,—that after leaving His Excellency with this assurance, your Petitioner to his great astonishment learned that an Act, the object of which is to deprive him of his office had been assented to by His Excellency on the previous day—which Act has not a suspending clause—and on enquiring, your Petitioner learned that the said Act had been hurriedly passed through the Council by a majority of one (three of the Members voting for such Bill in the Council being nominees of the said local Government, and during the present Session appointed provisionally to that Body), and immediately afterwards on the same day assented to by His Excellency.

And your Petitioner solemnly assures Your Lordship that until after the said Act had been assented to, he was not aware that such a Bill was before the Legislature, and therefore had no opportunity of remonstrating against the injustice of the measure—that immediately after ascertaining the fact, your Petitioner again waited upon His Excellency and informed him thereof, and that the Act had been passed without a Suspending Clause—that His Excellency told your Petitioner he was not aware any Act having that tendency had passed, or that it was at all contemplated to affect the Office held by your Petitioner, but His Excellency stated he would make enquiry into the matter and inform your Petitioner, and he at the same time recommended your Petitioner to send a Memorial to Your Lordship, setting forth in the strongest manner the

the circumstances and hardships of your Petitioner's case, and that he would forward the same with his favorable recommendation; and your Petitioner begs further to state, that in about an hour after, he was called upon by the Hon. Joseph Howe, the Provincial Secretary, one of the Members of the Local Government, who stated that His Excellency requested him to make explanation to your Petitioner with reference to the recent conversation with His Excellency before mentioned—that on that occasion Mr. Howe also stated that your Petitioner would be superseded in his said Office, although the Local Government did not contemplate his instant removal, that he could not tell at what time such would take place, but that he would give your Petitioner the earliest information thereof. But your Petitioner relies with confidence that while this Province remains a part of the British Empire, every subject of Her Majesty can appeal against injustice, in whatever shape it appears, and that such an appeal in the present case to Her Majesty's Secretary of State will not be in vain.

Your Lordship will at once perceive that by the general and comprehensive nature of the enactment, a copy of which accompanies this Memorial, not only will your Petitioner be deprived of his Office, but every other person throughout the Province holding Offices as Collectors of Excise, with income varying from £20 to £300 a year, will likewise be liable to be, and probably will be deprived of their Offices without remuneration.

That your Petitioner is now at an advanced period of his life, and having abandoned his former business to devote his whole time to the duties of the Office, his removal, without compensation, would be cruel as well as most unjust; and he trusts that the Local Government will not be permitted to effect his removal by Legislation, or, in other words, to do indirectly that which Your Lordship has prohibited being done directly.

Your Petitioner therefore humbly prays Your Lordship to take his case into consideration, and prevent the contemplated injustice by recommending Her Majesty to disallow such Act.

(Signed) THOS. A. S. DEWOLF.

(COPY.)

No. 121.

Downing-Street, 8th Sept., 1848.

SIR—

I have to acknowledge the receipt of your Despatch, No. 12, of the 15th of April last, transmitting an Act (No. 2811,) intituled "An Act to provide for the Collection of the Revenue."

This Act having been referred by the Queen in Council to the Lords of the Committee of the Privy Council for Trade and Foreign Plantations, that Committee have reported to Her Majesty in Council, their opinion, that this Act shall be left to its operation, Her Majesty's assent, therefore, to this Law, will be signified in the usual manner at the next opportunity.

I enclose herewith for your information and guidance an extract from a Minute from the Lords Commissioners of the Treasury, with reference to this enactment.

I have the honor to be,

Sir,

Your most obedient,

Humble Servant,

GREY.

His Excellency SIR JOHN HARVEY, &c. &c. &c.

Extract

Extract of a Letter from J. Parker, Esquire, to Sir Dennis Le Marchant, dated Treasury Chambers, 24th August, 1848.

“ With reference to the Act No. 2811, and to the observations in the Despatch from the Lieutenant Governor of Nova Scotia relating thereto, my Lords direct me to request that you will acquaint the Lords Committee, that they will not object to the officers that are still to be retained in the Province, under the direction of the Board of Customs, affording assistance, so far as may be consistent with due attention to the objects for which they are so retained in the collection of the Provincial Customs Duties, or the enforcement of the Provincial Regulations relating to Trade, with the understanding that they are to be reasonably remunerated at the expense of the Provincial Government for their extra trouble and responsibility; and my Lords will be ready to consider any proposition to the above effect that may be submitted on the part of the Nova Scotia Government, and in the meantime there does not appear to them any objection to the Act in question being left to its operation.

But my Lords at the same time desire me to request that you will state to the Lords of the Committee, that they consider it indispensably necessary that the Controllers and other officers, who are to be maintained in the Colonies with a view to ensure a due observance of the Imperial Laws relating to Trade and Navigation, should be selected by, and entirely amenable to the Board of Customs, and should receive their appointments through that Board, in the same manner as heretofore, notwithstanding they are no longer charged with the collection of Impost Duties under an Imperial Act; and that you will move the Lords of the Committee in replying to Earl Grey's reference on the subject of the Nova Scotia Act in question, to cause His Lordship to be so apprized.”

At the Court at Buckingham Palace, the 4th day of September, 1848.

P R E S E N T—

THE QUEEN'S MOST EXCELLENT MAJESTY,

&c.

&c.

&c.

WHEREAS the Lieutenant Governor of Her Majesty's Province of Nova Scotia, with the Council and Assembly of the said Province, did in the month of March, 1848, pass an Act which has been transmitted, entitled as follows, viz:—

No. 2811. An Act to provide for the Collection of the Revenue.

And whereas the said Act has been referred to the Committee of the Lords of Her Majesty's Most Honourable Privy Council, appointed for the consideration of all matters relating to Trade and Foreign Plantations, and the said Committee have reported as their opinion to Her Majesty that the said Act should be left to its operation: Her Majesty was thereupon this day pleased, by and with the advice of Her Privy Council, to approve the said Report, whereof the Governor, Lieutenant Governor, or Commander in Chief for the time being, of Her Majesty's Province of Nova Scotia, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

(Signed)

C. GREVILLE.

APPENDIX, No. 14.

(See page 16.)

[COPY.]

No. 23.

Government House, Halifax, April 15, 1845.

MY LORD—

Enclosures—

1. The Act.
 2. Protest of the Leg. Council.
 3. Letter from Mr. Robie.
 4. Letter from Chief Justice.
 5. Do. from Judge Hill.
- (Judge Bliss absent.)

I have the honor to transmit herewith an Act to commute the Crown Revenues of Nova Scotia, and to provide for the Civil List thereof, to which, subject to Her Majesty's approval, I have deemed it to consist with my duty to give my assent; and should Your Lordship, on a review of all the circumstances under which I have been called upon to deal with this question, feel that, in departing from the strict letter of my instructions, I have acted in conformity with their spirit, and with that conciliatory policy which appeared to be demanded by the state in which I found society here, I shall not regret the responsibility which I have ventured to assume, but, on the contrary, regard Your Lordship's decision as having effected the final removal from this Colony of a source of contention, which has perplexed its Councils and embarrassed its public men for more than fifteen years.

It was to be expected that this Act, which is essentially a measure of compromise could not be acceptable to those who regard their personal interest as paramount to all other considerations, and who, unconscious or regardless of the higher responsibilities which rest upon those charged with the tranquilization of this Province, and the introduction of a new and improved system of administration, do not pause to reflect that a fair trial of an experiment so full of promise, almost implies as a necessary condition, the clearing away of obstructions, and the removal of the more prominent causes of existing irritation.

For the Gentlemen whose observations and protests are referred to in the margin, and herewith transmitted, I entertain all due respect. Their arguments, presented to my mind in various modes, during a residence of eighteen months in the Colony, have had, in the consideration of the subject, all the weight to which they appeared to me to be fairly entitled; and if my judgement has been conducted to conclusions different from theirs, it appears to me that the reason may perhaps be discovered in the more enlarged view, which I am compelled to take of the responsibility resting on the Crown in relation to the whole people, and which, in cases like this, must far transcend that private and personal obligation upon which these Gentlemen mainly rely, and which in its widest acceptation can, constitutionally, only mean this—that a public necessity shall arise before an individual shall be deprived of any portion of his income, derivable from the public funds.

Assuming then, all these gentlemen affirm, the question must be asked, "*has this public necessity arisen?*" In my judgement *it has*, for the following, among many other reasons:

1. Because for 15 years the Province has been agitated, and successive Governors embarrassed, by this vexed question—no Administration, within that period, having been strong enough to carry the whole amounts claimed by the officers, and each, in succession, having been compelled either to interpose the Governor's influence or the Secretary of State's Despatches, thereby placing the former in an unenviable if not false position within the Colony, or keeping up the appearance of perpetual conflict between the Imperial Authorities and the Colonial Legislature.

2. Because the tendency of this dispute, in which the Crown and its servants are necessarily regarded as seeking to exact from the Colony what public opinion condemns must

must be in some measure to check and impair those feelings of confidence and attachment which I firmly believe are spontaneous and natural in Nova Scotia, while it has diminished the moral influence which those entrusted with the higher positions and the business of Government ought to exercise, and without which there can be no progressive and vigorous administration of affairs.

3. Because much valuable time has been wasted in these disputes—the attention of the people being continually drawn off from the consideration of measures of general policy or internal improvement, to discussions and disputes respecting Salaries; and, as the lower sums are always the most popular, it has sometimes happened that men the least suited for public life, have been elected upon some pledge of impracticable economy, while the promises and calculations put forth by conflicting parties have lessened the tone of legislative independence in Committee of Supply, and generated a grudging spirit, which has not unfrequently hampered the Government in the attempts to make necessary changes, or to authorize expenditure, called for by the pressure of business in other departments, not directly touched by the Civil List Bill.

4. Because neither the Imperial nor the Provincial Government has possessed the power to *force* a settlement of this question. They could not prevent discussion, even if they withheld the Revenues and ceased to negotiate—nor could they depend upon the permanence of the Revenue itself, which as appears by the Chief Justice's letter, was subject to frequent fluctuations, occasioned by various causes. A year of depression might reduce the sales of Lands, the discovery of a mine on the American sea board, or a revival of the Import duty on Coal in the United States, might almost annihilate the fund out of which the principal officers of Government are paid, and again place it in the humiliating position which it occupied in 1844—the same men who had rejected fair and even generous propositions, when the revenues were ample, being compelled to go down, almost in *forma pauperis*, to take any salaries they could get,—having to sacrifice the present and future Lieutenant Governor, and abandon the whole arrears, in order to appease those whom under other circumstances they had defied, and obtain any provision for carrying on the Public Service.

5. Because the Bill which my advisers were willing to sustain, if it did not accomplish *all* I had desired, was made more perfect in its provisions, than that passed in 1844. That Bill reduced the then Lieutenant Governor's salary £500 below the amount pledged to him when he came out, it reduced the salary of the future Lieutenant Governor to £2500, and it left the whole of the arrears unpaid. The Bill now transmitted provides for the officer actually administering the Government the salary assigned to him by your Lordship, and gives to his successor £500 more than the Bill of 1844. It pays all the arrears actually due up to that year, and secures permanently from that period, and in time to come, to all the other officers the salaries sanctioned by the three Branches of the Legislature in 1844, and which Her Majesty would have been advised to accept had any provision been made for the arrears.

If, my Lord, these and other considerations which will suggest themselves to Your Lordship, influenced my determination to submit, and if possible to carry this measure, what occurred during its passage through the House would seem to furnish evidence that I had not acted unwisely. The present opposition includes all the parliamentary friends of the gentlemen whose protests are noted in the margin—not one of whom ventured to suggest a single salary higher than those included in the Bill, while one of them, the colleague of the late leader of the Administration, introduced a Bill himself, the object of which was clearly to embarrass the Government, the Lieutenant-Governor's salary being fixed at £2,500. A motion made by a friend of the Chief Justice's for the payment of the full amount claimed by him, was negatived by a very large majority, most of the members of the Opposition voting against the motion, and several of them

them suggested and voted for lower salaries than those which were deemed adequate and reasonable by the Members of the Government.

Under the circumstances which I have described it has been my endeavour to discharge myself (with what discretion Your Lordship will judge) of difficult and delicate duties of a mixed character, involving the honour of the Crown—the interests of the Province confided to my superintendance—the fair claims of the officers, and the pledges of public influential men, without whose aid no measure could pass. It only remains for me to add, that should Your Lordship, on mature consideration of the whole subject, feel yourself at liberty to advise Her Majesty to give her sanction to this Bill, the concession will, I am assured, be as acceptable to her subjects here, as it will be gratifying to her Representative.

I have, &c.

(Signed)

J. HARVEY.

The Right Honorable EARL GREY, &c. &c. &c.

[COPY.]

No. 29.

Government House, Halifax, 18th April, 1848.

MY LORD—

I have the honor to transmit a Memorial to the Queen, which has this day been placed in my hands by the Chief Justice, on behalf of himself and other public Officers whose interests are affected by the Civil List Bill, with their request that it may be laid at the foot of the Throne.

The principles upon which this Bill was constructed, and the policy which led me to attempt a final settlement of a question pregnant with sources of perpetual irritation, have been already fully explained to your Lordship in my Despatch of 15th instant, (No. 23.)

With reference to the expressions to which the Memorialists object, in the speech with which I closed the Legislative Session, that “I regarded the passage of the Civil List Bill as a measure honourable to the General Assembly,” it can only be necessary for me to remind Your Lordship, that free as that Body necessarily was from the restrictions imposed by Despatches upon Her Majesty’s Representative, the fact of their having passed a measure of a far more liberal character than that which had been adopted by their predecessors in 1844, (led and influenced, be it remembered, by one of the very Memorialists) appeared to me, as I trust it will appear to Your Lordship, to warrant the application to them of the term employed.

I have, &c. &c. &c.

(Signed)

J. HARVEY.

The Right Honorable EARL GREY, &c. &c. &c.

TO THE QUEEN’S MOST EXCELLENT MAJESTY.

WE, Your Majesty’s most dutiful and loyal subjects, who have had the honor of serving your Majesty in your Province of Nova Scotia, as Chief Justice and Judges of your Supreme Court, Provincial Secretary, and Attorney General, most humbly beg leave

leave to approach the Throne, to solicit your Majesty's protection against the deprivation of what we conceive to be justly due to us for the services which we have had the honor to perform for your Majesty to the best of our ability.

Your Petitioners severally represent to your Majesty, that the annual salary allowed by your Majesty to your Petitioners, was—

To your Chief Justice, sterling,	£1000
“ Justices Hill and Bliss, (in addition to their Provincial allowance), each	170
“ Late Provincial Secretary	1000
“ Late Attorney General	600

Which salaries your Majesty was graciously pleased to direct should be paid out of your Crown Revenue in your Province of Nova Scotia ; and which were accordingly paid to your Memorialists out of that Revenue.

That the said Revenue, from various causes, became for a time less productive than it had been, and proved inadequate to defray the whole amount of the sum charged upon it ; the consequence of which was that your Petitioners for some time received only a dividend upon their respective salaries, and large arrears became due to them.

But your Petitioners endeavored faithfully to discharge their several duties, knowing full well that whenever the said Revenue revived, and became once more sufficient to meet the sums which were charged upon it, they would receive the full compensation which was due to them for their services.

That in the year 1844 the Local Legislature of your Province of Nova Scotia passed a Bill, subject to your Majesty's assent, the object of which was to obtain from your Majesty a transfer of your Casual Revenue, upon payment to your Petitioners and other Officers, of certain salaries, of less amount than your Majesty had allowed to them, and without making provision for the payment of the arrears then due.

This Provisional Act, in consequence of your Majesty's assent being withheld, never became a law ; and your Majesty was pleased to direct your Principal Secretary of State for the Colonies, the Right Honorable Lord Stanley, to inform your Majesty's Representative in Nova Scotia that a due regard to the plighted faith and honor of the Crown rendered it impossible for your Majesty to accept and confirm it.

And His Lordship, in a Despatch dated 15th November, 1845, communicated this decision to Lord Viscount Falkland, then Lieutenant Governor of Nova Scotia, and directed him to inform the Legislative Council and House of Assembly that he was strictly enjoined to enter on no new negotiations for the surrender of the Crown Revenues, of which the payment of all the existing arrears of salaries to your Majesty's Officers in the Province did not form the basis.

In the year 1846 the House of Assembly of Nova Scotia addressed Your Majesty and prayed that the public Officers of Nova Scotia should for the future, be paid according to the scale of salaries contained in the Bill of 1844 (to which Your Majesty had not assented) and that no further addition of arrears should be allowed to accumulate, and in the same Session passed a Resolution requesting Your Majesty's Representative to stipulate with persons who might thereafter accept office to receive their salaries at the rates proposed by that Bill ; in reply to which Address and Resolutions Your Majesty was pleased to direct your then principal Secretary of State, the Right Honorable W. E. Gladstone, to desire the Lieutenant Governor of Nova Scotia, to inform the House of Assembly that Your Majesty disclaimed any wish to fetter the discretion of that House respecting the amount of salaries which it may be proper to provide for the various servants of the Crown in Nova Scotia, subject only to the strict maintenance of the faith of the Crown as lawfully pledged to any person actually serving Your Majesty.

Whereupon the Right Honorable W. E. Gladstone, in a Despatch dated 29th April

1846, communicated Your Majesty's answer to this Address to Viscount Falkland, the Lieutenant Governor, and informed him that no Civil List Bill would ever be accepted by the Crown which did not make provision for the payment of all the arrears due to all Your Majesty's Officers in Nova Scotia or which involved the reduction of the salaries of any of the Judges at present holding office in this Province. That Your Majesty had invariably maintained the position, and still maintained that it would be a violation of public faith, and therefore wholly inadmissible that the Funds on which the existing Civil List Bill establishment had been formed should be surrendered until provision had been made for the liquidation of every present debt, and of every existing liability, with the payment of which those funds have been lawfully charged.

Since Your Majesty has entrusted the administration of the affairs of the Empire to your present confidential advisers, Your Majesty's principal Secretary of State for the Colonies, the Right Honorable Earl Grey, in a despatch dated 17th November, 1846, informed Lieutenant General Sir John Harvey, the present Lieutenant Governor of Nova Scotia, that Your Majesty had no desire to retain the control over your Crown Revenue in Nova Scotia, but would transfer to the Local Legislature the right to appropriate it to the public service upon certain conditions which must be attached to that surrender, without which it could not be made except at the expense of neglecting the highest obligations. Of those conditions his Lordship stated the first and most indispensable to be that every debt for which the property to be surrendered is responsible should be fully satisfied before the transfer is made and of those debts he considered the arrears of the salaries of the Public Officers of the Province to constitute the most urgent, and adds—"To give up the only means of satisfying them without at the same time stipulating for their previous payment, would be to commit a breach of the pledged faith, and violation of the honor of the Crown to which no imaginable considerations of convenience or of interest could ever reconcile the Queen or Her Majesty's confidential advisers. This therefore, you will understand as being the essential and indispensable preliminary to any such arrangement." His Lordship proceeds—"If of lower degree yet of the same general nature is the *claim* of all existing incumbents of Public Offices appointed by the Queen to continue during their incumbencies in the receipt of the same salary as they at present enjoy. I have no reason to suppose that by acting on this principle any serious burden will be thrown on the finances of the Province, but I cannot advise the Queen to abandon the means of fulfilling the reasonable expectations and just hopes of her servants in Nova Scotia, unless at the same moment some effectual security shall be taken for the fulfilment of those expectations and hopes from other and sufficient sources."

Grateful for the kind care which Your Majesty manifested for the preservation of the just rights of your humble but faithful servants in Nova Scotia, confident that the honorable sentiments and just views which Your Majesty's successive confidential advisers have entertained and expressed must ever prevail, your Petitioners patiently submitted to the inconvenience resulting from the deficiency of the Crown Revenue to which they looked for the payment of their just claims, assured that as the fund again increased and should become adequate to defray the sums charged upon it, the arrears due to them for their past services would without fail be fully paid.

But your Petitioners learnt with astonishment that notwithstanding the repeated decisions of Your Majesty, that no transfer of your Crown Revenues in Nova Scotia can be made without providing for the payment of the arrears due, and of the present salaries of the incumbents of office—a Bill was introduced into the Provincial Legislature at its recent Session by the advisers of Your Majesty's Representative which has received the assent of the three Branches subject before it can go into operation to Your Majesty's confirmation, for the transfer of that Revenue without making any such provision, but which on the contrary reduces the salaries of the Chief Justice, and

Judges

Judges Hill, and Bliss, leaves the arrears due to many of your Petitioners totally unprovided for, and diminishes to a great extent, the just demands of others, and this attempt is made to deprive your Petitioners of their just rights, at a time when Your Majesty's Crown Revenue in Nova Scotia, is increasing so rapidly, that within the last two years the arrears of salaries to your Petitioners have been greatly reduced, and your Petitioners have little doubt that it will soon suffice to discharge the remainder of those arrears and all the demands upon it without any increase of the public burden.

The surprise with which your Petitioners saw a Bill to effect what Your Majesty had so repeatedly declared would be a violation of the honor of the Crown, introduced and supported by the Members of your Executive Council in this Province, has been greatly increased by the Speech with which Your Majesty's Representative closed the Session of the General Assembly in which that measure has been pronounced honorable to the Legislature, and His Excellency has declared that he will use all his legitimate influence to obtain for it your Majesty's sanction.

But your Petitioners will not permit themselves for one moment to suppose that any considerations of expediency could induce Your Majesty, or those in whom You have reposed the Royal confidence, to adopt any other line of conduct than that which the desire to preserve that pledged faith and honor dictates.

Your Petitioners therefore humbly pray that Your Majesty will be graciously pleased to withhold from the said Provincial Act of Assembly your Royal assent and confirmation, until Your Majesty's directions relative to the just claims of your Petitioners be complied with.

And your Petitioners, as in duty bound, will ever pray.

(Signed)

BRENTON HALLIBURTON,
Chief Justice.

WILLIAM HILL,
J. W. JOHNSTON,
Late Attorney General.

RUPERT D. GEORGE,
Late Provincial Secretary.

Halifax, 17th April, 1848.

MY LORD—

An Act for transferring from the control of the Queen, the Crown Revenues of Nova Scotia has passed the Provincial Legislature, subject to the confirmation of Her Majesty.

On the sum of £5495 4s. 2d. due for arrears of salaries of Public Officers, charged on these Revenues, the Act makes provision only for the payment of £1587 17s. 11d. leaving unsecured the large sum of £3907 6s. 3d., currency.

It was explained on the part of the Provincial Government, that this result had been produced by calculating the salaries since 1st January, 1844, at a reduced rate, according to a scale contained in an Act that passed the Colonial Legislature in that year, for the transfer of the Crown Revenue, and by charging against the Officers the monies paid them since that day. By this mode of computation, the arrears due on Lord Falkland's salary are reduced from £2375 to £750, and on the Chief Justice's from £927 1s. 8d. to £328.

But

But the effect upon other parties is still more repugnant to the understood pre-existing relations and rights: from creditors they find themselves changed into debtors. By the statement and calculations exhibited by the Government, the Judges, to whom the sum of £157 12s. are severally due, are brought in debt £292 8s. each; Sir Rupert George, to whom £466 15s. (and probably a much larger sum) is owing, is found to be indebted in no less an amount than £1500; and in my own case, instead of £556 5s. to which I have never doubted being entitled, the sum of £443 15s. is represented as due *from* me.

This computation rests on the assumption that since the 1st January, 1844, the principal Officers of the Provincial Government, including the head of the Government for the time being, in receiving from the Crown Revenues payments estimated on salaries of a larger amount than contemplated by the Act of 1844, did what was unauthorized, and received public monies to which they were not entitled; and this assumption and inference have for their foundation the *Act of 1844*—but that Act was passed provisionally, to go into operation only in the event of Her Majesty's confirmation being given to it; Her Majesty's confirmation was formally withheld, and the Act never, even for a moment, had the efficiency of Law.

Again,—The Act of the recent Session now offered for Her Majesty's assent, recites as a reason for its enactment, that the Civil List Act of 1844 was not disallowed by the Queen on account of the insufficiency of salaries provided by it for incumbents; and the Despatches of Lord Stanley of 16th November, 1844, and 3d January, 1845, have been cited in support of this assumption.

In these, and His Lordship's Despatch of 15th November, 1845, his opinion is exhibited with sufficient significancy to preclude mistake; and if he felt strongly pressed by the inconvenience sustained by Public Officers in consequence of the extreme depression in the Crown Revenue from 1842 to 1844, inclusive, yet it would be a bold construction that would impute to His Lordship, when he spoke of the necessity of paying the "*arrears actually due*," the idea of their computation on salaries of less amount than the Officers were then entitled to under the Queen's authority.

On the 29th January, 1846, the House of Assembly, after having considered Lord Stanley's Despatch of the 15th November, 1845, came to the Resolution that no decision to which this House can come on the question proposed for its consideration in the Despatch of Lord Stanley, No. 225, dated 15th November, 1845, respecting the transfer of the Casual and Territorial Revenues, can be conclusive and satisfactory, so long as the litigation touching the annexation of Cape Breton shall remain undecided.

On the 20th March, 1846, in the same Session, an Address was passed to the Queen, in which, assuming that the Civil List Bill of 1844 was still under consideration, and that the assent of the Queen had been expressed to the scale of salaries adopted in it, the suggestion is made to Her Majesty, "That the question of arrears now pending may not be complicated with any further additions, that the Public Officers of this Province should, *for the future*, be paid according to the scale of salaries contained in that Act." And, *the same day*, a Resolution passed for requesting the Lieutenant Governor, "until the negotiations pending between the Imperial and Provincial Governments on the subject of a Civil List be brought to a close, to stipulate with persons accepting any of the offices included in the Bill passed by the three Branches of the Legislature in 1844, to receive their salaries at the rate adjusted by that Bill." The *prospective* relief sought by this Address in 1849, is inconsistent with the *retrospective* calculations now assumed, and by which the reduced salaries are carried back to 1st January, 1844. The Address, in itself, is a conclusive admission by the Assembly that, whatever may have been the intentions of Lord Stanley, the Act

of 1844 had not vigor in itself to reduce the salaries; and that, until that or some other Act became Law, the Queen only could effect the object and prevent the question of arrears from being complicated with further additions."

The Queen did not accede to the suggestion made in the Address. The answer Her Majesty was advised to give is contained in Mr. Gladstone's Despatch of 29th April, 1846. It required "the strictest maintenance of the faith of the Crown, as lawfully pledged to any person actually serving Her Majesty," and "the liquidation of every present debt and of every existing liability with the payment of which the Crown Revenues have been lawfully charged." In Your Lordship's Despatch of 17th November, 1846, the same views are announced; and the necessity that the arrears should be provided for before the transfer of the Crown Revenues would be assented to; and the strong claim of all the existing incumbents of Public Offices appointed by the Queen, to continue during their incumbencies in the receipt of the same salaries as "they then enjoyed," are stated in the most expressive terms.

I shall only add to this review, that the accounts of the Treasurer of the Crown Revenues were laid before the Legislature every year; detailed statements of the arrears due were also furnished; and when payments were made in reduction of the arrears, accounts shewing the mode and amounts of these payments have also been presented. All of which appear on the appendices to the Journals; and I beg Your Lordship's notice of the schedule marked A—as shewing what information regarding the arrears was before the House when the Address last mentioned was passed.

If the reduction of the salaries on the foundation of the Bill of 1844 be unsupported by facts or by Law, as I think must be apparent, so would it be inequitable. Had the Act of 1844 immediately passed into Law, the officers would have at least the benefit of a certain fund—a fixed amount, and quarterly payments, at a time when the Crown Revenue remained inadequate for the amount of the charges on it. The Assembly in its Addresses and Resolutions never offered to pledge the Provincial Revenue to make good the diminished salaries, (should the Crown Revenues fail to do so) in case the Queen would consent to reduce her officers to those salaries previously to a Law going into operation to place them on the Provincial Revenue. These were to be reduced to the scale of 1844, and yet left subject to the fluctuations, delays and uncertainties incident to the Crown Revenues; and it cannot add to the grace or the fairness of the proposal now made to the Queen, to approve this retrospective reduction of the salaries of her servants, that it comes at a time when the Crown Revenue is an improving fund, having yielded a surplus in the last two years sufficient to pay off £2368 2s. 6d. of the arrears.

There is, my Lord, another consideration of a different character, but one I think entitled to a great weight. The Provincial Government and the Legislature ask the Queen to sanction a measure towards her servants thus novel and harsh on the authority of the Act of 1844, and yet they themselves utterly continue its authority. The Act of 1844 while it reduces the salaries of the then incumbents, also regulated the salaries of future officers. It gave the future Lieutenant Governor £2500, and in the specific section enacted—That if the office of Lieutenant Governor or Chief Justice should become vacant before the assent of Her Majesty to that Act, and another Lieutenant Governor or Chief Justice be appointed in the meantime, such other Lieutenant Governor or Chief Justice should receive the salary thereby provided for any future Lieutenant Governor or Chief Justice, and no more.

The appropriation Act of 1844, (an Act that did become law) also declared that no allowance for contingencies, or a private Secretary, should be allowed after the incumbency of Lord Falkland should cease. But the Provincial Government asked, and the Legislature gave, at the recent Session, to the present Lieutenant Governor for salary, contingencies, and Private Secretary, £3950 sterling; being, in the case of a single

officer, a departure from the provisions of the Acts of 1844, to the extent of £1450 sterling, per annum. If it be said that the present Lieutenant Governor was no party to the Act of 1844, the same may be affirmed of the Judges. By such a suggestion, the argument derived from the authority and respect due to the Act of the three Branches of the Legislature is abandoned and in the comparison I am making it cannot be forgotten that the Imperial Government have ever acknowledged a more unfettered discretion in the Legislature with respect to the salaries of future officers than of incumbents. This view of the subject is capable of a still more effective application.

His Excellency the Lieutenant Governor, in his speech on proroguing the Legislature, stated that a regard for the quiet of the country, and the strong opinions of the constituencies, so recently expressed, would constrain him to use his legitimate influence to obtain Her Majesty's sanction to this Act.

In view of an antagonism so powerful, those who are interested in the claims that the Act seems to destroy, might be satisfied with recollecting the high authority on which it has been declared "that no imaginary considerations of inconvenience or of interest would ever reconcile the Queen or Her Majesty's confidential advisers" to abandon those claims, which the control of the Crown Revenues has given Her Majesty the constitutional power to protect.

But in proportion to their gratitude for the gracious protection thus pledged, is it their duty to relieve the Imperial Government from the pressure of such considerations as His Excellency has suggested, when it can be done with truth.

Under this obligation I very respectfully, but very decidedly pledge my assurance that His Excellency has been misinformed when he was led to believe that, to have granted the arrears would have endangered the quiet of the country.

It is not necessary that I should ask Your Lordship to attach any value to my testimony on this point. I support its accuracy by the testimony practically afforded by the advisers of His Excellency.

No person acquainted with the history of Nova Scotia will deny that, for the last four years, the granting and continuing of high salaries, and among them the Lieutenant Governor's, has been a source of agitation and excitement, at least as great as the payment of the arrears. I would be justified in using much stronger comparative terms.

If then the members of the Government, supported by majorities in the Legislature, have shewn by passing the present Act, their belief that the granting to the Lieutenant Governor of a salary and allowances exceeding £4,900 currency, is not likely to disturb the quiet of the country, or greatly to offend "the strongly expressed opinions of the constituencies," it seems obvious that they cannot, with any consistency or hope of success, urge such an apprehension on the Queen as an excuse for seeking from Her Majesty the violation of solemnly pledged principles in a case of less interest in the Country.

The inconsistencies that have marked the Bill that lately passed the Legislature, present the measure in no favourable light.

Your Lordship's Despatch imposed, as conditions on the transfer, the payment of the arrears, the maintenance of incumbents salaries, and the permanent provision of an appropriate salary and allowances for the Lieutenant Governor. Of these, the grant of £3,500 for the Lieutenant Governor's salary has alone been observed—450 sterling, for his contingencies and Private Secretary, being left to an annual grant in the Appropriation Bill, the greater part of the arrears being unprovided for, and the incumbents salaries reduced. On the other hand, it has been shewn that the Bill of 1844 could be disregarded when found necessary, much as its authority is urged on other occasions; and it is to be regretted on the highest public considerations, that the sacrifices made

made have been of the interests of the subordinate officers, while the interests of the superior have been sustained to their highest degree.

It has been said, and the objection may be renewed, that I and other of the officers affected by the Bill, having been in the Legislature or Executive Council, must be held to have assented to its provisions.

That this is not the principle on which the retrospective reduction of salaries is now attempted, is plain from the fact already alluded to, that the Judges are involved in the reduction while they are not within the reason; and indeed it seems entirely inconsistent with law, precedent, or justice, for officers holding situations under the Crown at established salaries to change on their own authority the amount of these salaries, in virtue of an Act dependent for Legislative power, on the assent of the Crown—either while the assent was in suspense or after it had been refused, and therefore when the Act could confer no authority nor convey the benefit of its provisions. An arrangement of this nature I have shewn was suggested in 1846 for the *first* time, and then only prospectively, and the Queen's assent to the suggestion being withheld, no room is left for the objection now, had there been any ground for it before. To conclude: My Lord, much has been said here lately of the honor of the Crown; and the obligations due from the Sovereign to the nation, and to individuals have been placed in opposition; but I know not how the former can be advanced by the violation of the latter; and I am assured there exists no tie more strong in the connexion between the Parent state and the Colonist,—when republican institutions are presented to his consideration than a belief in the superior elevation of national sentiment and the higher tone of moral feeling that sprung from the observance towards the meanest subject of that "Honor of the Crown" which the integrity of the English character has raised from a personal sentiment, to a constitutional principle.

As a subject I approach Your Lordship, the constitutional organ of communication between the Colony and the Sovereign, to seek the application of that principle. Under Her Majesty's Warrant I was honored with the office of Attorney General, at the salary my predecessor enjoyed, payable out of the Crown Revenue. That salary the Queen never reduced, but, on the contrary, although requested by the Assembly, declined to do so; and when the fund for a season proved deficient, the Sovereign, through her constitutional organ, repeatedly pledged it for the full payment of all the deficiencies. The legal power of the Queen thus to control these Revenues, and establish and maintain the salaries of the officers, is beyond question; the Assembly of Nova Scotia, by innumerable acts of negotiation, addresses, resolutions and provisional Acts have recognized and affirmed it.

Under these circumstances I have served Her Majesty—feebly it may be, but with my best zeal and ability. That service being concluded, the Queen is now requested to violate the pledge that secures its ultimate full remuneration; a request which is made on an assumption of fact unwarranted in truth, or on a principle unwarranted by law or justice. Either must it be asserted that the amount of the salary since January 1844, was less than in truth it was, or a right must be claimed now retrospectively to reduce that amount.

The amount of the salary however, is matter of evidence; it is attested by the Official Accounts yearly laid on the table of both Branches of the Legislature, and regularly transmitted to the Secretary of State's office, it is liable to no doubt, and has never been questioned, unless it be questioned now. The *right*, after a service has been performed at a stipulated rate of remuneration, to reduce that rate by the arbitrary retrospective declaration of one party without the consent of the other, has no existence where Law and Justice are recognized.

The case of one officer is the case of all. The amount of their salaries, as granted by the Queen, and the amount of the arrears of those salaries remaining unpaid, being shewn

shewn, we present the Despatches of three successive Secretaries of State, solemnly engaging, in the name or on behalf of the Queen, that the Crown Revenues of Nova Scotia shall not be transferred until those arrears be paid or secured; and we rely with confidence that the promise will be fulfilled.

Had we, my Lord, instead of bestowing our labour and such talents as we possess, advanced our money for the public services on the warrant of the Queen, and the pledged security of the Crown Revenues, the case would have remained unchanged in its legal and its equitable character.

We cannot indeed seek the judgment of the high Tribunals of Law or Equity at Westminster Hall on this measure of the Provincial Government; yet could the facts and principles involved in it be brought under the scrutiny, and tried by the rules acknowledged there, it requires but little experience to imagine the result. But my Lord, it is our pride to believe that the honour of the Crown, as expounded by a British Statesman, and applied to the rights of the subject, is but the same justice that governs in Her Majesty's Courts, separated from technicalities, and administered free from constraint, that while submitting itself to the rules of Law and Equity for its guide, it may still be presented with the aspect of benefaction.

While I beg Your Lordship to excuse me if I have inadvertently exercised too great freedom in my remarks, I will offer no apology for the length to which they have extended.

The interest I have at stake entitles me to claim consideration for every thing I deem calculated either to elucidate the subject or to anticipate the arguments that may be urged in opposition, and which, having no power to know, I can only imagine; and I believe Your Lordship will be always ready to accept any suggestion that may promise to be useful when called to exercise judicial powers over the personal rights and pecuniary interests of Her Majesty's subjects. I do not affect to treat with any degree of inconsideration—I cannot afford to do so—the sum of money which I believe to be honestly due to me, and which I know to have been severely earned in the public service. But I cannot be indifferent to the moral influences upon this country that are to follow the decision of a controversy in which the Provincial Government on the one hand, and the Judges and other individuals recently holding offices on the other, are at issue on the essential principles of justice and honor, and on which the Sovereign, as the final arbiter, is to determine.

I have the honor to be,

My Lord,

Your Lordship's

Most obedient servant,

(Signed)

J. W. JOHNSTON.

To the Right Honorable EARL GREY, Her Majesty's }
principal Secretary of State for the Colonies. }

Schedule A, referred to within, is a copy of the Tabular Statement of Arrears entered on the Journals of the House of Assembly for 1846—Appendix No 14, page 43.

Statement of Arrears of Salaries, in Currency, borne on the Crown Revenues in Nova Scotia, and of the portions provided for by the Act of 1848.

To whom due.	Total amount due.	Granted by Bill of 1848.	Unprovided for.
Lord Falkland, or the Lords of the Treasury, }	£2375 0 0	£750 0 0	£1625 0 0
Chief Justice,	927 1 8	328 0 0	599 1 8
Late Judge Wilkins,	157 12 1	nil.	157 12 1
Judge Hill,	157 12 1	nil.	157 12 1
Judge Bliss,	157 12 1	nil.	157 12 1
Late Master of the Rolls,	157 12 1	nil.	157 12 1
Do. Contingencies,	27 16 3	nil.	27 16 3
Late Attorney General Johnston,	556 5 0	nil.	556 5 0
J. B. Uniacke,	92 14 2	92 14 2	
Clerk of the Crown,	92 14 2	92 14 2	
R. D. George, late Provincial Secretary,	468 15 0	nil.	468 15 0
Surveyor General, N. S.	139 1 3	139 1 3	
Do. do. C. B.	92 14 2	92 14 2	
Superintendent Mines, C. B.	92 14 2	62 14 2	
	£5495 4 2	£1587 17 11	£3907 6 3

[COPY.]

No. 32.

Government House, Halifax, 20th April, 1848.

MY LORD—

After my Despatches, Nos. 23 and 29, were closed, the letter which I have now the honor to transmit, addressed by Mr. James W. Johnston to Your Lordship, was sent to me. This letter appearing to the members of my Council to require some observations, these have been embodied in the Address by which it is accompanied.

The mass of papers accumulated upon Your Lordship's hands by the industry of a party whose last hope is being able to obstruct the steady progress of public affairs here, is founded upon the possible interference of your Lordship, and the rejection at home of measures, which in their passage through the Legislature they have been unable to destroy, will not, I trust, appear to Your Lordship as necessary results of the system you are desirous to establish.

By and by the just principles of Colonial Government will come to be more generally understood, and persons who fail to convince their own countrymen that injustice has been done to them, will scarcely regard it as worth their while to involve the Colonial Secretary in discussions, which, should he agree with the local authorities, are unnecessary, and if he does not, unless the question be one of much importance, sometimes throws upon him the onus of interposing the prerogative in an ungracious manner.

I have deemed it but fair to withhold the expression of this opinion, from parties now complaining, because I was most anxious that every opportunity should be afforded to those who felt themselves aggrieved to submit to their objections. I need not say that the support which Your Lordship has at all times given me in the discharge of my official duties, emboldens me to ask, that Your Lordship will leave no doubt on the public mind in Nova Scotia, by the mode in which the measures submitted by this mail are dealt with, that I am discharging the delicate duties consigned to me, in the full confidence of Her Majesty's Government.

I have, &c. &c. &c.

(Signed)

J. HARVEY.

The Right Honorable EARL GREY, &c. &c. &c.

(COPY.)

MAY IT PLEASE YOUR EXCELLENCY :

Your Excellency having frankly explained to the Right Honorable the Secretary of State for the Colonies the general principles and provisions of the Civil List Bill, and having transmitted a Petition to the Queen, signed by Mr. Johnston and all the other officers whose interests are supposed to be affected by that measure—together with letters from the Judges, and the Protest signed by the minority in the Legislative Council, we had supposed that materials sufficiently voluminous had been accumulated to enable his Lordship to view the subject in all its bearings.

The letter addressed, to-day, by Mr. Johnston to Earl Grey, conveying, as it appears to do, personal reflections upon Your Excellency, we think might have been spared; or, if sent at all, should not have been withheld until the day before the closing of the Mail, by which so little time is afforded for a deliberate review.

Short as the time is, however, we have too much respect for His Lordship to advise the transmission of such a document without examining the writer's claims to accuracy and to that degree of political consistency which should warrant his pretension to be alone conservative of the honor of the Crown.

Mr. Johnston states that, by the Bill just passed, the Judges are brought in debt £292 8s. each; Sir Rupert George, £1500; and himself, £443 15s.; and the obvious inference intended to be drawn is that himself and his friends are to be called upon to pay these amounts.

But, in common fairness, how should this matter be viewed?

£1587 17s. 11d. was due, for arrears, at the close of the year previous to the passage of the Civil List Bill of 1844.

Had this amount been provided for, (and Mr. Johnston, leading a majority, either weakly or designedly neglected to provide for it,) the Bill would have been settled, and the Officers would have got just that amount, and, for the future, the salaries as fixed in the Bill of 1844. In this Bill, passed in both Branches wherein Mr. Johnston's friends controlled the majorities, and to which, as a Member of the Executive Council, he advised the Lieutenant Governor to assent, he surely could not have perceived anything injurious to "the moral influences" of the Country—repugnant to the "rules acknowledged in Westminster Hall"—calculated to "tarnish the honor of the Crown"; or suggestive of unfavorable contrasts with "Republican Institutions."

He advised the Governor to lay his Bill at the foot of the Throne, which provided the same salaries as that which he denounces—which not only made no provision for

the

the arrears, but violated the very pledge upon which the Queen's Representative accepted the Government of the Country.

Now suppose this Bill had passed, what would the officers have got?

Just the salaries they are to receive now, and nothing more. By Mr. Johnston's own measure they would not have obtained a pound of the sums which he says are charged upon them as a debt, nor any portion of those now granted in payment of arrears.—Assuming his own figures to be correct :

3 Judges have received since 1844, £292 8s. each, or	£877	4	0
Sir Rupert George, - - - - -	1500	0	0
Mr. Johnston - - - - -	443	15	0
	<hr/>		
	£2820	19	0

Nobody knows better than this Gentleman (for the Bill surcharges no officer—claims or contemplates no debt)—that the recipients of this money, which would have been lost entirely to them had this Bill passed in 1844, are left by the Bill of 1848 in peaceful possession of it, and, what is more, are to divide among them £1587 7s. 11d. for which he made no provision, and which he did not even ask the House to pay in 1844.

With this simple contrast before him, Earl Grey will, we apprehend, do justice to those whose conduct Mr. Johnston has thought proper to impugn; but, at the risk of being tedious, we must trouble Your Excellency with one or two further observations.

If this question had become complicated and perplexing, others, and not your Excellency or your present advisers, are to blame. In 1840 Mr. Uniacke, then leading the Government Party in the Lower House, and Mr. Howe, who led the Opposition, mutually weary of the protracted contest about the Casual Revenues, which had, even at that time, extended over several years, united their mutual friends in a Select Committee and provided for every charge upon those Revenues, with a liberality which most favourably contrasts with the measure of 1844. Mr. Johnston, a Member of the Executive Council, then leading a majority in the Legislative Council, with the aid of his friends, threw out the Bill, and thereby occasioned all the embarrassments and discussions which have extended over the last eight years, and bid fair to be perpetuated, if this gentleman can induce Her Majesty to do for him, what he has lost the power to do for himself, keep this question open as a theme for fruitless debate and endless irritation.

Mr. Johnston knows, that at the last Election, his economical Civil List Bill of 1844, his refusal to provide for the arrears, his denunciation of pensions, were presented by his friends on every Hustings and in every Electoral District.

Keeping in view our own principles, and a rational settlement of this question as one of the highest obligations which would rest upon us if called to assume our present positions, we resisted successfully the clamour and misrepresentation upon these points, and secured a majority ready to support our views.

Having carried with us the public opinion of our own Country—having fairly earned, as we cherish the hope we have, Your Excellency's confidence—having no higher aim than to labour honestly, under the guidance of the Secretary of State, to make the Queen's name a tower of strength on this Continent, we cannot consent to have those whose public action here has rendered this question so difficult to deal with, assume the right to rebuke Your Excellency in England or charge us with violations of justice and honor.

That Mr. Johnston should claim any arrears we confess does strike us with some surprise. We humbly conceive that the strict rule of "honor" which he would apply to others, should apply to himself—that "pledges" given to a deliberative Assembly and

and to a whole community, by an individual whose power to fulfil them depends solely on his own volition ought to be held as sacred, as pledges made by Secretaries of State and Governors, who, in virtue of the very positions they occupy are compelled to act on enlarged views of general policy and yield to the force of public sentiment modifying and varying opinions previously expressed as new circumstances arise, and fresh discussions furnish additional information.

Mr. Johnston in 1844 acknowledged that his own salary was too high by one third; he came voluntarily forward in the Assembly and proposed to reduce it.—He vaunted himself upon the sacrifice on all occasions when his regard for economy could be favorably contrasted with the extravagant views of his political opponents, prior to the last General Election. Having made so much political capital out of a “pledge” what in substance could easily have been redeemed by acting upon which he had declared to be just to the whole community, even though in point of form the Bill did not transfer to the Statute Book the “Law in his mind,” we certainly neither expected, nor did the people of Nova Scotia expect, that he would have drawn the £443 15s. already received, much less that he should claim, and by such an appeal as the present, £556 5s., as money “severely earned in the public service,” but all of which, in 1844 he acknowledged to be unnecessary and redundant.

The allusions to Your Excellency’s own salary and emoluments made it incumbent upon us to observe that the view we have ever taken of this branch of the subject—the view which the people of Nova Scotia take, is simple, and easily understood: Over their own officers they claim to have constitutional control—of the amounts they should receive they believe themselves the best able to judge; but they regard the Lieutenant Governor as the Queen’s Representative, as the only Imperial officer, as the golden link between the Colony and the Crown, and if we would not consent, (knowing the generous and proper feelings of our countrymen) to imitate the example set by Mr. Johnston in 1844, and do violence to this feeling, it was not because your Excellency would not have cheerfully submitted to the sacrifice, but because we deemed it more decorous to our Sovereign to permit her to name the sum which her Representative was to receive.

In conclusion permit us to say that the attempts evidently making by certain parties to transfer by endless references and prolix arguments, business which should be despatched in Nova Scotia, to the Colonial Office, will, we trust be perceived and appreciated by His Lordship the Secretary of State.

(Signed)

JAMES B. UNIACKE,
MICHL. TOBIN,
JAMES McNAB,
HUGH BELL,
JOSEPH HOWE,
GEO. R. YOUNG.

Mr. DesBarres, Mr. Huntington, }
and Mr. Doyle, absent. }

Halifax, April 20, 1848.

Extract from Despatch No. 98, from Earl Grey to Sir John Harvey, dated 19th June, 1848.

I have received your Despatch No. 23, of the 15th, No. 29 and No. 33 of the 18th and No. 32 of the 20th of April last, relating to the Act to commute the Crown Revenues of Nova Scotia, and to provide for the Civil List of that Colony, which you have transmitted for the Queen’s confirmation and also containing remonstrances against this

this enactment from the public officers affected by its provisions, together with some remarks of your Executive Council. Knowing the importance attached to this measure by the members of your Government and of both Houses of the Legislature, and being also aware of the general interest it has excited throughout the Colony, I have given a very full and deliberate consideration to the subject of your Despatches, notwithstanding that they reached me at a season, when Parliamentary and other business, admitting of no delay, necessarily occupy so much of my time.

In my Despatch of the 17th November, 1846, I informed you of the advice, which upon the question of the Civil List, I had submitted to the Queen, and which Her Majesty had been pleased to approve. On that occasion, I sought to explain with the utmost precision in my power, the views of Her Majesty's Government upon a subject of so much local importance, and, I then stated, that my instructions, written for your guidance in communicating with the Legislative Council and Assembly, of Nova Scotia were framed in a spirit of frank confidence in those bodies, and in a belief that they would be received in a similar spirit. In this expectation I have not been disappointed. It is with much satisfaction that I recognize in the proceedings of the Legislature a desire to settle this question, and also that I perceive in the Act before me, provision made for giving effect to material conditions, stipulated for by Her Majesty before surrendering Her Hereditary Revenue in Nova Scotia. I am thus warranted in believing that the Legislative proceeding of this Province will continue to be conducted in harmony with the views of the Imperial Government, and will be marked by a just recognition of the claims of the Sovereign, whenever the rights of the Crown are concerned. On this account, and being satisfied that the members of the Legislature will desire to give effect to the views of Her Majesty's Government, I do not hesitate to point out to you some objections to the present Act, which preclude my advising Her Majesty to bring it into operation by her confirmation, but which will, I feel confident, only require to be properly explained to the Legislature to ensure the necessary amendments, and a speedy as well as satisfactory settlement of the Civil List question.

Without recurring at length to the instructions conveyed to you in my Despatch of the 17th November, 1846, you will probably remember, that I addressed you in consequence of an application contained in your Despatch of the 15th October, 1846, for a decision on the four following points :

- 1st. The Arrears.
- 2nd. The Salaries of the present holders of office.
- 3rd. The Governor's Salary.
- 4th and lastly, future Salaries.

I need not advert to the last, because by my Instructions I entrusted the Legislature to fix, at their discretion, the salaries for certain Judicial and other officers, which I enumerated, and I find that the present Act makes the necessary provision for these officers.

With respect to the arrears, and to the salaries of the present holders of offices, it is, however, necessary that I should recur more in detail to my Instructions. On these points, when referring to the terms on which I stated that the Queen had authorized a surrender of the Crown Revenues, I addressed you as follows :

“Of these conditions, the first and most indispensable is, that every debt for which the property to be surrendered is responsible, should be fully satisfied before the transfer is made. Of these debts, the arrears of the Salaries of the public officers of the Province, constitute the most urgent. To give up the only means of satisfying them, without, at the same time, stipulating for their previous payment, would be to commit a breach of the pledged faith, and violation of the honor of the Crown, to which no imaginable consideration of convenience or of interest could ever reconcile the Queen

or Her Majesty's confidential advisers. This, therefore, you will understand, as being the essential and indispensable preliminary to any such arrangement.

"If of lower degree, yet of the same general nature, is the claim of all the existing incumbents of public offices, appointed by the Queen to continue during their incumbencies in the receipt of the same rate of salary as they at present enjoy. I have no reason to suppose that by acting on this principle any serious burden will be thrown on the finances of the Province. But I cannot advise the Queen to abandon the means of fulfilling the reasonable expectations and just hopes of her servants in Nova Scotia, unless at the same moment some effectual security shall be taken for the fulfilment of those expectations and hopes from other and sufficient sources."

In the discussions upon the Civil List, which have taken place in the Colony, since these instructions were addressed to you, no attempt that I am aware of has been made to controvert the justice of the views so expressed by Her Majesty's Government, neither have I been able to find in your own Despatches, or in the papers transmitted with them any sufficient grounds for departing from the principles which the above instructions recognize. It therefore becomes necessary to see that the present Act is consistent with those principles, and, I will proceed to indicate the points, in which it appears not strictly to be so, and the instances in which it fails to provide for discharging debts, for the payment of which the property of the Crown is liable, and the faith of the Crown is pledged; I find three cases only, being those of the Chief Justice and his colleagues, Mr. Justice Hill and Mr. Justice Bliss, in which any interference on the part of Her Majesty's Government to preserve existing rights of this description appears to me to be necessary.

The salary of the Chief Justice, appointed in 1833, was at first £350 sterling, exclusive of fees; and in 1837, when the fees were abolished, at the suggestion of the Secretary of State, it was fixed permanently at £1000 per annum. The present Act reduces it to £880, and leaves unprovided for nearly £600 due to the Chief Justice for arrears. With respect to the cases of his two colleagues, both appointed before the 20th March, 1846, I find that their fees were in like manner commuted in 1837, when their salaries were fixed at £650 per annum. The present Act reduces their salaries to £560 per annum. Both these functionaries have also claims to the amount of £150 each, on account of arrears for which the Act makes no provision. The claims of these public officers, to be maintained during their incumbencies in their present salaries, and also to be supported in recovering their arrears I feel to be irresistible, and although the sums left unprovided in each case are comparatively small, still in these cases a principle is involved, and I cannot advise Her Majesty to sanction any departure from the stipulated conditions.

Turning from these cases to those of other public officers, who have remonstrated against the measure, I have arrived at the conclusion that their representations afford no reasons sufficient to call for any interference with the confirmation of such an enactment as the present. I will notice each case separately commencing with that of the Master of the Rolls, alluded to in your Despatch No. 33 of the 18th April. Mr. Stewart has complained that his salary will be reduced from £650 to £560 and that he will in compliance with the Assembly's Resolution on Mr. Creelman's motion, be compelled to refund the difference which he has received since his appointment. Upon this case, the question arises, whether Mr. Stewart, having been appointed to his present office, since the 20th March 1846, holds it subject to the Assembly's Resolution of that date. Your Council, I observe, in their memorandum of the 14th March last, record their opinion against Mr. Stewart, and defend the proceedings of the Assembly. It is unnecessary that I should advert to all the circumstances of this case, although I have considered them, and it will be sufficient that I should instruct you to refer Mr. Stewart to Lord Falkland's Despatches of the 2nd April, 1846, in which you will observe that

that His Lordship states that he had made Mr. Stewart, before accepting Office, acquainted with the Resolution of the Assembly, and also to Lord Stanley's Despatch of the 29th April, 1846, in which His Lordship remarked, that for the present, all persons entering public offices should have assigned to them such salaries only as the Bill of 1844 contemplated. I consider therefore that Mr. Stewart holds his office upon these terms, notwithstanding that hitherto he has received the higher salary; and I am of opinion that the rate assigned by the Bill of 1844 is the proper standard for the Civil List Act. With regard to his refunding the difference, I should be unwilling to enforce that measure, especially as the late Governor expressly authorized Mr. Stewart's receiving the higher rate of salary, which perhaps may not unfairly be viewed as compensation for the inferior security of regular payments which he has hitherto enjoyed while the salary has been charged upon the Crown Revenue, instead of being secured, as it will in future be by law, upon the general Revenue of the Province. I also observe that Mr. Stewart had an unsatisfied claim for arrears; and assuming this sum not to have been paid, I think that it may also fairly be taken in part as a set off against the non-payment on account of salary.

The next case which I have to notice is that of Mr. Johnston, the late Attorney General, alluded to in your Despatch of the 20th April, and in the Address of your Council of the same date. Mr. Johnston's claim for arrears amounts to upwards of £500. Assuming the statement of the Council to be correct, that Mr. Johnston when Attorney General, publicly admitted that his own salary was too high, and voluntarily submitted to its reduction, taking credit afterwards publicly for the sacrifice which he had made, it seems to me that by abstaining from insisting upon the payment of his arrears I am not doing violence to any principle for which I have thought it right to contend.

Neither do I think it necessary to interfere with reference to the arrears apparently due Sir R. George, if the Legislature continue to vote him a retiring pension. He has not remonstrated against the Act, and in the event of its being amended, any such interference might possibly endanger his pension, which is provided for in the present Act.

Turning from these cases, I will next notice the provision which the Act makes for the salary of the Governor, the third point on which you sought a decision, and which I communicated to you in the following terms:

"You will not scruple to use the legitimate influence of your official and personal character to induce the Members of the Legislature to concur in the grant for this purpose of £3500 sterling annually, I am anxious this large sum should be granted, because I am persuaded that it is of the greatest importance to the welfare of the Province that the important post of Lieutenant-Governor should be filled by persons of the highest character and ability. But the difficulty of obtaining the services of gentlemen thus qualified (always considerable) must be greatly increased—and it must necessarily narrow the range of choice in selecting the Lieutenant-Governor of the Province, if the salary is so low as to render that office not an advantage, but a burden on the resources of any gentleman of moderate fortune, however otherwise qualified he might be for the discharge of its duties."

This decision was communicated to you in my Despatch of the 19th November, 1846. Subsequently in answer to an enquiry contained in your Despatch of the 2nd April, 1847, forwarding a Minute of your Council, whom you had consulted as to the proper interpretation of my former Despatch, I informed you that you had rightly construed my instructions as authorizing the receipt by you pending the Civil List question, of a salary of £3500, or £500 more than was provided, by the Bill of 1844 and than you had previously received.

My reasons for authorizing the higher rate of salary are explained in my Instructions. They were of a description by no means confined to the case of the present or any individual

dividual holder of the office, but were grounded on the importance and the requirements of the office itself. I cannot, therefore, admit that there is any sufficient reason for the distinction made in the present Act between your case and that of your successor, and of all the other public officers of whom the Act makes mention.

With reference to the sum which you were instructed to secure for contingencies, I have now to inform you that it is not intended to stipulate for any such provision.

Such are the general views entertained by myself and Her Majesty's confidential advisers, on the subject of the Civil List of Nova Scotia, and until the Act be amended in conformity with these views, I cannot recommend the Queen to allow it; at the same time I much regret that there should be any occasion for again troubling the Legislature with the consideration of this question, which I think might have been avoided, if, before announcing your Bill, you had communicated with me upon the subject, for which ample time was afforded.

It appears to me, however, that the additional temporary charges, which would thus be placed upon the Civil List, on the one hand, would so nearly balance the reduction made on the other, that no increased demand of any moment would be made upon the people of Nova Scotia, beyond that to which the Legislature has already consented, by the amendments in the Act, which I have mentioned as being necessary, with a view to its confirmation. I do not anticipate, therefore, any disinclination on the part of the Members of the Assembly to adopt the arrangement which Her Majesty's Government consider necessary for the maintenance of the honor of the Crown. If the Assembly consent to take this course I shall be prepared to recommend the Lords Commissioners of Her Majesty's Treasury to forego their claims for the repayment of the sum due to this country on account of advances made to Lord Falkland, and I trust that this will be considered an additional proof that it is only with a view to the permanent and real interest of the people of Nova-Scotia that Her Majesty's servants have been induced to advise the Queen not to surrender her Casual and Territorial Revenues, unless upon the terms indicated in substance in this Despatch, to effect which only a few slight modifications of the Act before me will be required. It is my anxious wish that no difficulty may occur in speedily making the necessary amendments, in order to put an end to differences, the continuance of which we agree with you in regarding as greatly to be deplored.

(EXTRACT.)

May it Please Your Excellency—

1. The undersigned, being all the Members of the Executive Council whom it has been possible to consult on Earl Grey's Despatch, No. 98, deem it of such importance, both to the public interest and to Your Excellency, as to call for some observations, which we trust may be transmitted through Your Excellency to the Right Honorable the Colonial Secretary. It is of the utmost consequence that public documents enunciating general principles, and dealing with individual interests, should proceed upon a thorough knowledge of the facts, that the decision of the Imperial Authorities, when communicated to the Assembly, may be received with implicit respect, and induce a cheerful and prompt obedience.

We are persuaded, therefore, that Earl Grey will not be indisposed to give their due weight to some explanations necessarily drawn forth by this Despatch, and will appreciate the motives that lead us respectfully to solicit a reconsideration of one or two points which it comprehends.

2. In urging the claims of some of the Judges to the payment of all the arrears demanded, and the higher rates of salary than assigned in the Civil List Bill, we fear that

that Earl Grey has not sufficiently adverted to facts in the knowledge of the Legislature, and which in 1848, as they did in 1844, have conducted large majorities after mature deliberation to the decision, that those gentlemen can plead no equities that ought to embarrass the Government in dealing with a question, involving so intimately as this does, the harmonious co-operation of the Imperial and Colonial Authorities..

3. The highest talent at the Provincial Bar, can be readily commanded for the salaries now paid Mr. Justice Haliburton and Mr. Justice Dodd. The question arises, why should Judges Hill and Bliss receive more? If it is urged because they formerly collected fees, in commutation of which certain sums were charged upon the Casual Revenue, the answer of the Legislature has ever been—but to those fees neither of those gentlemen had any legal or equitable claim. The fees belonged to the Chief Justice if they belonged to any body, and the people of Nova Scotia have ever resisted the payment from the Casual Revenue of the sums demanded by these Judges, in commutation of claims having no better foundation in their opinion, than an illegal order and the exercise of Judicial authority. Earl Grey may have viewed this as a mere pecuniary question; but it has not been in this Country, and is not at this moment, so regarded. A few hundred, or a few thousand pounds, can be spared by the Legislature of Nova Scotia for any object involving the honor of the Crown, or the improvement of their Country; but they resist these gentlemen, in claiming money for the loss of fees to which in their judgement they had no title, from a prevalence of sentiment kindred to those which prompt Englishmen, however generous in their public expenditure, to question the slightest exaction to which the assent of Parliament has never been obtained.

4. The House of Assembly, which, in 1839, pledged the whole Revenues of the Province for its defence, refused to pay the demand put forward by these gentlemen, and it would be wrong for us to conceal from Your Excellency our impression that, whatever view may be taken of the claims of the Chief Justice which stand upon a footing somewhat different, we fear that no influence which Your Excellency or ourselves can legitimately exercise, will prevail upon a majority of the present House to regard with more favor than any Assembly has done in Nova Scotia for many years, pretensions never asserted without injury to the character of the Bench, and which are resisted from far higher considerations than the trifling saving which the question appears to involve.

5. The claims of the Chief Justice stand upon a different footing, although never having been recognized in the various discussions upon the subject as including a legal and unexceptionable title. At best, they have been regarded as doubtful sources of income, which could not have been enforced had the country possessed a Court of Appeal. But those fees attached to the office of Chief Justice only, if they attached at all, and Your Excellency will perceive in the distinctions between a present and future Chief Justice, that in consideration of any rights which the present officer may be supposed to have had, he is to receive by the present Bill £240 sterling more than his successor. The difference may be regarded as a commutation for rights, which, if he possessed them have been fairly considered, but which, whether he did or not, certainly gave no claim to the Puisne Judges to demand higher rates of salary than the future Chief Justice, who may sit beside them on the Bench, is to enjoy.

6. We are sensible that it would have been infinitely more convenient to have settled these details in a correspondence with the Colonial Secretary before they had been passed upon by the Assembly—and Your Excellency will do us the justice to remember, that although we did not question the abstract right of the late Government to retain their places till after the meeting of the Assembly, when they knew that they had lost their Parliamentary Majority, one of the main evils we apprehended from their availing themselves of this right was the impossibility of concerting our measures,

and obtaining as we earnestly desired, the preliminary sanction of the Colonial Secretary.

Any collision or difference of opinion between the Imperial and the Local Governments is of all things to be deprecated, and we felt most humbly the responsibility which attached to Your Excellency, and to Your Advisers, in being forced by our position, and by the natural and perhaps too just expectations of our friends, to introduce, without having had the advantage of His Lordship's experience and advice, some measures of which he might possibly disapprove.

7. On the Civil List Bill in particular, so desirous were we of having this advantage, that we had determined, as Your Excellency knows, to ascertain the views of our Party, and open a correspondence during the recess with His Lordship, postponing the discussion on the question until next Session.

So well understood was our policy and desire on this subject in the Assembly, that Mr. Whitman, a colleague of Mr. Johnston's, adopted the very unusual course of introducing a Civil List Bill, being in fact a transcript of the Act of 1844, and in defiance of His Lordship's wishes, providing for the office of Lieutenant-Governor no more than £2500 a year. A discussion therefore became inevitable, and we had no alternative but to frame the best and only Bill we could carry, which was brought in accordingly towards the close of the Session on the day of March, shortly after the elections of the Crown Officers, and of the Provincial Secretary.

8. These facts, we presume, were unknown to His Lordship, and will be sufficient we trust, to convince him that there really was no time to communicate our Bill to the Home Government, and that the apparent omission did not originate in want of care, still less in want of respect.

9. Regarding mutual confidence between the Colonial Secretary and the Queen's Representative, and the general belief among Her Majesty's subjects within the Province, that such exists as an essential element of successful Colonial Government, we hasten to avow that if there has been error, it originated in the advice which we conscientiously gave Your Excellency.

We proposed the higher salary, and urged our friends in the Assembly to assent to it, under, it would now appear, an entire misapprehension of His Lordship's views, and from a sincere belief that, so far from being objectionable it would probably be with him an indispensable condition.

The Act of 1844 gave to Lord Falkland, the then incumbent, £500 a year more than to any future Lieutenant-Governor. No objection had been raised to it on that ground.

On the contrary, although His Excellency had given his own assent to a Bill reducing his salary, so clear did his right appear, that the amount abandoned was advanced from the Imperial Treasury.

The Assembly granted £3500 a year to Your Excellency, not as an act of personal liberality, but because the new House found Your Excellency in the actual possession of that income; and because the Minute of our predecessors in Council and His Lordship's Despatch had authorized your receipt of it during the pendency of the Civil List question.

This Minute and Despatch were repeatedly quoted in debate, in justification of the additional allowance of £500 a year.

The House might have refused this sum on the ground that the Civil List was about to be settled, but the reduction seemed to be ungracious, and therefore was not proposed to Your Excellency.

It was thought to be in violation of an arrangement which the Colonial Secretary had deliberately sanctioned, and the party which supports the Government and Assembly were willing on that account to confirm it.

10. With these explanations we cannot but express a hope that Earl Grey may be induced to reconsider this subject, and permit the Bill to pass, as we apprehend but little public advantage will result from a renewed discussion of questions surrounded by difficulties, and which, having done our utmost to adjust, we leave with all deference and respect in His Lordship's hands.

(Signed)

JAMES B. UNIACKE,
MICHL. TOBIN,
JAMES McNAB,
GEO. R. YOUNG,
HUGH BELL,
JOSEPH HOWE.

Mr. Huntington, and Mr. DesBarres, }
absent; Mr. Doyle, sick. }

Halifax, July 20, 1848.

*Extract of a Despatch from the Right Honorable Earl Grey to Sir John Harvey, dated
15th November, 1848.*

“ My objections to some parts of the Civil List Act, No. 2817, are in no degree diminished by your explanations.

“ In my Despatch, No. 98, of 16th June last, I stated that I much regretted that you should have proposed, without previously communicating with me, the Civil List Bill which was submitted to the Legislature, and which, in some points, materially differed from the one to which you had authority to assent. I am still of opinion that your having sanctioned the introduction of such a Bill, without previous communication with me, was unfortunate;—but it affords me much pleasure to be able so far to qualify my former expression as to inform you that, while upon some points the explanation which you have afforded may be open to remark, still, upon the whole, making due allowance for the difficulties of your position, and adverting to the original intention of your advisers, not to have brought forward, during the last Session, Legislative measures on this subject, I regard the reasons which you have assigned for having taken the step as sufficient to relieve you from blame on this score; and, as the Bill contained a suspending clause, I can also exonerate you from any censure for having given your assent to it, notwithstanding its differing so materially from that which you had been informed that I should be prepared to submit for Her Majesty's confirmation.

“ I trust that the people of Nova Scotia will not fail to comprehend that it is a regard for their true and permanent interest, not for that of the individuals more immediately concerned, who are personally unknown both to my colleagues and myself, which has induced us to advise Her Majesty to withhold her confirmation from the Act which has been submitted to Her, until it shall have received the amendments I have pointed out to you as being required, and I therefore indulge the hope, that although this decision may in the first instance excite some feelings of disappointment, it will ultimately tend to increase the attachment of the people of Nova Scotia to the Government of this Country, by inspiring them with a respect for the justice of its decisions, and to promote kindly feelings and mutual forbearance, which when duly encouraged and properly directed, will facilitate the good government of the Colony.”

APPENDIX No. 15.

(See Page 16.)

[COPY.]

No. 34.

Government House, Halifax, May 8, 1848.

MY LORD—

Your Lordship is aware that a modification of the Law of Copyright, has for some time past engaged a share of attention in several of the Provincial Legislatures.

The Act herewith transmitted, passed during the last Session, I trust may be found unobjectionable, and I shall be glad to learn that Her Majesty has been advised to assent to it, as it will generally be regarded as a Boon.

The extent to which the suggestions transmitted with Your Lordship's Despatch, No. 52, dated 11th December, 1847, have been embodied in this Act, and the reasons why some of those made by Mr. Hamel have not been adopted, will appear from the Report of the Select Committee, to whom the subject was referred, a copy of which is enclosed.

The present system, while it favours Smuggling and restrains the free circulation of Science and elegant Literature among the population of British North America, gives no protection to the British Author, for the reasons which Your Lordship will find also set forth in the Report.

I have, &c.

(Signed)

J. HARVEY.

The Right Honorable EARL GREY, &c. &c. &c.

(COPY.)

No. 124.

Downing-Street, 13th Sept., 1848.

SIR—

Her Majesty having been pleased to approve the Act passed by the Legislature of Nova Scotia in the month of March last, No. 2818, intituled, "An Act to regulate the Importation of Books, and to protect the British Author," I have the honor to transmit to you, herewith, an Order made by Her Majesty in Council, on the 11th instant, declaring that so long as the provisions of the said Act shall continue in force within the Province, the Prohibitions contained in the Imperial Acts relating to Copyright shall be suspended within the said Province.

I have the honor to be,

Sir,

Your most obedient,

Humble Servant,

GREY.

Lieut. Governor, SIR JOHN HARVEY, &c. &c. &c.

At

At the Court at Osborne House, Isle of Wight, the 11th day of August, 1848.

P R E S E N T—

THE QUEEN'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS by an Act passed in the Session of Parliament, holden in the fifth and sixth years of Her Present Majesty, Intituled "An Act to amend the law of Copyright," it is among other things enacted, that it shall not be lawful for any person not being the Proprietor of the Copyright, or some person authorized by him, to import into any part of the United Kingdom, or into any other part of the British Dominions, for sale or hire, any Printed Book, first composed or written, or printed and published in any part of the United Kingdom wherein there shall be Copyright, and reprinted in any Country or place whatever out of the British Dominions.

And whereas by an Act passed in the Session of Parliament, holden in the eighth and ninth years of the reign of Her Present Majesty, Intituled "An Act to regulate the Trade of the British Possessions abroad," Books wherein the Copyright is subsisting, first composed or written, or printed in the United Kingdom, and printed or reprinted in any other Country, are absolutely prohibited to be imported into the British Possessions abroad; and whereas by an Act passed in the Session of Parliament, holden in the tenth and eleventh years of the reign of Her Present Majesty, Intituled "An Act to amend the law relating to the Protection in the Colonies of Works entitled to Copyright in the United Kingdom," it is enacted that in case the Legislature or proper Legislative Authorities in any British Possession shall be disposed to make due provision for securing or protecting the rights of British Authors in such Possession, and shall pass an Act, or make an Ordinance for that purpose, and shall transmit the same in the proper manner to the Secretary of State, in order that it may be submitted to Her Majesty, and in case Her Majesty shall be of opinion that such Act or Ordinance is sufficient for the purpose of securing to British Authors reasonable protection within such Possession, it shall be lawful for Her Majesty, if she think fit so to do, to express Her Royal Approval of such Act or Ordinance, and thereupon to issue an Order in Council, declaring that so long as the provisions of such Act or Ordinance continue in force within such Colony, the prohibitions contained in the aforesaid Acts and hereinbefore recited, and any prohibitions contained in the said Acts, or in any other Acts against the importing, selling, letting out to hire, exposing for sale or hire, or possessing Foreign Reprints of Books, first composed, written, printed or published in the United Kingdom, and entitled to Copyright therein, shall be suspended so far as regards such Colony; and whereas an Act has been passed by the Lieutenant Governor, Council and Assembly of the Province of Nova Scotia, Intituled "An Act to regulate the Importation of Books and to protect the British Author," whereby provision is made for securing to British Authors a certain remuneration in respect of unauthorized Copies of Works under Copyright imported into the said Province; and whereas Her Majesty hath expressed Her Royal approval of the same—

Now therefore, Her Majesty, by and with the advice and consent of Her Privy Council, and by the authority of the same, doth Order, and it is hereby Ordered, That so long as the said Act of the Legislature of the said Province shall remain and continue in force within the said Province, all prohibitions in the other of the said hereinbefore recited Acts, or in any other Acts contained against the importing into the said Province, or against the selling, letting out to hire, or possessing therein Foreign Reprints of Books, first composed, written, printed or published in the United Kingdom, and entitled to Copyright therein, shall be suspended, so far as regards Foreign Reprints imported into the said Province.

And the Right Honorable the Lords Commissioners of Her Majesty's Treasury, and the Right Honorable Earl Grey, one of Her Majesty's Principal Secretaries of State, are to give the necessary Orders therein, as to them respectively may appertain.

(Signed) C. GREVILLE.

APPENDIX, No. 16.

(See page 16.)

DR. THE PROVINCE OF NOVA-SCOTIA,

For Payments made by the Treasurer between the 1st January and 31st December, 1848, inclusive.

To paid sundry Warrants, in full, of the Salary of the Lieutenant Governor,	£2500	0	0		
Sundry Warrants to Collector of H. M. Customs, in aid of that Department,	5458	10	1½		
Sundry Warrants for Salaries to the Officers of Government, per Abstract,	5621	14	7		
				£13580	4 8½
Sundry Warrants for Legislative Expenses, including pay of Members, as per Abstract,				4404	0 5
Sundry Warrants for support of Colleges, Academies, and Common Schools, as per Abstract,				13824	4 7½
Orders on Account of Warrant for encouragement of Agriculture, as per Abstract,				965	0 0
Sundry Warrants for allowance to Excise Waiters, Revenue Boats, and other Expenses in aid of Revenue, as per Abstract,				2707	11 6
Sundry Warrants for Drawbacks, per Abstract,				440	7 2
Sundry Warrants for Bounty on Wolves,				20	0 0
Sundry Warrants to Commissioners of Poor, Halifax, per 2 Warrants,				1500	0 0
Sundry Warrants to Commissioners of Penitentiary, as per Abstract,				1550	15 10
Sundry Warrants for compensation to Proprietors of Lands, taken for Road alterations, as per Abstract.				1440	17 8
Sundry Warrants for Advances from the Casualty Vote, per Abstract,				1049	1 3
Sundry Warrants for Improvement of Roads and Bridges, per Abstract, viz.:					
County of Digby,				1282	0 0
County of Halifax,	£1990	0	0		
Township Do.	551	6	9	—2541	6 9
					County

County of Annapolis,	£1138	1	9	
County of Cape Breton,	1766	6	2	
County of Cumberland,	1406	11	6	
County of Kings,	1462	16	2	
County of Lunenburg,	1663	2	0	
County of Colchester,	1540	0	7	
County of Guysborough,	1087	11	7	
County of Pictou,	1774	8	0	
County of Yarmouth,	1291	19	9	
County of Queens,	1289	5	0	
County of Richmond,	1170	15	0	
County of Inverness,	1333	10	10	
County of Hants,	1796	6	9	
County of Sydney,	1366	0	11	
County of Shelburne,	1298	10	0	
	<hr/>	25,208	12	9
Sundry Warrants for Expenditure on Roads and Bridges, granted in former years and undrawn, per Abstract,		1678	8	0
Sundry Warrants for support of Light Houses, per Abstract,		5829	10	2
Sundry Warrants for Commissioners of Sa- ble Island, as per Abstract,		1033	9	5
Sundry Warrants for expences in cleaning Militia Arms, per Abstract,		151	7	9
Sundry Warrants for holding Coroners In- quests, as per Abstract,		292	10	0
Sundry Warrants for Rations to Troops on Route, as per Abstract,		102	18	0
Sundry Warrants for cost of Criminal Pro- secutions, viz:				
Henry A. Grantham,	2	16	4	
W. F. DesBarres,	72	7	4	
John C. Hall,	4	8	4	
Hon. W. Young,	29	12	6	
John Creighton,	7	0	0	
James Stewart,	38	0	5	
Charles F. Harrington	7	9	4	
John Creighton,	22	10	0	
Lewis M. Wilkins,	38	7	3	
John T. Hill,	4	9	0	
Hon. W. F. DesBarres,	13	18	6	
Henry A. Grantham,	5	11	6	
James Stewart,	11	13	0	
John Whidden,	7	2	6	
W. E. Smith,	15	0	0	
James McKeagney,	7	10	0	
John Creighton,	7	10	0	
Charles Twining,	19	13	6	
William A. Henry,	13	11	0	
Lewis M. Wilkins,	21	3	4	
	<hr/>	349	13	10
		To		

To paid sundry Warrants in aid of Packets, Steam Boats, and Ferries, per Abstract,	£2250 0 0
Sundry Warrants in aid of Piers and Breakwaters, as per Abstract,	74 16 0
Sundry Warrants for Travelling Expenses of Judges, per Abstract,	436 10 0
Sundry Warrants on account of Grants in aid of Indians, per Abstract,	333 6 7
Sundry Warrants and Orders for Postages, and extension of Mail Routes, per Abstract,	1706 13 11
Sundry Warrants for interest on Funded Debt, per Abstract,	2101 13 10
Sundry orders for advances to Savings Bank, per Abstract,	2000 0 0
Sundry Warrants for Public Printing, per Abstract,	477 17 0
Sundry Warrants to Adjutants of Militia, as per Abstract,	300 0 0
Sundry Warrants to Commissioners of Public Buildings,	1349 11 6
Sundry Warrants and Orders on account of the Passenger Fund,	1513 8 3
Sundry Warrants for Miscellaneous services, as per Abstract,	4257 0 6
Sundry Warrants for encouragement of Out Mills, as per Abstract,	355 0 0
Warrant on account of Fines and Forfeitures,	4 12 6
To Cash paid Bank of Nova-Scotia repayment of advances to the Savings Bank,	200 0 0
To paid sundry advances made by command of Lieutenant-Governor, per Abstract,	7402 9 11
Advances made by order of Lieutenant-Governor for relief of Wm. McGuire, and expense of Prosecution,	238 7 11
	<hr/>
	£101,130 1 0
Balance,	3,376 3 10
	<hr/>
	£104,506 4 10

In Account Current with Samuel P. Fairbanks, Treasurer. Cr.

By Balance in hand 31st December, 1847,	£10923 18 7
Cash from Collector of Excise, Halifax:	
March Quarter,	£9080 0 0
June Quarter,	22300 0 0
September Quarter,	19200 0 0
December Quarter,	18500 0 0
	<hr/>
	69580 0 0
	By

By Cash from the Collectors of Impost and Excise
at the Out-Ports, viz :

Lunenburg,		£348	18	0
Amherst,		228	0	0
Pugwash,		141	18	6
Guysborough,			Nil	
Yarmouth,	H. G. Farish, £872 0 1	} 1422	0	1
	Mr. Moberly, 550 0 0			
Pictou,		2595	12	10
Digby,	Morton, 363 12 1	} 559	1	3
	Annand, 190 9 2			
Annapolis,		355	13	6
Windsor,		132	7	1
Maitland,		51	5	0
Westport,		24	16	6
Weymouth,		43	19	7
Cornwallis,		190	12	5
Liverpool,	Mr. Newton, £317 2 1	} 635	2	10
	Freeman, 318 0 9			
Shelburne,		198	7	8
Port Hood,		179	11	0
Londonderry,		131	10	0
Parrsborough,		26	14	7
Cape Breton,		266	6	4
Antigonishe,			Nil	
Given's Wharf, King's Co.		32	9	1
Gut of Canso,		45	0	0
Arichat,		241	6	8
Argyle,		100	3	2
Barrington,		52	7	3
Truro,		35	7	1
Wilmot,		204	9	9
Tatamagouche,		53	9	8

8296 9 10

By Cash from Collectors of Light Duty, viz.:

Halifax,		1010	6	10
New Edenburg,		37	14	11
Annapolis,		61	16	5
Liverpool,		129	0	10
Guysborough,		16	1	8
Barrington,		62	13	4
Westport,		15	0	0
Argyle,		63	12	2
Sydney, Cape Breton,		383	6	4
Cumberland,		19	0	0
Pictou,		759	6	1
Wallace,		182	9	11
Yarmouth,		238	15	1
Lunenburg,		36	2	11
Londonderry,			Nil	
Windsor,		149	6	6
Maitland,		37	2	0

Cornwallis,		£12	14	1	
Antigonish,		Nil			
Wilmot,		14	12	3	
Parrsborough,		12	0	0	
Given's Wharf,		4	6	6	
Digby,	Morton,	£68	3	3	} 90 13 6
	Annand,	22	10	3	
Canso,	Bigelow,	213	0	9	} 281 7 5
	Carre,	68	6	8	
Shelburne,	White,	34	18	3	} 43 15 0
	Morton,	8	16	9	
Arichat,	Donovan,	116	13	4	} 135 15 1
	Jean,	22	1	9	
					<hr/>
					3799 18 10
Amount received on account of Imperial Duties Collected at the Customs,					8218 16 9
Amount from Province of Canada towards support of Saint Paul's and Scattarie Light Houses,		601	4	10	
Ditto from Prince Edward Island,		36	1	6	
					<hr/>
					637 6 4
Bank of Nova Scotia, received an account of Sa- vings Bank,					199 0 0
Received on account of Fines and Forfeitures, viz: Clerk of the Crown, Halifax, Board of Revenue,		13	17	6	
		400	0	0	
					<hr/>
					413 17 6
Advances to Destitute of Magdalen Islands, re- paid by Province of Canada,					249 9 0
Drafts on Lords of Treasury in payment of Ad- vances made in the case of McGuire,		280	17	11	
Proceeds of sundry Agricultural Implements,		0	10	0	
Repaid by Board of Health, Halifax,		40	5	0	
					<hr/>
					321 12 11
Received from Savings Bank,					1300 0 0
Received from Passenger Fund,					49 10 8
Proceeds of Bill of Exchange on Lords of Trea- sury, in aid of Sable Island charges,					502 4 5
Amount received from Collector of Barrington, proceeds of Coal,					14 0 0
					<hr/>
					104,506 4 10

[Errors Excepted.]

SAMUEL P. FAIRBANKS, Treasurer.

Treasurer's Office, Halifax, 31st December, 1848.

APPENDIX, No. 17.

(See page 17.)

[COPY.]

No. 75.

SIR—

I have the honor to transmit to you for your information, the enclosed copies of an Act of Parliament, which has been passed to make further provision respecting the carriage of Passengers to North America. You will find that various provisions have been introduced into it, with the view of affording greater security for the health and comfort of the Passengers. An Order in Council will be passed at the earliest opportunity to establish the regulations which this Act empowers Her Majesty to lay down for the promotion of cleanliness, ventilation and good order.

I have, &c. &c. &c.

(Signed)

GREY.

Lieutenant Governor SIR JOHN HARVEY, &c. &c. &c., Nova Scotia.

An Act to make further Provision for One Year, and to the End of the then next Session of Parliament, for the Carriage of Passengers by Sea to *North America*.

[28th March 1848.]

WHEREAS it is expedient to make further Provision respecting the Carriage of Passengers by Sea to certain Parts of *North America* and the Islands adjacent thereto, and for that purpose to alter certain Provisions of an Act passed in the Session of Parliament held in the Fifth and Sixth Years of the Reign of Her present Majesty, intituled *An Act for Regulating the Carriage of Passengers in Merchant Vessels*, and of an Act passed in the Session of Parliament held in the Tenth and Eleventh Years of the Reign of Her present Majesty, intituled *An Act to amend the Passengers Act, and to make further Provision for the Carriage of Passengers by Sea*; be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That no Ship carrying Passengers on any Voyage from any Port or Place in the United Kingdom, or in the Islands of *Guernsey, Jersey, Alderney, Sark, or Man*, to any Port or Place on the Eastern Coast of *North America*, or in the Islands adjacent thereto, or in the *Gulf of Mexico*, shall proceed on such Voyage with or shall carry more Passengers on board than in the Proportion of One Passenger to every Two Tons of the registered Tonnage of such Ship; and that no such Ship shall, whatever be the Tonnage thereof, proceed on such Voyage with or carry more Passengers on board than in the following Proportion to the Space occupied by them and appropriated to their Use, and unoccupied by Stores not being the personal Luggage of the Passengers; (that is to say,) on the Deck upon which the Passengers live, One passenger for every Twelve clear Superficial Feet, or on the Orlop Deck, if any, One Passengers for every Thirty such Superficial Feet; and that if any Ship carrying Passengers upon any such Voyage as aforesaid shall carry any Person or Passenger beyond such Proportions, or any of them, the Master of the Ship shall, for and in respect of every Person or Passenger constituting such Excess, be liable to the Payment of a Penalty not exceeding Five Pounds Sterling.

II. And be enacted, That in computing the aforesaid Proportions Two Children, each being under the Age of Fourteen Years, shall be computed as One Person or Passenger, and that Children under the Age of One Year shall not be included in such Computation.

III. And be it enacted, That no Ship carrying One hundred or more Passengers shall clear out or proceed on her Voyage unless there shall be on board a Ship's Cook approved by the Emigration Officer at the Port of Clearance, and engaged for the purpose of cooking the Food of the Passengers, nor unless a convenient Place shall have been set apart, and a sufficient Apparatus provided for that purpose, to the Satisfaction of the said Emigration Officer; and if any Ship shall proceed on her Voyage, not having on board such Ship's Cook and cooking Apparatus as herein is required, the Master of the said Ship shall be liable to a Penalty not exceeding Fifty Pounds.

IV. And be it enacted, That whenever any Ship shall carry One hundred or more Passengers on any such Voyage as aforesaid, there shall be on board a Surgeon duly qualified as herein-after mentioned, or in default thereof it shall not be lawful for any such Ship to carry more Passengers on the Deck upon which the Passengers live than in the Proportion of One Passenger to every Fourteen Superficial Feet so occupied and appropriated as aforesaid.

V. And be it enacted, That in the Calculation of such Proportion, every Child above the Age of One Year shall be computed as One Passenger.

VI. And be it enacted, That every such Surgeon as aforesaid, shall be a Person duly qualified by Law to practise in the United Kingdom as Physician, Surgeon, or Apothecary, and who shall not be objected to by the said Emigration Officer.

VII. And be it enacted, That except as herein-after provided, no Ship shall clear out or proceed on any such voyage as aforesaid, until the said Surgeon, or in case of Ships not carrying Surgeons, until some Medical Practitioner, to be appointed by the said Emigration Officer, shall have inspected as well the Medicine Chest of the said Ship as the Passengers on board, and shall certify to the said Emigration Officer that the said Ship contains a sufficient Supply of Medicines, Instruments, and other Things requisite for the Medical Treatment of Passengers during the intended Voyage, and that none of the Passengers appear to him likely, by reason of being affected by any infectious or other Disease, to endanger the Health of the Persons on board: Provided always, that the Master, Owner, or Charterer of every Ship inspected by any Medical Practitioner so appointed, as aforesaid shall pay to such Medical Practitioner a Sum, to be fixed by the said Emigration Officer, not exceeding Twenty Shillings for every Hundred Passengers: Provided also, that in case on any particular Occasion it shall be deemed by the Emigration Officer impossible to obtain the attendance of such Medical Practitioner, it shall be lawful for the Master of any such Ship to clear out and proceed on her voyage, on receiving from the said Emigration Officer written permission for the purpose.

VIII. And be it enacted, That in case any such Surgeon or Medical Practitioner shall notify to the Emigration Officer at the original Port of Clearance, or at any other Port or Place in the United Kingdom into which the Vessel may subsequently put, or in case the said Emigration Officer shall be otherwise satisfied, that any Person about to proceed on such Voyage as aforesaid is likely, by reason of being affected by any infectious or other Disease, to endanger the Health of the other Persons on board, it shall be lawful for such Officer to re-land, or cause to be re-landed, any such Person, and such Members of his Family, if any, as may be dependent on him, or as may be unwilling to be separated from him; and no Ship shall be cleared out or proceed on any such Voyage so long as any such Person or Persons shall be on board, and the Master of any such Ship who shall wilfully proceed on the said Voyage with any such Person or Persons on board shall be liable to a Penalty not exceeding Fifty Pounds Sterling.

IX. And be it enacted, That any Person or Persons who shall be so re-landed as aforesaid, or the Emigration Officer on his or their Behalf, shall be entitled to recover by summary Process, before Two or more Justices of the Peace, in like Manner as in the said first-recited Act is provided in the cases of Monies thereby made recoverable, the whole of the Monies which shall have been paid by him or them, on his or their Account, for his or their Passage in such Ship as aforesaid, from the Party to whom the same may have been paid, or from the Owner, Charterer, or Master of such Ship.

X. And be it enacted, That it shall be lawful for Her Majesty, by any Order or Orders in Council to be by Her made, with the Advice of Her Privy Council, to prescribe any such Rules and Regulations as to Her Majesty may seem fit for preserving Order, and for securing Cleanliness and Ventilation, on board of *British* Ships proceeding on such Voyage as aforesaid, and the said Rules and Regulations from Time to Time in like Manner to alter, amend, and revoke as Occasion may require ; and that any Copy of such Order in Council contained in the London Gazette, or purporting to be printed by the Queen's Printer, shall, throughout Her Majesty's Dominions, be received in all legal Proceedings as good and sufficient Evidence of the making and Contents of any such Order in Council.

XI. And be it enacted, That in every *British* Ship it shall be lawful for the Surgeon, or, in Ships not having a Surgeon on board for the Master of any such Ship, to exact Obedience to all such rules and Regulations as aforesaid, under the Penalties next herein-after provided.

XII. And be it enacted, That any person on board such Ship who shall neglect or refuse to obey any such Rule, or Regulation, or who shall obstruct the Master or Surgeon of such Ship in the Execution of any Duty imposed upon him by such Rule or Regulation, shall be liable to the Payment of a Penalty not exceeding Two Pounds Sterling ; and it shall be lawful for the Justices of the Peace in any Part of Her Majesty's Dominions, before whom any Person shall be convicted of such Obstruction or Resistance as aforesaid, to order such Person, in addition to the Penalty herein-before mentioned, to be confined in the Common Gaol for any Period not exceeding One month.

XIII. And be it enacted, That the said Colonial Land and Emigration Commissioners shall from Time to Time prepare such Abstract as they may think proper of the whole or Part of this and of the said recited Acts, and of any Order in Council to be made as aforesaid ; and that Six Copies of the said Abstract, together with Two Copies of this and of the said recited Acts, shall, on Demand, be delivered by the Collector or Comptroller of the Customs of the Port of Clearance to the Master of every Ship carrying Passengers on such Voyage as aforesaid ; and that such Master shall, so long as any Passenger be entitled to remain in the Ship, keep posted, in at least Two conspicuous Places between the Decks of the said Ship, Copies of such Abstract, and shall be liable to a Penalty not exceeding Forty Shillings Sterling for every Day during any Part of which by his Act or Default such Abstract shall fail to be so posted ; and that any Person displacing or defacing such Abstract so posted shall be liable to a Penalty not exceeding Forty Shillings Sterling.

XIV. And be it enacted, That all Penalties imposed by this Act shall be sued for and recovered by such Persons only, and in such Manner, as in the said first-recited Act is provided in the Case of the Penalties thereby imposed.

XV. And be it enacted, That the Bond required by the said hereinbefore firstly-recited Act to be given in certain Cases to Her Majesty in respect of Ships carrying more than Fifty Passengers shall include and be a Security, not only for the Matters and Payments in the said Act mentioned, but also for the faithful Observance of the Provisions as well of the said herein-before secondly-recited Act as of this Act, and of any Rules and Regulations to be prescribed by any such Order in Council as aforesaid, and further for

the due Payment by the Master of any such Vessel of all Penalties which he may be adjudged to pay under or by virtue of the said herein-before secondly-recited Act or of this Act.

XVI. And be it enacted, That all Powers and Duties given to or imposed upon the Emigration Officer herein-before mentioned may be exercised and performed respectively by his Assistant in his Absence, or, at Ports where there shall be no such Emigration Officer, by the Officer of the Customs whose Duty it may be to grant a Clearance to such Ship.

XVII. And be it enacted, That in the Interpretation of this Act the Term "Passenger" shall be held not to include the Class of Passengers commonly known by the Name of Cabin Passengers; and the Term "Ship" shall include every Description of Sea-going Vessel; and the Term "Master" shall include any Person being in Command of such Vessel for the Time being; and that, unless there be something in the Subject Matter or Context repugnant to such Construction, every Word importing the Singular Number or the Masculine Gender only shall be construed to include several Persons, Matters, or Things, as well as one Person, Matter, or Thing, and Females as well as Males respectively.

XVIII. Provided always and be it enacted, That nothing in this Act contained shall apply to any Ship in which the Number of Passengers shall not bear to the registered Tonnage a greater Proportion than that of One Passenger to every Twenty-five Tons: Provided also, that if in any Action, Prosecution, or other legal Proceeding under this Act any Question shall arise whether any Ship carrying Passengers on any such Voyage as aforesaid did or did not carry a greater Number of Passengers than aforesaid in proportion to the Tonnage thereof, the Burden of proving that the Number of Passengers so carried in proportion to the Tonnage of the Ship was not greater than that of One Person to every Twenty-five Tons shall lie upon the Person against whom any such Action, Prosecution, or other legal Proceeding may be brought; and failing such Proof, it shall for any such Purpose as aforesaid, be taken and adjudged that the Number of Passengers so carried did exceed that Proportion.

XIX. And be it enacted, That in all Proceedings it shall be sufficient to cite this Act by the Title of "The *North American Passengers Act.*"

XX. And be it enacted, That this Act shall remain in force for the Period of One Year from the passing thereof, and from thence to the End of the then next Session of Parliament.

XXI. And be it enacted, That this Act may be amended or repealed by any Act to be passed during the present Session of Parliament.

APPENDIX No. 18.

(See Page 17.)

[COPY.]

No. 35.

Government-House, Halifax, May 25th, 1848.

MY LORD—

I have the honour to call your attention to the enclosed Resolutions and Documents, relating to the Mines and Minerals of this Province, being the renewed action of the House of Assembly on this subject. I am not prepared to offer an opinion on the *validity* of the Lease under which the General Mining Association exercise such

such extensive control over the Mineral resources of this country, but it is my duty to bring to Your Lordship's knowledge the fact, that the people of Nova Scotia entertain, almost *universally*, the same feelings as the Assembly on this important question.

It is apparent that the retention in the hands of one Company of all the unworked Mines of a Country, as well as those opened for use, must of necessity tend to discourage enterprise by excluding competition, and the want of facility in lading vessels by this Association and the inequality of price charged to the Foreigner and Home-Consumer, embarrasses Trade, and subjects the latter to a loss of time and money. I am also of opinion that the arrangement with this Company at the same time that it depresses the Crown Revenue, greatly increases the price of fuel, so necessary to the comfort of all classes in a northern climate. The powers wielded by this Association have, I learn, been used to originate prosecutions for penalties, in the name of the Sovereign for the use of Coal extracted by the owner of the soil.

I trust that Your Lordship will be enabled to give to this subject a deliberate review, so that I may be honoured with your instructions, and prepared, if possible, to direct the attention of the Legislature at its next Session to some measure of relief from the evils of a monopoly which, as Your Lordship will readily perceive, wounds the pride while it affects the interests of the people.

I have the honour to be,

Sir,

Your most obedient,

Humble Servant,

(Signed) J. HARVEY.

The Right Honorable EARL GREY, &c. &c. &c.

[copy.]

No. 100.

Downing-Street, 20th June, 1848.

SIR—

I have to acknowledge the receipt of your Despatch, (No. 35,) of May 25th last, enclosing the Report of a Committee of the Assembly on the Mines and Minerals of the Province, and the Resolutions of the House of March 31st last, founded on that Report, together with other Documents and Correspondence regarding the position and claims of the General Mining Association. And I have to transmit to you, for your consideration and the information of the Assembly, a Letter received by me from Mr. Cunard, the Agent of the above Association, bearing date the 16th May last.

2. Upon the question which appears to be raised, regarding the validity of the Lease on which the Title of the Mining Association is founded, it is not in my power to express any opinion, and it is obvious, that, on the ordinary principles of respect to private property, I am bound to consider it as in force until it is set aside by the decision of some competent tribunal. Whilst it remains in force I trust that the people of Nova Scotia, and their Representatives, will recognize the necessity of strictly respecting the rights with which it invests the Association, on the ground of that justice, the preservation of which is more essential to the public welfare than the prosecution of the immediate interests of the community, even supposing these to suffer from the existing monopoly to the extent believed by the Assembly.

3. The Assembly will also, I am confident, feel the importance of adopting no measures calculated to diminish the confidence of Capitalists who may have invested, or may be desirous of investing their funds in undertakings connected with the Province. Any proceedings which might prejudice the rights of the Association, assuming, of course, that these rights are legally secured by their Lease, on which, as was before said, I offer no opinion, would infallibly strike a blow at the credit of the Province in other quarters besides that against which they were directed. And upon this point, I wish to call your attention and that of the Assembly, to the last part of Mr. Cunard's letter.

Whether he is correct in his opinion that the course which the Association is pursuing is for the true interests of the Province, is a question on which difference of opinion may, doubtless, exist; but all must agree with him, that it is most important to encourage Capitalists to embark their money in the Province, and not to deter them by Legislative enactments.

4. I observe that a question of fact seems to be raised between the Assembly and the Representative of the Association, as to whether the portion of the land of Nova Scotia, granted before the date of the Lease, and in which there is no reservation except of the precious metals, contains, or does not contain Minerals in such abundance and so situated as to give practical facilities for competition with the Association to private owners or other Capitalists.

On this point it appears that investigations are about to be made, the result of which you will doubtless communicate to me. I have not thought it necessary to wait for them before answering your Despatch, because whatever the answer to these investigations might be it could not affect, to any important degree, my communication on the subject, as it could only disclose a greater or less amount of inconvenience as resulting from the present Grant, and could not touch the question of right.

I would observe that I have received within these few days, a representation from the Agent of the Londonderry Mining Company of Nova Scotia, whose operations appear to be intended to be carried on upon land not comprised in the Lease, in which he complains of the reports which have gone abroad that the General Mining Association hold under their Grant all the Mines and Minerals of Nova Scotia, and expresses himself desirous that this impression should be removed.

5. These are the observations which occur to me in the present state of my information on this subject. If, however, the existing arrangement is one which is really detrimental to the Province, and practically stands in the way of the development of its resources, I am of opinion that it would not be impossible to induce the Association to consent, upon reasonable terms, to a surrender or modification of their present claims. Perhaps such an amicable arrangement might be best effected by having recourse to the arbitration of some person or persons accustomed to consider questions relating to Mineral property, and in whose impartiality and disinterestedness both parties might be able to place confidence.

I believe there would be no difficulty in finding persons in this country qualified and willing to undertake the task, if this were deemed an advisable mode of bringing these conflicting rights and interests to a final adjustment.

I have, &c.

(Signed)

GREY.

Lieut. Governor, Major General SIR JOHN HARVEY, &c. &c. &c.

Copy

[COPY.]

6, Gloucester Street, Portman Square,
16th May, 1848.

MY LORD—

The Legislature of Nova Scotia, during the Session just now closed, have frequently had under discussion the legality of the Grants made by the Crown to the late Duke of York and the General Mining Association; during these discussions a determination has been evinced to deprive the Company of a large portion of the Grants, and otherwise to injure them.

Under these circumstances, and as there is a proposal of the Casual Revenues being transferred from the Crown to the Province, I am compelled, as agent for the Company in Nova Scotia, to trouble Your Lordship again with a statement of their position.

The Proprietors naturally feel alarmed at the hostile feeling displayed by the Legislature towards them, and are fearful if they are placed within the power of the Legislature, that Acts will be passed to injure them or destroy their interests in the Province altogether; this hostile feeling on the part of the Legislature is calculated, not only to injure the Company, but the Province also, as many of the Proprietors feel much hesitation in making further advances while this uncertainty exists.

I may here state that the supplies sent out from this country this Spring, for the use of the Mines, including passages paid for Colliers, amount to the large sum of £2296 8s. 10d. sterling, whilst further shipments will be required during the year; and I am now opening a Mine in the County of Cumberland, upon which £3738 17s. 8d. currency has already been expended, and a much larger sum will be required, but it is very discouraging to the Proprietors while they are advancing such large sums of money which must benefit the whole Province, to find such an unfriendly disposition manifested on the part of the Legislature.

Almost the whole of the Casual Revenue is derived from the Company: we have paid for Rent and Royalty up to the 31st December last, £95,440 13s. 7d. currency as per statement annexed, shewing the annual payments, and from which it will be seen that the amount is progressively and regularly increasing, and I have no doubt will continue to increase, if we are not checked in our operations.

We have disbursed in the Province one million five hundred thousand pounds, and 167,000 tons of shipping were required to take the Coals last year from the Mines, the Port charges and disbursements alone of which, must have been of great benefit to the Province.

All these advantages the Province receives from the Company, without the expenditure of one shilling.

No Coal had been exported from Nova Scotia prior to the lease to the General Mining Association, indeed the quantity raised at the Sydney Mines was about 6 or 7000 chaldrons, the contractor being bound only to raise 6,000 chaldrons, nearly one half of this quantity was purchased by the Commissary for the use of the Troops and paid for by Government, the price at the Mines for unscreened coal was 23s. currency per chaldron, which the contractor was allowed to charge. We charge at Sydney 18s. currency for the best screened coal delivered on board the Ship, which is equal to 9s. 7½d. sterling per ton, and at Pictou 16s. 6d. per chaldron, equal to 8s. 9½d. sterling per ton delivered on board ship; from these rates we have also to make deductions to Manufacturers, resident out of the Province, to induce them to use the coal, and we have also to sell upon credit and frequently lose large sums. We lost last year by one Manufacturing House in Boston £5740 16s. currency, but we paid the Royalty upon the whole quantity, so the Province received the benefit of the Royalty, although we lost the whole amount of the Coal.

Your Lordship will see that we have many difficulties to contend with, while the Province is receiving all the advantages.

Your Lordship is aware that a Suit had been pending for many years between the Representatives of the Duke of York and the Crown, respecting these Mines, which the Government were desirous should be terminated, and to meet their wishes the General Mining Association settled it with the Representatives of the Duke, by agreeing to pay to them 9s. sterling per chaldron on all the coal raised, as well from the Mines leased to the Company, as from those granted to the Duke. The Royalty paid last year into the Provincial Chest was £7143 13s. 5d. currency, and to the Duke's Representatives £4592 10s. 3d. sterling, which is a heavy tax upon the Company.

The principal part of the Coal is exported to the United States, where it is subject to a duty of 5s. 6d. to 6s. per chaldron, this is another difficulty we have to contend with. It would be no more than justice if we were allowed to export the Coal to Foreign countries free from Royalty, the duty on the export of Coal from Great Britain has been removed, and it would be no more than fair to allow the Nova Scotia Coal also to be exported free from duty.

It is asserted by the Legislature that we have a Monopoly of all the Mines in the Province, if we had, we obtained it fairly by agreement with the Crown, but it is not correct, there is a very large portion of the Province containing valuable minerals that the Proprietors of the soil may work without the payment of Rent or Royalty, which is well known to every one in the Province; but I need not go further to prove the fact, than to state that the Legislature passed an Act two years ago incorporating a Company to work the Mines in Londonderry, situated on the Bay of Fundy, where ships of any burden may load. This Company alone owns 5,000 acres of Land, abounding with the most valuable deposits of Iron, Coal and other Minerals. It cannot therefore, with justice, be said that we have a Monopoly.

If the Londonderry Mines had been included in our Grant, we should have worked them, and would have been obliged to pay a heavy Royalty, to the great advantage of the Province, as it is, the owners of the soil are at liberty to work them free from Royalty, yet for want of Capital and Energy, they remain unproductive; but every Member of the Legislature could, or can still have an interest in our Grants, the stock has always been for sale at a very depressed rate, but not a Share has been taken by them,—they may have the whole by repaying the Association the amount expended and interest, and then they can work the Mines with all the advantages they anticipate to the Province.

No other Company has ever paid a shilling into the Provincial Chest, but have generally received aid and assistance from the Public Funds. I only recollect one that has succeeded, the Gas Company, lately established at Halifax, the others have all broken down, and it may therefore be inferred that the Mines would, to this day, have remained in the same unproductive state if they had not been leased to the General Mining Association. I contend therefore that the Crown made a most advantageous arrangement for the Province, for besides the great sums paid for Rent and Royalty, it has been the means of introducing a large amount of Capital, Scientific men, and Machinery, which could not be otherwise than beneficial to the Country.

I am accused of not allowing persons to raise coals on their own land, but if I did allow them, should I not be accused, and with justice, of permitting an evasion in the payment of the Royalty to the Crown? Whereas it has cost me great trouble and expense to watch over the rights of the Crown, and prevent the smuggling of Coal.

As Lessees of the Crown we naturally look to Your Lordship for protection, and should the Casual Revenue be transferred to the Province, we have to beg that our just rights may at the same time be protected and secured, and that the Legislature may

may be restricted from laying any duty on the export of Coal, in addition to the heavy charges we now have to pay to the Crown and to the Duke of York, the imposition of which would be equally fatal to us and to the Province, by checking the importation, and that we may not be injured by any new enactments. We wish to remain Lessees of the Crown, and to fulfil our part of the contract faithfully, as we have ever done, we paid Rent and Royalty into the Provincial Chest for twenty years without receiving one shilling for Interest and Dividends, this alone should entitle us to some consideration, but we only ask to be justly dealt by, and it is only two years since we commenced paying a small Return to the proprietors. I feel great reluctance in making any observations that may be construed into reflections upon the Legislature of my native Province, there is no one more anxious for its welfare than I am, and perhaps no one has done more for its advancement; I am confident the course I am pursuing is for its true interest, and I trust the Legislature will yet see and acknowledge it.

I wish to encourage Capitalists to embark their money in the Province, and not deter them by Legislative enactments. I should be happy to see such another "Monopoly", established in the Province, or a dozen such.

I have, &c.

(Signed) S. CUNARD.

The Right Honorable EARL GREY, &c. &c. &c.

Statement of the Rents and Royalty paid annually to the Provincial Government by the General Mining Association.

Year.	Amount.	Year.	Amount.
1827	£3223 15 0	1837	£5524 12 2
1828	3850 10 0	1838	4964 15 8
1829	3333 16 8	1839	6372 8 1
1830	3333 6 8	1840	4869 1 0
1831	3333 6 8	1841	6184 4 6
1832	3333 6 8	1842	5487 6 6
1833	3333 6 8	1843	3473 9 4
1834	3341 2 2	1844	4985 3 5
1835	3333 6 8	1845	5528 16 10
1836	5020 6 7	1846	5470 18 11
		1847	7143 13 5
			<hr/>
		Halifax Currency.	£95,440 13 7
			<hr/>

(Signed) S. CUNARD.

APPENDIX, No. 19.

(See page 17.)

[COPY.]

No. 77.

Downing-Street, 12th April, 1848.

SIR—

In reference to your Despatch, No. 55, of the 31st January last, reporting the death of William MacGuire, a Lunatic, who was confined in the Gaol at Halifax, Nova Scotia, charged with the commission of Murder on the High Seas, I have to convey to you the necessary authority for drawing upon the Lords Commissioners of Her Majesty's Treasury for the sum of One hundred and eighty-four pounds fourteen shillings and four pence, being the amount which appears to have been already disbursed on account of the prosecution and safe custody of this person; and I have to instruct you to furnish an account of any further charges incurred in the case, in order that directions may be given for their payment.

With respect to the Memorial of Thomas Lepragh and John Gorman, praying for compensation for losses they sustained in consequence of their detention as Witnesses on the trial, I shall, on a future occasion, communicate to you the decision of Her Majesty's Government on the subject.

I have, &c.

(Signed)

GREY.

Lieut. Governor, Major General SIR JOHN HARVEY, &c. &c. &c.

[COPY.]

No. 95.

Downing Street, 8th June, 1848.

SIR—

With reference to the last paragraph of my Despatch, No. 77, of the 12th April, relative to the Memorial of Thomas Lepragh and John Gorman, praying for compensation for losses they sustained by their detention as Witnesses upon the trial of William MacGuire, I have to convey to you the necessary authority for paying to these parties, by way of indemnification, such amount as may be equivalent to the wages of which they were deprived during the period of their detention.

You will draw upon the Lords Commissioners of Her Majesty's Treasury for the amount of this indemnification in the same manner as for the other expences connected with the case.

I have, &c. &c. &c.

(Signed)

GREY.

Lieutenant Governor SIR JOHN HARVEY, &c. &c. &c., Nova Scotia.

APPENDIX No. 20.

(See Page 18.)

[COPY.]

No. 31.

Government-House, Halifax, April 19, 1848.

MY LORD—

I have the honor to inclose the Act passed in the late Session for rendering the Judges of the Supreme Court and the Master of the Rolls independent of the Crown and providing for their removal, which was introduced by the Members of the local Administration with my approval, and is an exact transcript of the Act passed by the Canadian Legislature in the year 1843, without a division in either House, and subsequently confirmed by Her Majesty. This latter Act applies to Canada East, a similar Statute having been passed some years before in the Upper Province, and both Laws deriving their origin from the Legislation of the Mother Country, with which Your Lordship is familiar.

In this Province the tenure of office of the Chief Justice and Judges of the Supreme Court and Master of the Rolls has been hitherto at variance with British usage, all of them holding their Commissions during pleasure, and in the case of the Puisne Judges, an Act which has been in force since 1789, providing that they *shall* (not *may*,) be removed at the pleasure of the Crown, or upon the joint address of the Council and Assembly to the Governor or Commander in Chief for the time being.

In the improved administration of Colonial Affairs, it seemed to my Responsible Advisers and myself, that it had become indispensable to give to the Bench a firmer and more independent position, while the Judges should become more amenable to the influence of Public Opinion,—always disposed in this Country, as at Home to treat them with the utmost respect, as well as to the supervision of the Local Legislature.

These are the only checks that it seems possible to apply in a new country to the very large discretion, with which a Judge is necessarily invested. He administers the Law in distant counties alone and uncontrolled.

In the Capital there is neither so numerous and independent a Bar as in older communities, nor are the decisions of the Courts regularly reported.

Your Lordship will readily apprehend under these circumstances the necessity of some wholesome and efficient control, the very existence of which will have a tendency to improve the relative position both of the Judges and of Suitors in their Courts.

The present Bill thus recommended by British and Colonial precedent, and by considerations of local policy, passed in the Lower House by a large majority, and in imitation of the Canadian Act, without the addition of a suspending clause; when, ascertaining that it was distasteful to the Chief Justice and Master of the Rolls, I thought it an act of courtesy to those high officers, to call their attention to the Bill and to afford them an opportunity of stating their objections before it should be discussed in Council.

All the objections that have been urged will be apparent to Your Lordship in the documents now enclosed, and enumerated in the margin.

These I conceive unnecessary to review in detail. The late venerable President and nine other Members of the Legislative Council forming the Opposition in that Body, and who have steadily voted against the measures of my Administration, sympathized, as was to be expected, with the Chief Justice and Master of the Rolls, and concurring in the accompanying protest.

Observations by the Chief Justice, 24th March.

Letter from the Master of the Rolls, same date.

Protest in Council 31st March.

Mr. Robie's Letter, 3d April, 1848.

Second Letter from Master of the Rolls.

But I cannot help thinking that the dangers they appear to apprehend from the operation of this Bill are much exaggerated, if not altogether chimerical.

I would not be understood as at all questioning their sincerity or undervaluing the weight that is justly due to their representations, but a very brief examination of the Bill will serve, in my opinion, to dissipate their fears. Like some of the English Judges previous to the Act of Settlement and in circumstances not dissimilar, the Chief Justice and Master of the Rolls would prefer the present tenure, during the pleasure of the Crown, although the latter, in a document recently transmitted to your Lordship, declared himself warmly in favor of the tenure during good behaviour, which, on every Constitutional ground, is undoubtedly to be preferred.

Under this Bill, as in England, a Judge is not to be removed on the joint address of the two Houses, unless the Crown or its Representative concur.

This is tantamount to an Act of the Legislature, and the Judge is protected by the independent action and responsibility of the Governor in the first instance, and by a subsequent appeal to Her Majesty in Council.

To require the two Houses to set forth specific charges in their Address, and to be prepared with evidence to sustain them, would be to set up a new practice and to defeat the measure. But I am convinced there is not the slightest cause for apprehending that a Judge would ever be assailed without ample and sufficient grounds; still less, that any attempt would ever be made to remove a Judge on Political or Party considerations. A Judge is equally safe, and quite as independent under this Bill as under the old tenure, unless he shall become so incompetent, or render himself so justly obnoxious to the great majority of the People, and the Legislature, that his removal would be a public benefit.

It might perhaps be preferable if a Tribunal could be formed within the Colony or the adjoining Provinces, before whom a Judge could be tried. But there is no reasonable prospect of creating such a Tribunal for many years, and I presume that Your Lordship would not willingly undertake the responsibility and labor of such inquiries.

My own judgement then, and the experience of Colonial Government, entirely concurs with the view that has been taken of this Bill by the Members of the Executive Council and the majority of the Assembly, and indeed the expediency and justice of some such measure appears to me so plain that I would not have thought it necessary to submit these considerations to Your Lordship, did I not conceive them proper to accompany the Protest and other Documents which I have been requested to transmit.

In deference to the objections so strenuously and unexpectedly urged, and to the parties from whom they proceeded, I took measures to have a suspending clause attached to the Bill, in which both Houses acquiesced, and will be gratified if Your Lordship shall see fit to advise its confirmation by Her Majesty.

I have, &c. &c.

(Signed)

J. HARVEY.

The Right Honourable EARL GREY, &c. &c. &c.

[COPY.]

Downing Street, 24th June, 1848.

SIR—

I have considered the provisions of the Act of Assembly, 11th Vic. No. 21, and under all the circumstances of the case I shall advise Her Majesty to confirm it.

The enactment is in substance the same with one of the Canadian Legislature, which has already received Her sanction. I should have had great difficulty in following this

this course had I thought that the Act in reality encroached to any extent on the independence of the Judges, or rendered them improperly liable to dismissal under the expression of the temporary will of a popular Assembly. But I think it will make no substantial difference in their tenure of Office, while it will define the nature of that tenure by positive enactment, instead of leaving it as at present to depend mainly upon usage. The Lieutenant Governor will be enabled to remove a Judge upon a joint Address from the two Houses, but he is not required to do so; and if he thinks there is sufficient ground for a Judge's removal, he possesses already the power of suspending him until the Queen's pleasure be known, and may exercise this power either upon an Address from the Legislature or otherwise. The present enactment is virtually a restriction not an extension of his power, as seems to have been apprehended by the Judges. It is true that an amendment for which much apparent reason was advanced (requiring the charges on which the address is founded, to be stated, was *required), but I do not regard its rejection as implying that any Judge ought to be removed without distinct charges having been preferred and duly established against him. If I had so understood this decision of the Legislature, I could not have advised Her Majesty to confirm this Act, as I think it would establish a principle fatal to the independence of the Judicial Bench and therefore most injurious to the public good, to admit that a Judge could properly be removed upon any vague grounds of having ceased to enjoy the confidence of the Legislature or for any other reason than proved misconduct. But while this great constitutional maxim is fully recognised it seems to me a sufficient objection to the introduction of the suggested provision, that it might have given rise to difficulties and discussions which it is well to avoid, as to the technical sufficiency of the necessary statement of charges. In this Country the law does not, as you are aware, define what are to be the grounds on which the two Houses of Parliament may address the Crown for the removal of a Judge, yet such a step is never proposed except upon distinct obligations of misconduct. I can not doubt that the Legislature of Nova Scotia will be guided by the same rule and in the highly improbable case of its failing to do so, by the appeal to the Queen in Council, which is provided, the same protection is substantially given to the Judges as if the proposed amendment had been made in the Act without the attendant inconvenience. For these reasons I apprehend no disadvantage to the administration of justice from the confirmation of this enactment and Her Majesty will therefore be advised to confirm it.

*Rejected.

I have the honor to be,

Sir,

Your most obedient,

Humble Servant.

(Signed)

GREY.

Lieut. Governor Major-General SIR JOHN HARVEY, &c. &c. &c.

[COPY.]

No. 117.

Downing Street, 18th August, 1848.

SIR—

The Act passed by the Legislature of Nova Scotia in the month of April last, entitled, No. 2815, "An Act to render the Judges of the Supreme Court and the Master

Master of the Rolls independent of the Crown, and to provide for their removal," having been referred by the Queen in Council to the Lords of the Committee of Privy Council for Trade, that Committee have reported to Her Majesty their opinion that the said Act should receive Her Majesty's special confirmation.

I transmit to you herewith an Order of Her Majesty in Council, dated the 11th of August, approving that Report.

I have the honor to be,

Sir,

Your most obedient,

Humble Servant,

(Signed)

GREY.

Lieutenant Governor SIR JOHN HARVEY, &c.

At the Court at Osborne House, Isle of Wight, the 11th day of August, 1848.

PRESENT—

THE QUEEN'S MOST EXCELLENT MAJESTY,

&c.

&c.

&c.

WHEREAS the Lieutenant Governor of Her Majesty's Province of Nova Scotia, with the Council and Assembly of the said Province, did, in the month of April, 1848, pass an Act which has been transmitted, entitled as follows, viz.:

No. 2815. An Act to render the Judges of the Supreme Court and the Master of the Rolls independent of the Crown, and to provide for their removal.

And whereas the said Act has been referred to the Committee of the Lords of Her Majesty's Most Honorable Privy Council, appointed for the consideration of all matters relating to Trade and Foreign Plantations, and the said Committee have reported as their opinion to Her Majesty, that the said Act should receive Her Majesty's special confirmation—Her Majesty was thereupon this day pleased, by and with the advice of Her Privy Council, to declare Her special confirmation of the said Act, and the same is hereby specially confirmed, ratified and finally enacted accordingly—whereof the Governor, Lieutenant Governor, or Commander in Chief for the time being of Her Majesty's Province of Nova Scotia, and all other persons whom it may concern, are to take notice, and govern themselves accordingly.

(Signed)

WM. L. BATHURST.

APPENDIX No. 21.

(See Page 18.)

COPY.

No. 137.

Downing Street, 8th November, 1848.

SIR—

Fifty-two Acts passed by the Legislature of Nova Scotia in the months of March and April last, has been referred by the Queen in Council to the Lords of the Committee of Privy Council for Trade and Foreign Plantations; that Committee have reported

reported to Her Majesty in Council their opinion that the said Acts should be left to their operation.

I have the honor to transmit to you an Order of Her Majesty in Council, dated 30th October last, approving that Report.

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

(Signed)

GREY.

Lieut. Governor SIR JOHN HARVEY, K. C. B., &c. &c. &c., Nova Scotia.

At the Court at Windsor, the 31st day of October, 1848.

P R E S E N T—

THE QUEEN'S MOST EXCELLENT MAJESTY.

&c.

&c.

&c.

WHEREAS the Lieutenant Governor of Her Majesty's Province of Nova Scotia, with the Council and Assembly of the said Province did, in the months of March and April 1848, pass fifty-two Acts, which have been transmitted, entitled as follows, viz:—

No. 2821. An Act to postpone the next Term and Sittings for Trials thereafter of the Supreme Court at Halifax.

No. 2822. An Act in relation to Distilleries, and the Exportation of Distilled Liquors.

No. 2824. An Act to continue and amend the Act to prevent obstructions to the Ferry across the Harbour of Halifax.

No. 2825. An Act to amend the Act further to improve the administration of the Law.

No. 2826. An Act additional to the Act for regulating the Dartmouth Common.

No. 2828. An Act in further amendment of the Act concerning the performance of Statute Labor on Highways.

No. 2829. An Act further to amend the Act for the Summary Trial of Actions before Justices of the Peace.

No. 2830. An Act in further amendment of the Act for the encouragement of Schools.

No. 2831. An Act to set off a part of the Township of Shelburne as a separate district for the support of the Poor.

No. 2832. An Act concerning the Acts relating to Highways, Roads and Bridges.

No. 2833. An Act to continue the Acts for granting Duties on Licenses for the sale of Spirituous Liquors and sales by Auction in Halifax.

No. 2834. An Act in relation to a certain Road in Aylesford and appropriations therefor.

No. 2835. An Act for applying certain monies therein mentioned for the service of the year of our Lord one thousand eight hundred and forty eight, and for other purposes.

No. 2836. An Act to authorize assessments for the relief of Distressed Settlers, in certain cases.

No. 2837. An Act relating to the naturalization of Aliens within this Province.

No. 2838. An Act to naturalize Frederick Mantovani, Silas Bliss Wing, Charles P. Allen, and John B. Fay.

No. 2839. An Act to continue and alter the Acts for granting Duties on Licenses for the sale of Spirituous Liquors.

No. 2840. An Act in amendment of the Act to establish the Toll to be taken at Grist Mills.

No. 2841. An Act to amend the Act to make provision for a Harbour Master at Spanish River, Cape Breton.

No. 2842. An Act to continue and alter the Act to regulate the Harbour of St Mary's.

No. 2843. An Act for the regulation of the Salmon Fishery in the Rivers of this Province.

No. 2844. An Act for the regulation of Juries.

No. 2846. An Act to limit the responsibility of Co-partners in certain cases.

No. 2847. An Act to amend the Act to facilitate proceedings before Justices of the Peace and others.

No. 2849. An Act to consolidate the Acts respecting the Incorporation of the City of Halifax.

No. 2851. An Act for altering and improving the Practice of the Supreme Court.

No. 2853. An Act to empower the Presbyterian Congregation of River John, in the County of Pictou, to appoint Trustees for the purpose of holding Lands for the use of the said Congregation.

No. 2854. An Act for regulating the Court House Ground at Amherst, in the County of Cumberland.

No. 2855. An Act for the regulation of the County Gaol at Halifax.

No. 2856. An Act to enable the Halifax Water Company to construct a Reservoir on the Common of Halifax.

No. 2857. An Act to provide for the building of Wallace Bridge.

No. 2859. An Act relating to the Grandique Ferry, in the County of Richmond.

No. 2860. An Act to authorize the Grand Juries in the Counties of Halifax and Pictou to assess said Counties for the erection of Hospitals therein.

No. 2861. An Act additional to the Act to regulate certain Landings in the County of King's County.

No. 2862. An Act to amend the Act to authorize the appointment of a new Board of Governors for Dalhousie College.

No. 2863. An Act to continue the Act to provide for the accommodation and billeting of Her Majesty's Troops, or of the Militia, when on their march from one part of the Province to another.

No. 2864. An Act to continue the Act to extend to the Town of Dartmouth the Act to amend the Act to regulate the Assize of Bread.

No. 2865. An Act to continue the Acts to regulate the Pilotage of Vessels at the Port of Halifax.

No. 2866. An Act to continue the Act to direct and ascertain the mode of assessing County and District Rates, and for other purposes, and the Acts in amendment thereof.

No. 2867. An Act to continue the Act relating to the Courts of Probate, and to the settlement and distribution of the Estates of deceased persons.

No. 2868. An Act to continue the Act to make regulations to prevent Geese going at large.

No. 2869. An Act to continue the Act for dividing the Township of Digby into separate Districts for the support of the Poor.

No. 2870. An Act to continue the Act in relation to the expenditure of Public Monies on the Highways.

No. 2871. An Act to continue the Act to incorporate Agricultural Societies.

No. 2872. An Act to continue the Acts now in force relating to Trespasses.

No. 2873. An Act to continue the Acts in force relative to the Inspection of Pickled Fish.

No. 2874. An Act to continue the Act relating to Marriage Licenses.

No. 2875. An Act to continue the Act in relation to the support of the Poor in certain parts of the Township of Egerton.

No. 2876. An Act to continue the Act in relation to the gathering of Sea Manure in the Township of Digby.

No. 2877. An Act to continue the Acts for regulating the Militia.

And whereas, the said Acts have been referred to the Committee of the Lords of Her Majesty's Most Honorable Privy Council, appointed for the consideration of all matters relating to Trade and Foreign Plantations; and the said Committee have reported as their opinion to Her Majesty that the said Acts should be left to their operation. Her Majesty was thereupon this day pleased, by and with the advice of Her Privy Council, to approve the said Report,—whereof the Governor, Lieutenant Governor, or Commander in Chief for the time being, of Her Majesty's Province of Nova Scotia, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

(Signed) C. GREVILLE.

APPENDIX No. 22.

(See Page 18.)

[COPY.]

No. 135.

Downing Street, 22d December, 1848.

SIR—

Six Acts passed by the Legislature of Nova-Scotia in the months of March and April last, and numbered in the Records of this Office 2819, 2820, 2823, 2827, 2845, and 2850, having been referred by the Queen in Council to the Lords of the Committee of Privy Council for Trade and Foreign Plantations, that Committee have reported to Her Majesty in Council their opinion that the said Acts should be left to their operation.

I have the honor to transmit to you herewith an Order of Her Majesty in Council, dated the 16th instant, approving that Report.

I am, Sir, &c. &c.

(Signed) GREY.

Lieutenant Governor SIR JOHN HARVEY, &c. &c. &c.

At the Court at Osborne House, Isle of Wight, the 16th day of December, 1848.

PRESENT—

THE QUEEN'S MOST EXCELLENT MAJESTY,
&c. &c. &c.

WHEREAS the Lieutenant-Governor of Her Majesty's Province of Nova-Scotia, with the Council and Assembly of the said Province, did, in the month of March and April, 1848, pass six Acts, which have been transmitted, entitled as follows, viz :

No.

No. 2819. An Act in relation to the Trade between the British North American Possessions.

No. 2820. An Act to continue and amend certain Acts relating to the Colonial Revenue.

No. 2823. An Act to amend the Act for granting Duties of Impost for the support of Her Majesty's Government within this Province.

No. 2827. An Act to Incorporate the Navigation and Commercial Company of Liverpool, Nova-Scotia.

No. 2845. An Act to Incorporate a Temperance Hall Company in Halifax.

No. 2850. An Act for granting Duties of Impost for the support of Her Majesty's Government within this Province.

And whereas the said Acts have been referred to the Committee of the Lords of Her Majesty's Most Honorable Privy Council, appointed for the consideration of all matters relating to Trade and Foreign Plantations, and the said Committee have reported as their opinion to Her Majesty, that the said Acts should be left to their operation—Her Majesty was thereupon this day pleased, by and with the advice of Her Privy Council, to approve the said Report—whereof the Governor, Lieutenant-Governor, or Commander in Chief for the time being, of Her Majesty's Province of Nova-Scotia, and all other persons whom it may concern, are to take notice, and govern themselves accordingly.

(Signed) WM. L. BATHURST.

APPENDIX, No. 23.

(See page 18.)

[COPY.]

No. 70.

Downing-Street, 9th March, 1848.

SIR—

I have the honor to acknowledge the receipt of your Despatch, dated the 12th of February last, enclosing an Address to the Queen, together with one to yourself, from the Assembly of Nova Scotia, relative to the following Acts passed by the Provincial Legislature :

“ An Act to repeal certain Duties of Customs,”

“ An Act for granting Duties of Impost for the Support of Her Majesty's Government within the Province,” and

“ An Act in relation to the Trade between the British North American Possessions.”

You will acquaint the House of Assembly that I have laid their Address before the Queen, and that Her Majesty was pleased to receive it very graciously, but that, previously to the receipt of your Despatch, the Royal assent had been given to the two first mentioned Acts, and the orders of Her Majesty in Council confirming them were transmitted to you in my Despatches, No. 63 and 64, of the 24th ultimo. You will further inform the House that, with respect to the Act in relation to the Inter-colonial Trade, the Order of the Queen in Council for its confirmation will be forwarded to you as soon as the necessary official forms can be completed.

I have, &c. &c. &c.

(Signed)

GREY.

Lieut. Governor SIR JOHN HARVEY, &c. &c. &c. Nova-Scotia.

APPENDIX No. 24.

(See Page 18.)

[COPY.]

No. 80.

Downing Street, 18th April, 1848.

SIR—

With reference to my Despatch, No. 67, of the 24th Feby., on the subject of the arrangement which it has been necessary to make in the Customs Establishments in those Colonies in which the Legislatures have availed themselves of the power given by the Imperial Act 9 and 10 to Victoria C. 94, to repeal the Differential Duties on Foreign Goods. I have now to acquaint you that I have received a communication from the Lords Commissioners of the Treasury stating that they have given the requisite directions for the selection and appointment of such officers, as it is intended to retain on the Establishment under the supervision of the Commissioner of Customs in the Province under your Government.

I have the honor to be,

Sir,

Your most obedient,

Humble Servant.

(Signed)

GREY.

Lieutenant Governor SIR JOHN HARVEY, &c. &c. &c., Nova Scotia.

APPENDIX No. 25.

(See Page 18.)

[COPY.]

No. 123.

Downing Street, 12th Sept., 1848.

SIR—

With reference to my Despatch No. 121, of the 8th instant, I have the honor to transmit to you herewith, an Order made by Her Majesty in Council, leaving to its operation the Act No. 2811, passed by the Legislature of Nova Scotia in the month of March last, and intituled "An Act to provide for the Collection of the Revenue."

I have the honor to be,

Sir,

Your most obedient,

Humble Servant,

(Signed)

GREY.

Lieut. Governor SIR JOHN HARVEY, &c. &c. &c., Nova Scotia.

(For Order in Council vide Ante Appendix No. 13.)

APPENDIX No. 26.

(See Page 18.)

[COPY.]

Halifax, N. S., January 23rd, 1849.

SIR—

We have the honour to state for the information of His Excellency the Lieutenant Governor, that the Light Houses, Humane Establishments, and Beacons throughout the Province, including the Island of St. Paul, are in an efficient state, and fully supplied with the necessary Stores, Oil, Provisions, &c. to last until July next.

Due attention has been bestowed during our visits the past Session in making improvements in the working and operations of some of the Lights, and we may add, that a formal complaint against the attendants is becoming a rare occurrence of late years.

We have already informed His Excellency of the completion and operation of the new Lights ordered to be built at Black Rock and Apple River, and respectfully beg to state our conviction of the propriety of the decision of the Legislature in approving of the position of these Lights.

And as one of the best proofs we have had in our power to receive, we may mention that on the first night of lighting Apple River Light, and without previous notice, a large fleet sought shelter there during a heavy gale. We have no doubt but that those Establishments will prove of the greatest advantage to the increasing trade of that valuable but hitherto, as respects Light Houses, neglected portion of the Province.

Our application to the Commissioners of New Brunswick for the sum voted by their Legislature towards building Apple River Light was responded to by a Bill for Three Hundred Pounds.

On reference to a Report of the Surveyor of the Bay of Fundy, dated January 1st, 1840, in which he advises the building a Light House at Apple River, and suggests, "if one third or half the cost and support of this Light were defrayed by New Brunswick, it would be paying only a small sum for a great benefit, as all the trade of that part of Nova-Scotia belongs to New Brunswick." We see no reason, even at this late stage of the business, why that Government should not be asked to give something towards its annual maintenance.

In our Report of 1845, we had the honor to call to the notice of His Excellency the great advantage that would be derived from the erection of a few economical Beacon Lights, judiciously placed, to lead to and through some of the most frequented thoroughfares around the Province, and among the number a position at the south entrance of the Strait of Canso, was strongly recommended by Captain Boxer, of H. M. S. Pique, in his Report to the Lords of the Admiralty, dated July 16th, 1838, on the subject of Light Houses in Nova-Scotia, viz., that of Land Point, and alluding to eleven vessels wrecked and ashore in as many months, and at this time a new brig is reported ashore there, and other losses are on record.

Since our Report, in which we also made strong allusions to the benefit arising up to that time from the erection and operation of a Light Beacon at the entrance of Guysborough Harbour, which we candidly think is one of the best and most economical expenditures of the public money yet made, and have no hesitation in saying, (putting aside its general advantage to trade and the extensive Fisheries carried on in all parts of Chedabucto Bay,) it should, on the score of humanity alone, be continued and protected by Provincial aid, its annual expenditure being only trifling for so important an object as a Harbour of Refuge is now considered by all civilized countries.

We

We also deem it our duty to bring to the notice of His Excellency that we have had two communications from Hypolite Marraud, and from other Ship Owners of Arichat, asking for aid (or if that could not be granted) for leave to put in operation by lighting, a *Harbour Beacon* of the above description, suggested no doubt by the very great advantage they in common with the surrounding inhabitants derived from the one now so much appreciated at Guysborough, whose inhabitants would be reciprocally benefited by its adoption; but not feeling ourselves at liberty to encourage any expenditures without the approbation of the Legislature, we merely advised them to use every precaution, should they carry their intention into effect, so as not to interfere with, or confuse established Lights in that vicinity.

We have the honor also of calling the attention of the Legislature to the advantage that the increased intercourse and Trade with England and America would derive from a Light placed in the vicinity of Jedore, about eight leagues eastwardly of Halifax, a locality much and justly dreaded by the Steamers, as one or more of them with difficulty escaped Shipwreck on some of the hidden dangers which lie so far in advance of that much dreaded locality.

It may not be irrelevant here to suggest, that if the Day Beacon on Devil's Island was fitted with a Harbour or distinguishing Light, which could be done at a trifling expense, it would afford a very great security to the increased Coasting, as well as the general Trade of the Province, and for want of it several valuable Vessels have been lost on and in the vicinity of the Island, and the present week, another valuable Brig ran ashore near it, and the lives of the crew endangered by the inclemency of the weather at this Season.

In accordance with the recommendation of the Committee on Public Expenditure and Navigation Securities, to employ the "Daring" when practicable, in conveying the supplies and workmen to the different Light House Establishments in the Province, we made use of that Vessel last year, when circumstances placed her at our disposal, and visited most of the Establishments,—at the same time we respectfully suggest that the "Daring" is much too large and valuable a Vessel to be used indiscriminately for that service.

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

(Signed)	S. CUNARD, THOS. MAYNARD, J. P. MILLER.	}	Commissioners of Light Houses, Nova-Scotia.
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APPENDIX No. 27.

(See Page 19.)

[COPY.]

Government House, Halifax, March 11, 1848.

MY LORD—

Your Lordship is fully aware, that for some time past a deep interest has been felt in all the North American Provinces on the subject of Electric Telegraphic Communication. This question was at first discussed, as subsidiary to the greater enterprize of the Halifax and St. Lawrence Railroad, it being assumed that that work once completed, the wires would be laid along the Line. Latterly the advantages of the instantaneous interchange of thought and information throughout the whole extent

of

of Her Majesty's Dominions on this Continent, have come to be viewed on their own merits, as worthy of distinct consideration, and as involving eminent social and commercial advantages, to say nothing of the additional guarantees which such a communication would afford in carrying out our national policy, and protecting this portion of the Empire from Foreign aggression.

Keeping both these objects steadily in view, and marking the progress which is making in Canada and New Brunswick towards the establishment of lines by private companies, which may either immediately or remotely fall into the hands of American Capitalists, who would thus command the most direct means of communication, not only between Her Majesty's subjects on both sides of the Atlantic, but between the Imperial and Provincial Governments. I have deemed it my duty to promptly interpose, and to take such steps as while they will secure to the people of Nova Scotia the benefit of Telegraphic intercourse, will preserve to Her Majesty's Government that salutary control over the Lines, which it appears to me from the peculiar geographical position of this Province, and many other reasons that will at once occur to Your Lordship, it may be wise to retain.

I am happy that my Council fully concur with me in what I believe to be our true policy at the present juncture. A measure is now in preparation, and will be submitted by them in a few days, and sustained by the whole weight of their influence, by which provision will be made for the construction early in the Spring, of a line of Electric Telegraph, running along the Main Post Road from Halifax to the northern boundary of Nova Scotia, leaving the question of how the communications are to be carried through the other Provinces, and whether, and upon what terms they are to be connected with the Lines running through the United States, to future consideration, when I shall have been advised by Your Lordship, and by His Excellency the Governor General, to whom, by the first Mail I shall send a copy of this Despatch.

I have, &c. &c.

(Signed)

J. HARVEY.

The Right Honourable EARL GREY, &c. &c. &c.

[COPY.]

Downing-Street, 6th April, 1848.

SIR—

I have received your Despatch of the 11th ultimo, in which you report that a measure will shortly be submitted by you to the Legislature of Nova Scotia, for the establishment of a Line of Electric Telegraph, which shall run along the Main Post Road from Halifax, to the northern Boundaries of the Province, it being reserved for future consideration how, and upon what terms the Line should be connected with the other British Provinces and the United States.

I have to express my entire concurrence in the opinion entertained by yourself and your Council, as to the great importance of this object, and I am gratified by the public spirited view which your Council have taken of the advantages that it may render to British interests generally in North America.

I have the honor to be,

Sir,

Your most obedient,

Humble servant,

(Signed)

GREY.

Lieutenant Governor SIR JOHN HARVEY, &c. &c. &c.

Copy

[COPY.]

No. 25.

Government House, Halifax, 18th April, 1848.

MY LORD—

I had the honor, in my Despatch No. 13, March 11, to explain to Your Lordship the nature of the measure which it was proposed to submit to the Legislature, having for its object the construction of a line of Electric Telegraph from Halifax to the northern frontier of this Province. It now becomes my pleasing duty to announce that this proposition was favorably received, and that the Act herewith transmitted passed through both Branches of the Legislature without a division.

I have, &c.

(Signed) J. HARVEY.

The Right Honorable EARL GREY, &c. &c. &c.

Mr. Young and Mr. Tobin's Memorandum relative to the Electric Telegraph.

We left Halifax on Tuesday the 9th May, and on the 17th reached St. John. In the course of the same day we met the Hon. Mr. Hazen, Mr. Partelow, Mr. Andrews the American Consul, Mr. M. H. Perley, and Mr. Darrow, one of the principal Contractors in the United States for building Lines of Electric Telegraph,—the latter having been invited by Mr. Andrews from Boston, purposely to meet us, in consequence of information communicated from Halifax to Mr. Perley, that we would be at St. John at or about the time of meeting. We explained to these gentlemen, as we did on all subsequent occasions, that our object was simply to enquire,—that we had no authority to enter into any final arrangement,—but that we were ready to discuss the subject in all its bearings,—to explain and vindicate the policy which the Government had pursued,—to express frankly our own individual opinions, and to carry back to His Excellency Sir John Harvey and our Colleagues, the result of our enquiries and observations, that they might be passed upon in Council, and a final and satisfactory arrangement hereafter made for building a line from Halifax to the confines of our Province, and thence by two branches to complete the Line of intercourse by Miramichi and Metis to Quebec, and also by St. John and Calais to Boston. With these Gentlemen we held a free discussion, and before we separated, we are glad to state, that the prejudices before entertained against the policy of the Government and Legislature, as being exclusive and selfish, were entirely removed, and it was admitted that the motives which had guided the Government in the movement made, had been misapprehended. They were satisfied that His Excellency and the Members of his Council were ready to introduce and manage the new mode of intellectual intercourse upon fair and liberal terms, and had no intention to press offensively, or in other words to monopolize the advantages afforded to Nova Scotia by her proximate position to the Atlantic.

Mr. Darrow and Mr. Perley accompanied us on the following day to Fredericton.—The subject was fully explained to His Excellency Sir Edmund Head, and to several of the leading men belonging to the Legislature who reside at the Capital. His Excellency engaged to extend to the enterprize his valuable influence and support. Mr. Andrews joined us on the following day, and before we left, Mr. Darrow prepared at our suggestion the two accompanying original Letters, one of them containing a tender

No. 1, A.

No. 2, B.

der for building the Line of Telegraph from Halifax to the boundary line of New Brunswick, and the other embodying the result of his experience as to the form and cost of the Line, and the terms or basis of a union for constructing the Line from Halifax to Portland along its whole length. The latter is unreserved, instructive and valuable.

Mr. Darrow assured us that there could be no difficulty in raising the necessary Capital in the United States to build the Line from Portland to Calais, provided arrangements were made to complete the Line through the Province of New Brunswick; at St. John we were assured that there was a feeling decidedly favourable to the enterprise, but at that particular time the Mercantile Community in consequence of the depression in the Deal and Timber Trade, were involved in embarrassment, and there was a want of ability, however strong the desire among the leading men to afford the Capital required. Mr. Andrews and Mr. Darrow proceeded to St. John the same day we left for Miramichi, to open a Subscription List at that City, at St. Andrews and at St. Stephen's, to ascertain the amount of Stock that could be raised, Mr. Darrow informing us that he had no doubt, if a moderate portion were taken in New Brunswick that there would be little difficulty in raising the balance required in the United States. The impression in Boston and Portland he stated was, that it was a line of commanding importance, and if managed so as to secure the confidence of the public could not fail to yield a very large return.

* * * * *

On reaching Quebec we were waited upon by Mr. Gisborne, at the request of the Directors of the British North American Electric Telegraph Company, and were subsequently invited by them to attend a meeting of the Board summoned, as we understood, especially for the purpose.

On crossing the portage from Restigouche to Metis, as we approached the latter place we met there the line of posts; they have been erected from Point Levi to the bridge at Metis, a distance of two hundred and fourteen miles. They are placed at the interval of sixty yards from each other,—equal to thirty in a mile,—and are chiefly of cedar. They were supplied by contract at the price of 3s. 6d. each. The caps, or *insulators*, are put up as far as the parish of St. Thomas', distant thirty miles from Quebec. They range along the edge of the Post Road, most of them stable and sound, but we observed that wherever they had been placed near a drain, or deep cutting, the frost had hove them into oblique positions, and they would be required to be replaced. The Wire has been imported, and capital raised at Quebec to complete the line from Metis to Campbelltown, and we were informed by the Directors, that Mr. Gisborne would leave Quebec on the following day to complete the line of Posts and put up the Wires from Metis to Point Levi, in order to have a Station at the latter place with a view of communicating to Quebec the intelligence relative to the shipping passing up and down the St. Lawrence from this point of the River.

With the Board we discussed as at St. John, the views entertained by His Excellency and the Executive Council relative to this enterprise, and particularly the anxiety felt by them to unite the Colonies more closely together and to complete the line to Quebec. We annex a letter addressed by Mr. Kimbin, the Secretary, to us before we left, and conveying the proposals of the Board for a joint management of, and participation in the profits along this great intercolonial line, we annex also the rates of charge established at the different Offices at Quebec and Montreal. We had an opportunity of inspecting the Books of the Company who have built and now work the line from Quebec to Montreal, and annex in an accompanying sheet the anticipated profits or returns for this year. The original Capital required to build the line did not exceed £5000, the profits this year will not be less than £1400 to £1500, being a dividend of thirty per cent upon the Stock.

No. 3, C.

No. 4, D.

The

The Directors informed us that they had applied by Memorial to Earl Grey, transmitted by His Excellency the Governor General for a loan of £5000, to build the Line from Campbellton to the boundary line of Nova Scotia and offering to pledge the portion of the Line built by them in Canada, as well as that to be erected by the Capital supplied, in security for its ultimate repayment. In passing through New Brunswick we made enquiry there into the state of feeling in relation to the Line to Quebec. We found it by no means favorable. It is regarded there as a Line in which the people of Canada not those of New Brunswick are mainly interested, and ranks secondary to the Line completing the communication through St John to the Atlantic Cities in the United States. We stated frankly to the Board at Quebec our belief that no Capital would be obtained in New Brunswick to complete this portion of the enterprize, and that unless the Capital were obtained from other sources, it could not be built this season. The Board expressed their desire, that on going to Montreal we should endeavour to enlist His Excellency the Governor General more warmly in favor of their Speculation and to solicit the exertion of his influence to obtain the loan sought for.

No. 5. E.

In the personal interviews with which we were subsequently honored by His Excellency the Governor General, we deemed it our duty to refer to this enterprize and to submit to His Excellency the letter addressed to us by Mr. Darrow. We found His Lordship fully impressed with the importance and value of this Line, and His Lordship informed us that he had before transmitted the Memorial from the Directors at Quebec to Earl Grey with a strong representation in its favor. The embarrassment of the finances at home may render it impossible for Earl Grey to provide the sum required, but we submit if it be not possible for the Executive Government of the three Provinces to devise some plan by which the Capital can be raised and this Line completed before the close of the season.

We refer to the annexed Letter from Mr. Gisborne, relative to the structure, and cost of the Line and Wire. In Canada Mr. Darrow's estimate was considered as too high.

No. 6. F.

* * * * *

That Gentleman also supplied us with the annexed map of the Metis route and Table of Distance.

On our route from Montreal to New York we were introduced to Mr. Griffin, a Contractor, resident at the latter city, but now in the employment of the Company who own the Line extending from Montreal to Quebec. We explained the objects of our Mission, and after reaching New York, obtained from him a tender, which we also annex. It will be observed that in the two tenders we have procured, estimates of the annual expense at which the Contractors will engage to keep the Lines in working order for a period of ten years, this condition we thought it prudent to have introduced, as the best guarantee for the stability and perfection of the work.

No. 7. G.

While there also, we again saw Mr. Darrow, and obtained from him the Letter of the 12th instant, giving his estimate of the cost and probable returns of the Line, of which that built in Nova Scotia will form a part. He informed Mr. Young that Contracts had been already entered into for the Wire required to lay the Line from Portland to Calais. We procured also while there, the latest Works on the subject of Electric Telegraph communication, and the rates of charges on the different Lines throughout the United States. Although we fear that the estimates made by Mr. Darrow are too flattering, and can scarcely hope that the profits will be so large as represented, from the best information we have been able to obtain, no reasonable doubt ought to be entertained that it will be a paying line, and that the returns derived from the two lines of wire to be placed on the *single* line of Posts built in Nova Scotia, will fully justify His Excellency to appoint Commissioners and follow out the instructions of the Legislature, in having the Line built from Halifax to Amherst

No. 8. H.

No. 9. I.

without

without delay. Mr. Darrow's observations are entitled to much weight. The returns from the Line will depend mainly upon its acquiring and retaining public confidence, from the dispatch and regularity with which the news from Europe, received by the Steamers, are conveyed to extreme points; and we therefore respectfully recommend it be built, in the first instance in the strongest and most substantial manner. Before the tenders are published it would be judicious in the Commissioners to select their Superintendent, in order that the Line should be built under his eye; and care of course ought to be taken that no private arrangement should exist between him and the Contractors,—we mean that they should have opposite interests, and that the sole duty of the Superintendent should be to have the work skilfully and thoroughly done. In conclusion we beg to say, that we believe this Mission has not been unsuccessful in establishing a feeling of cordiality and kindness in relation to this enterprize in the Colonies and in the United States,—that it will hasten its completion, and tend to the establishment of that confidence which is essential to its early introduction, and successful management. We have met every gratifying mark of respect and confidence, and have esteemed it our duty to follow out the instructions of His Excellency and our Colleagues in responding to these with the feelings which they are calculated to create.

(Signed)

GEO. R. YOUNG.
MICHL. TOBIN.

Halifax, June 19, 1848.

APPENDIX No. 28.

(See Page 22.)

[COPY.]

Government House, Montreal, 20th May, 1848.

SIR—

I have the honor to transmit for the consideration of Your Excellency and your Executive Council, the enclosed copy of a Memorandum presented to me by the Inspector General of Accounts, on the subject of the Inter-Colonial Trade between Canada and the Sister Provinces of Nova Scotia and New Brunswick, and I shall be obliged by your favoring me with your views on the points which are raised in it.

I have the honor to be,

Sir,

Your Excellency's

Most obedient,

Humble Servant.

(Signed)

ELGIN & KINCARDINE.

Lieut. Governor SIR JOHN HARVEY, K. C. B., K. C. H., &c. &c. &c.

[COPY.]

The Inspector General of Public Accounts humbly submits to the Governor General the following observations on the subject of the Inter-Colonial Trade between Canada and the Sister Provinces of Nova Scotia and New Brunswick.

The

The Inspector General has had communication of a Proclamation issued by the Lieut. Governor of Nova Scotia, in which the Act of the Canadian Legislature 10 & 11 Victoria, Cap. 31, is recited as an Act whereby the Native Produce and Manufactures of all, or any such of the other British North American Provinces as shall admit the Native Produce and Manufactures of Canada free of Duty, shall be entitled to exemption from Duty under the said Act, with the exception of Spirituous Liquors.

The Proclamation further recites, "And whereas the said Act is now in full force and effect," and in pursuance of the Authority vested in the Lieutenant Governor of Nova Scotia, with the advice of the Executive Council, His Excellency the Lieutenant Governor by the Proclamation, appoints the first day of May next, upon, from and after which day, all articles, the growth, produce, or manufacture of the Province of Canada (except Spirituous Liquors) shall be admitted into Nova Scotia free of Duty.

The Inspector General is of opinion that the Government of Nova Scotia has been premature in issuing the Proclamation and in considering the Provisions of the Canada Customs Act to bear the meaning given to it, as quoted in that document, and also in declaring the Canadian Act as being in full force to the effect recited.

The 3rd Section of the Canadian Act 10 & 11 Victoria, Cap. 31, contains the following proviso :

Provided also, that if in any British North American Colony, all articles, (except Spirits or Strong Waters,) being the growth, produce, or manufacture of this Province, shall be exempt from duty on importation into that Colony, then the *Governor in Council* may exempt from duty on importation into this Province, all articles (except Spirits or Strong Waters,) being the growth, produce or manufacture of such Colony, and imported directly therefrom.

At the end of the Table of exemptions appended to the Act, the following paragraph or note between brackets is to be found.

("The Native Produce and Manufactures of all or any such of the other British North American Colonies as shall admit the Native Produce and Manufactures of Canada free of Duty, shall be entitled to exemption from Duties under this Act, with the exception of Spirituous Liquors.")

After much consideration, and after taking the best advice within his reach, the Inspector General is of opinion that the Act must be construed as giving a discretionary power to the Governor of this Province, in Council, to exempt from Duty all articles the growth, produce, or manufacture of any of the British Colonies of North America, which shall give a reciprocal freedom from duty to all articles the growth, produce, or manufacture of Canada.

It is well known that many articles not the growth or produce of a Country, may by a slight process of change in the way of manufacture, become the manufacture of that country under the meaning given to the expression "manufactures of" in Acts relating to the Customs.

For example, in the article of Sugar large duties are imposed by the Canadian Act in question, and a large portion of the Revenue of the Province is derived from this very onerous impost. Should the Governor in Council exempt the article of refined Sugar from duty, the consequence would seem to follow, that Sugar imported in the raw state into Nova Scotia, and refined there, would be entitled to be imported into Canada free of duty, a process which would have the effect of surrendering the most important branch of the Canadian Revenue to Nova Scotia, supposing duties on the Sugar to be levied there or if the Raw Sugar were imported into that Province in Bond or free of Duty, or levying an impost more than equal in value to the whole cost of the article, for the protection of an unimportant branch of manufacture in Nova Scotia, while the same article manufactured in Canada would still leave the burden of the whole Duty on Raw Sugar.

The effect of such an exemption would, it is believed, cause the whole of the Import of Sugar into this Province to come from Nova Scotia and the other North American Colonies in a manufactured state. This Province would then lose the whole Duty, and the Customs Law would only operate to render the manufacture of Refined Sugar in Canada, except at a vast loss, impossible.

A very considerable Duty is imposed by the Canada Customs Act on Tobacco. Under the Law, unmanufactured Tobacco can only be introduced on payment of 1½d. per lb. According to the proposed system of Free Trade in Manufactures, manufactured Tobacco would be introduced Duty Free from the Colonies,—the consequence must be the loss of the Revenue of this Province arising from Tobacco, and the destruction of the Tobacco Manufactures of the Province.

The same observation would apply to the article of Leather, a very considerable quantity of which is now imported paying duty, and there is a heavy impost upon Boots and Shoes, intended probably as protective of Home Manufactures; but were Boots and Shoes manufactured in Nova Scotia imported here free of Duty, the consequence must be the loss of Revenue on Leather, and the existence of a Duty, protecting not the Manufacture of Canada, but that of Nova Scotia, for while the price of Leather used by our Shoemakers is kept up by an Import Duty, it may come through Nova Scotia free of Duty in the shape of Boots and Shoes, a state of Trade which the Mechanics of this Province would look upon as intolerable.

In short, as regards all articles subject to Duty in a raw state on importation into this Province, should Free Trade in manufactured articles be carried on between the Colonies, the Duties imposed would cease to be a source of Revenue, and would become protective to the Manufactures and Imports of the Sister Colonies, to the exclusion of those of Canada.

In connection with this subject, the Inspector General begs to remind His Excellency the Governor General, that since the transmission of the Customs Act to England for the signification of the Royal pleasure, numerous complaints have been made by British Tradesmen against that provision of the Customs Act under which the Governor in Council is authorized to admit the products and manufactures of the Sister Colonies on more favorable terms than those from the United Kingdom. These complaints are obviously founded in justice and it would in the opinion of the Inspector General, be highly inexpedient for the Canadian Government to adopt any measure which would induce the Imperial Government or the people of the United Kingdom, to believe that their Commercial interests were overlooked or disregarded in this Province.

It may probably be contended as regards the interests of the Province of Canada, that Canadians will have the same power of manufacturing for the other Provinces, which these Provinces will have for Canada, but the effect of such an unnatural course of trade would be to deprive the Government of Nova Scotia of Revenue, which may be absolutely required for the public service there, and without affording any compensation to Canada for the loss of Revenue absolutely required here, and moreover it seems obvious that no good could arise to any of the Provinces from a State of trade so curiously artificial as to force the manufactured articles in use in each Colony to be fabricated in the Sister Provinces instead of being manufactured at home.

The Inspector General cannot believe that the consequences which in his opinion would necessarily follow, were the Governor in Council to give effect to the provision of the Customs Act with regard to Inter-Colonial Trade, were foreseen by the framers of that Law. As a general principle nothing could be more liberal and politic than free intercourse between the different Provinces forming Her Majesty's Dominions in this part of the world, and had the contemplated exemption from Duty been confined to the native productions of the respective Colonies, from which but a small Revenue is derived

derived, and which under an enlightened system of commercial policy, might with great propriety be freely exchanged between all nations, without payment of duty, there could have been no objection to the intended relaxation of the Customs Law, but so long as the Revenues collected in each Province are for the benefit of that Province alone, and so long as the duties levied in each bear no relation in amount to those collected in the others, and so long as the Customs in each may be evaded by the others, by the introduction of Foreign Articles, free of Duty, under the name of Colonial Manufactures, it appears to the Inspector General that a provision so universal in its application as the one under consideration must be impracticable.

It might have been desirable, if the terms of the Act authorized such a course, that the Governor in Council of Canada, should have enumerated such of the products of the Sister Colonies as might be interchanged, free of Duty, with mutual advantage. It does not however appear that such discretionary power has been conferred by the Act, the exemption if made at all, must extend to all articles, the growth, produce, or manufacture of the Provinces.

Under these circumstances, the Inspector General is of opinion, that no action should be taken by the Governor in Council in Canada on the subject of Inter-Colonial Trade, until further communications have taken place between His Excellency the Governor General and the Lieutenant Governors of Nova Scotia and New Brunswick. In the meantime to prevent embarrassment to the Trade, it may be expedient to remit the Duty imposed upon the products of Nova Scotia, and New Brunswick imported into Canada. His Excellency the Governor General has already, by virtue of the Authority vested in him by law, remitted the duty on Fish imported from Nova Scotia and a similar relaxation will doubtless be made in cases of a similar kind, until the subject can be again brought under the notice of the Legislature. This probably may answer all practical purposes. The Inspector General is not aware whether in case of the entire remission of duty in the terms of the Act, manufactures would be largely introduced from the Sister Colonies. It would be highly desirable to obtain reliable information on this point, and especially with regard to Sugar, the duty levied on which article, in Canada, amounts to about £100,000.

It is possible that the result of further communications between His Excellency and the Lieutenant Governors of the Sister Provinces, may be to remove some, at least of the objections stated above, but at present, it would, in the opinion of the Inspector General be highly inexpedient for the Canada Government to give effect to that provision of the Customs Act which authorises the free admission of the products and manufactures of the Sister Colonies. All which is humbly submitted.

(Signed)

F. HINCKS.

Inspector General.

Inspector General's Office, Montreal, 19th May, 1848.

[COPY.]

No. 1.

Government-House, Fredericton, May 30, 1848.

MY LORD—

I have the honor to inform Your Lordship that I brought Your Letter of the 20th inst., together with its enclosure, before my Executive Council at their meeting yesterday, when the memorandum of the Inspector of Accounts was fully considered.

The Council were unanimously of opinion that free trade between the Provinces of
British

British North America was most desirable, and they agreed in thinking that no apprehension need be entertained of those consequences to the Revenue of Canada which the Inspector of Accounts appears to fear.

Practically, there is neither capital nor labour in the Province, or in Nova Scotia, such as is likely to produce the effects contemplated by Mr. Hincks. Such effects moreover could not develop themselves rapidly. The course of trade in any given article of large consumption cannot be diverted at once, and ample time would in any case be given for such measures as the Government of Canada might feel to be essential for their own protection.

I need not observe that the cost of carriage from New Brunswick or from Nova Scotia must form a material element in the calculation of the profits to arise from any article manufactured in either province for consumption in Canada, if such an application of capital and labour were probable.

I am informed that large quantities of Canadian flour are shipped or about to be shipped for St. John, N. B., I should much regret to find that the importation of this article is to be fettered by a duty, and I feel that the northern portions of this Province especially must suffer from the absence of free intercourse with the Canadian Markets.

I have the honor to be,

My Lord,

Your most obedient,

Humble Servant,

(Signed)

EDMUND HEAD.

The Right Hon. EARL ELGIN, and KINKARDINE, &c. &c. &c.

APPENDIX No. 29.

(See Page 22.)

DR. *Account of Receipts and Payments of the Crown Revenue in Nova Scotia, for the Half Year ending the 30th June, 1848.*

1848.		Currency.
July.	To paid balance due the late Treasurer,	£24 7 8
	The Lieutenant Governor half the portion of his Salary charged on this Revenue for the half year ending 30th June, 1848,	468 15 0
	The Chief Justice, for same period,	312 10 0
	Mr. Justice Hill, on account of his allowance, do.	52 10 0
	Mr. Justice Bliss, do do.	52 10 0
	Mr. Justice Dodd, (1 Quarter and 42 days) do.	18 5 4
	The Master of the Rolls, on account of his allowance, do.	52 10 0
	The late Attorney General, on account of the Salary of his office from 1st January to 8th February, 1848.	40 1 4
	The Attorney General, half his Salary from 8th February to 30th June,	97 18 10
	The Solicitor General, do.	24 9 9
	The Clerk of the Crown, on account of Salary to 30th June, 1848,	31 5 0
	Sir R. D. George, late Provincial Secretary, on account of Salary of that office,	66 15 7
		The

The Provincial Secretary, one half his Salary from 8th Feby. to 30th June, 1848,	£137 2 6
The Superintendent of Mines on Account,	31 5 0
The Surveyor General, half Salary for half year,	46 17 6
The Surveyor General, C. B., ditto,	31 5 0
The Lieutenant Governor's Allowance for Contingencies,	187 10 0
The Surveyor General of Cape Breton, Office Rent,	10 0 0
The Master of the Rolls, Cryer and Fuel, Courts of Chancery, and Vice Admiralty,	18 15 0
Miss Cox's Pension, with Premium of Exchange,	63 6 8
Sir Rupert George's Pension, from 8th Feby. to 30th June 1848, 1 Quarter and 52 days, at £400 Stg. per ann.,	195 17 9
The Salaries of the Clerks in the Secretary's Office,	306 5 0
The Private Secretary of the Lieutenant Governor, his Salary,	156 5 0
The late Solicitor General's Salary, from 1st January to 8th February 1848,—39 days,	13 7 0
The Commissioner of Crown Lands, N. S., his Commission of 5 per cent. on £616 15s. 9d.—surplus proceeds Crown Land Sales paid by him into this Revenue,—1847—8,	30 16 9
On account of Contingencies in Secretary's Office, and Messenger,	24 4 5
To Balance in hand,	107 14 1
	£2602 10 2

CR.

Currency.

Fees taken at the Provincial Secretary's Office for the half year ending 30th June, 1848,	£365 2 0
From Commissioner of Crown Lands, on account of Sales of Crown Lands in Nova Scotia Proper for the year 1847—8,	500 0 0
From the General Mining Association, Rent of Mines in Nova Scotia and Cape Breton for the half year ended 30th June, 1848,	1666 13 4
Do. Do. being Rent under Lease to His Royal Highness the Duke of York, for the year ended 24th June, 1848,	1 5 0
Premium on the two preceding sums, payable in Dollars at 2½d. the Dollar,	69 9 10
	£2602 10 2

E. E.

JOSEPH HOWE.

DR. *Account of the Receipts and Payments of Her Majesty's Casual Revenues in Nova Scotia, for the Half Year ending 31st December, 1848.*

1849.

Currency.

January.—The Lieutenant-Governor, the residue or moiety of the allowance in aid of his salary for the Half Year ended 30th June, 1848,	£468 15 0
--	-----------

The Chief Justice, the balance of his Salary for the Half Year ending 30th June, 1848,	£312	10	0
Representatives of the late Mr. Justice Hill on account of allowance for do.	52	10	0
Mr. Justice Bliss, on account of do.	52	10	0
Mr. Justice Dodd, balance on account of do.	18	5	5
Mr. Johnston, (ex Attorney General) balance of Salary, from 1st January to 8th February, 1848,	13	10	1
The Attorney General Uniacke, the balance or moiety of his Salary, from 8th February to 30th June,	97	18	10
Solicitor General DesBarres, balance do.	24	13	3
Clerk of the Crown, the balance or moiety of Salary for the Half Year ended 30th June,	31	5	0
Sir R. D. George, late Provincial Secretary,	8	4	5
The Superintendent of Mines, moiety,	31	5	0
The Surveyor General of Nova Scotia, do.	46	17	6
Do. do. Cape Breton do.	31	5	0
The Provincial Secretary, balance of Salary to 30th June,	137	2	6
The Lieutenant Governor, the amount of the allowance in aid of his Salary for the Half Year ending 31st December, 1848,	937	10	0
The Lieutenant Governor, do. Contingencies,	187	10	0
Private Secretary of the Lieut. Governor,	156	5	0
Provincial Secretary, Salary for Half Year to 31st December,	350	0	0
Surveyor General's Salary for Sept. Quarter,	46	17	6
Surveyor General of Cape Breton, do. do.	31	5	0
Do. do. Office Rent,	10	0	0
Superintendent of Mines, Salary for Half Year ended 31st December,	62	10	0
Chief Justice's Salary, do. do.	625	0	0
Representatives of Mr. Justice Hill, the allowance in aid of his Salary from the 1st July to the 8th Sept., the day of his death,	40	8	4
Mr. Justice Bliss, do. for Half Year ended 31st Decr.	106	5	0
“ “ Dodd, do. do. do.	50	0	0
“ “ DesBarres do. from 14th Novr. to 31st December,	12	15	5
The Master of the Rolls, the allowance for Contingencies and Fuel of the Chancery and Vice Admiralty Courts for the Half Year ended 31st December, 1848,	18	15	0
Attorney General's Salary for Half Year ended 31st December, 1848,	250	0	0
Late Solicitor General DesBarres' Salary 1st July to 14th November,	46	10	8
Solicitor General (McDougal's) Salary, 14th November to 31st December,	15	19	4
Clerk of the Crown, Salary for half year,	62	10	0
Pension of the late Provincial Secretary, for the half year ended 31st December, 1848,	250	0	0
Pension of Miss Cox, for the same period, with Premium of Exchange,	63	6	8
			The

The Salaries of the Clerks in the Secretary's Office for the same period,		£306	5	0
Messenger of the Secretary's Office,		6	0	0
Balance of allowance for Fuel, Stationery, and other Contingencies of the Secretary's Office for the same period,		106	15	7
Retiring allowance of Thos. Crawley, Esq., late Surveyor General of Cape Breton, same period,		31	5	0
H. W. Crawley, Esq., Comnr. Crown Lands, do.		75	0	0
Retained, assumed to be due to the Master of the Rolls, as the balance of the allowance in aid of his Salary, for the year 1848,—pending the settlement of the question raised by Mr. Creelman's Resolutions, 47 10 0.				
Balance in the Treasurer's hands,		624	7	10
		<hr/>		
		£5799	13	4
		<hr/>		
	Cr.		Currency.	
July.	By Balance in Treasurer's hands,	£107	14	1
	Amount of Fees collected at the Provincial Secretary's Office for the Half Year,	398	14	2
	Rent of H. M. Mines in Nova Scotia and Cape Breton, under Lease to the Genl. Mining Association for the Half Year,	1666	13	4
	Premium on dollars, payable in do.	69	8	10
	Royalty,	3223	19	2
	On Account of Sales of Crown Lands in Cape Breton,	333	3	9
		<hr/>		
		£5799	13	4

Statement of Coal raised and sold by the General Mining Association, from Her Majesty's Coal Mines in Nova Scotia and Cape Breton, for the year 1848.

From Pictou Mines,	Chaldrons	31,198	24
Sydney,		25,149	7½
Bridgeport,		41	24
Bras d'Or,		0	0
Joggins Mines, Cumberland,		561	12
		<hr/>	
Total Chaldrons,		56,949	67½
Less,		26000	0
		<hr/>	
		30949	67½
Say 30950 Newcastle Chaldrons, at 2s. Currency per Chaldron,		£3095	0 0
Premium on £3095, payable in Dollars, 2½d. each, as compared with Provincial Money,		128	19 2
		<hr/>	
		£3,223	19 2

E. E.

JOSEPH HOWE.

Appendix

APPENDIX No. 30.

(See Page 22.)

ESTIMATE FOR THE YEAR 1848.

ADMINISTRATION OF JUSTICE.

Four Assistant Judges of the Supreme Court,	£2500	0	0
Travelling expences of Do.	436	10	0
Hire of Vessels to convey do. to Cape Breton,	65	12	6
Master of the Rolls,	600	0	0
Criminal Prosecutions,	349	13	10
Coroners,	292	10	0
Pensions to late Common Pleas Judges,	900	0	0
	5141	6	4

LEGISLATURE.

Speaker of the Assembly,	200	0	0
Pay and Travel of Members,	2657	10	0
Clerk of Legislative Council,	200	0	0
Law Clerk,	150	0	0
Chaplain of Legislative Council,	25	0	0
Gentleman Usher of the Black Rod,	75	0	0
Clerk of Assembly,	200	0	0
Clerk Assistant of do.	100	0	0
Chaplain of do.	25	0	0
Sergeant of Arms do.	50	0	0
Assistant do. do.	30	0	0
	3712	10	0

Messenger of Legislative Council,	}	966	10	0
Assistant do. do.				
Messengers of Assembly, &c.				
Stationery, Fuel, Contingencies of Legislative Council and Assembly,				
Printing and Reporting,				
		5679	0	0

REVENUE.

Guager, Weigher and Proof Officer,	300	0	0
Excise Waiters,—Establishment,	2710	0	0
Clerk to Commissioners of Revenue,	60	0	0
	3070	0	0

MILITIA.

Adjutant General,	300	0	0
Quarter-Master General,	151	0	0
Adjutants of Battalions,			
Cleaning Militia Arms &c.			

EDUCATION.

For maintaing Light Houses,	5000	0	0
Sable Island Establishment,	400	0	0
Keeping up Post Communication,	1706	0	0
	Encouragement		

Encouragement to Steamboats, Packets, and Ferries,	£2145	0	0
Commissioners for Poor Assylum,	1350	0	0
Provincial Penitentiary,	1350	0	0
Interest of Funded Debt,	500	0	0
Interest of Deposits in Savings Bank,	600	0	0
Roads and Bridges,			
Casualties to do.	500	0	0
Drawbacks of Wine for Army,	300	0	0
Repairs of Public Buildings,	500	0	0
Indians,	300	0	0
Halifax Dispensary,	50	0	0
Rations of Troops en route,	102	0	0
Keeper of Gunpowder (Halifax),			
Hire of Vessels to protect Fisheries,	500	0	0
Government House, Halifax,			1849.

APPENDIX No. 31.

(See page 37.)

The Joint Committee of the Legislative Council and House of Assembly, appointed to examine the Public Accounts, beg leave to report as follows :

THE TREASURER OF THE PROVINCE.

The Accounts of this Officer exhibit a Balance Cash in hand 31st December, 1848,

£3376 3 10

COLLECTORS OF IMPOST AND EXCISE.

Paid in since Dec. 31, 1848.

HALIFAX.

£2248 9 0 Bonds in the hands of the Collector,
31st Dec. 1848, £6074 1 11
Late Attorney General, 497 13 6

£6571 15 5

LUNENBURGH.

Bonds in the hands of the Collector,
(principal part over due,) 31st
Dec. 1848, £718 5 11
Add overcharge, Gauger's Commission,
for three quarters, not allowed by law, 15 11 11

733 17 10

It is recommended that the over-due Bonds be at once forwarded to Her Majesty's Attorney General for collection.

LIVERPOOL.

Joshua Newton, Esq. Short paid amount directed by
Committee to be refunded for over-payments last
year, as per Report, 13 0 0

		Overcharge on Guager's Com- mission,	£21 17 3		
		Less allowed Commission up to 23d May,	3 15 6		
				<u>18 1 9</u>	
		Also 24 days charged Waiter, March quarter, paid,			
		12 " " " " June " "			
		36 days at 5s. per day—these payments being contrary to Law,		9 0 0	
		Due and to be paid into the Treasury by Mr. Newton,		40 1 9	
		J. H. Freeman, Bonds in his hands,	£100 18 10		
		Overcharge on his Accounts for weighing Sugar,	3 2 10	104 1 8	
					<u>144 3 5</u>
		SHELburnE.			
7	8	8	Bonds in the hands of the Collector 31st December, 1848,	80 3 0	
			C. White, former Collector to pay into Treasury overcharge Guager's Com- mission,	£10 8 4	
			Less allowed to 1st July,	3 12 10	6 15 6
					<u>86 18 6</u>
		BARRINGTON.			
			Due by Collector 31st December, 1848,		33 10 9
		ARGYLE.			
			Due by Collector 31st December, 1848,	0 14 10	
			Overcharge Guager's Com. £4 7 7		
			Less allowed,	1 4 9	3 2 10
					<u>3 17 8</u>
		YARMOUTH.			
70	3	3	Due by Collector 31st December, 1848,	70 6 11	
			H. G. Farish, former Collector to pay into Treasury, overcharge Guager's Com- mission,	£43 11 11	
			Less allowed to May,	2 16 3	40 15 8
					<u>111 2 7</u>
		WEYMOUTH.			
8	7	1	Due, per Account 31st December, 1848,	4 5 10	
			Overcharge Guager's Commission,	1 10 10	
					<u>5 16 8</u>
		WESTPORT.			
			Due, per Account 31st December, 1848,		9 0 8
		DIGBY.			
206	16	10	Due, per Account 31st December, 1848,	206 16 11	
					Due

Due by late Collector, Mr. Morton:

Amount due (per Journal, 1848,) 31st

Dec., 1847, £349 5 0

Collections to 7th June, 1848, 194 2 5

543 7 5

Paid to Treasurer since 31st

December, 1847, 368 12 1-174 15 4

381 12 3

This balance due by the Es-
tate of the deceased, E.

Morton, Esq., 174 15 4

PARRSBOROUGH.

61 4 2 Balance due, per Account as corrected to 31st Decr.
1848,

65 1 3

ANNAPOLIS.

145 8 4 Due, 31st Decr. 1848, per Account, 175 10 1
Add error on Guager's Com-
mission, 17 15 8
Less allowed, 8 5 0 9 10 8

185 0 9

WILMOT.

29 0 0 Due, per Account 31st December, 1848,

28 10 9

CORNWALLIS.

18 14 0 Due, per Account 31st December, 1848, 22 0 9
Add overcharge Guager's Com-
mission, 9 10 7
Less allowed, 3 6 1 6 4 6

28 5 3

WINDSOR.

Bonds in the hands of the Collector 31st
Decr., 1848, £13 7—Cash 3s. 5d. 13 10 5

Add overcharge Guager's Com-
mission, 6 12 6

Less allowed, 2 2 9 4 9 7

18 0 0

MAITLAND.

19 12 9 Due, per Account Current 31st Decem-
ber, 1848, 57 9 11

Overcharge Guager's Com-
mission, 2 11 3

Less allowed, 1 1 3 1 10 0

58 19 11

LONDONDERRY.

9 0 0 Due, per Account Current 31st Decem-
ber, 1848,

18 19 10

Amherst

AMHERST.

204	19	5	Due, per Account Current 31st December 1848,	238	8	6	
			Overcharge Gauger's Commission,	11	8	0	
			Less allowed,	3	2	0	8 6 0
				<u> </u>		<u> </u>	246 14 6

PUGWASH.

76	0	0	Due, per Account Current 31st December, 1848,	94	10	10	
			Overcharge Gauger's Commission	7	1	11	
			Less allowed,	1	5	0	5 16 11
				<u> </u>		<u> </u>	100 7 9

TATAMAGOUCHE.

Due, per Account Current, 31st December, 1848, 95 3 9

ANTIGONISIL.

6	9	0	Due, per Account, 31st December, 1848,	7	11	3	
			Overcharge Guager's Commission,	0	6	5	
				<u> </u>		<u> </u>	7 17 8

GUYSBOROUGH.

7	11	4	Due, per Account 31st December, 1848,	7	11	4	
			Add old balance as reported last year, unpaid since 1845,	4	19	8	
			Overcharge Guager's Commission,	0	7	6	
				<u> </u>		<u> </u>	12 18 6

ARICHAT.

			Due, per Account 31st December,	251	10	0	
			Overcharge Guager's Commission,	12	1	4	
			Less allowed,	5	17	1	6 4 3
				<u> </u>		<u> </u>	257 14 3

The Honble. Attorney General informs your Committee that the Accounts of the late Mr. Turnbull will be finally arranged ere long.

PORT HOOD.

			Due, per Account Current 31st December, 1848,	11	10	1	
			Overcharge Guager's Commissions,	13	2	9	
			Less allowed,	0	6	0	12 16 9
				<u> </u>		<u> </u>	24 6 10

CAPE BRETON.

Due, per Account Current 31st December, 1848, 113 17 11

PICTOU.

7	5	0	Amount due on Judgment as stated previous years,	1485	9	4	
---	---	---	--	------	---	---	--

Overcharge

Overcharge Commission on £109 1 10, Bonds sent to Atty. Genl. at 15 per cent.	16 7 3	
Bonds in the hands of the Atty. Genl.,	109 1 10	
		1610 18 5
No payment this year on account of Judgment.		

TRURO.

25 11 3 T. M. Crow, Collector, due per account, 31st Dec. 1848,	25 11 5	
Overcharge, Guager's Commission,	1 10 0	
	27 1 5	
Samuel J. Blair, former Collector, due 31st Dec., 1848,	30 11 8	
Collected to 30th June, £14 0 2, 30th September, 17s. 6d.	14 17 8	
	45 9 4	
Deduct remitted Treasurer, £35 7 1; Com. 3 18 7	39 5 8 6 3 8	33 5 1

GUT OF CANSO.

Amount due 31st Decr. 1847,	54 11 7	
Collected 1848,	43 4 10	
	97 16 5	
Deduct Cash remitted £45, Com- missions, £6 15, for 1848,	51 15 0	46 1 5

GIVAN'S WHARF, (KING'S.)

Balance due 31st Decr., 1848,		6 3 3
		11040 2 10

£3152 0 1

COLLECTORS OF LIGHT DUTIES.

Paid since 31st Dec. 1848.	Collected.	Paid.	Due.
HALIFAX.			
	Collected to 31st Dec. 1848, £1050	9 8 £926 5 0	£124 4 8
LIVERPOOL.			
	Collected to 31st Dec. 1848,	111 18 4	111 18 4
CORNWALLIS.			
£3 6 0	Collected to 31st Dec. 1848,	14 3 1	10 17 0
			3 6 1
PICTOU.			
	Collected to 31st Dec. 1848,	722 16 4	722 16 4
BARRINGTON.			
25 17 3	Collected to 31st Dec. 1848,	46 7 3	20 0 0
	Error in addition 1848, 10s.; old balance 1847, £2 5 2.		26 7 3

50

Weymouth

WEYMOUTH, (NEW EDINBURGH.)			
12	0	0	Collected to 31st Dec. 1848, 54 0 1 37 14 11 16 5 2
PARRSBOROUGH.			
21	11	3	Collected to 31st Dec. 1848, 33 11 3 12 0 0 21 11 3 Due for former collections still unpaid, £43 7 5, of this received since 31st Dec. £20 13 9 balance in course of col- lection.
YARMOUTH.			
31	16	10	Collected to 31st Dec. 1848, 231 18 9 199 14 5 32 4 4
WESTPORT.			
25	0	0	Collected to 31st Dec. 1848, 26 18 2 26 18 2 Dr. overcharge Commissions 26s. ; old balance, 10s. 6d.
SYDNEY, CAPE BRETON.			
25	17	10	Collected to 31st Dec. 1848, 330 1 6 304 3 8 25 17 10
CUMBERLAND.			
35	14	0	Collected to 31st Dec. 1848, 45 14 5 10 0 0 35 14 5 Also 14s. 6d. balance last year, since paid.
CANSO. (CURRIE.)			
No Returns or Remittance.			
CANSO. (HEFFERNAN.)			
103	14	11	Collected to 31st Dec. 1848, £206 15 ; charge for col- lection, £103 0 1, 103 14 11 103 14 11
ANNAPOLIS.			
3	4	2	Collected to 31st Dec. 1848, 54 3 7 50 19 5 3 4 2
CANSO. (BIGELOW.)			
21	17	8	Collected to 31st Dec. 1848, 218 9 6 196 11 10 21 17 8
ARICHAT.			
			Collected to 31st Dec. 1848, 136 12 2 116 13 4 19 18 10
GUYSBOROUGH.			
19	1	5	Collected to 31st Dec. 1848, 19 9 6 19 9 6 This Collector persists in a charge of 7½ per cent.
WINDSOR.			
			Collected to 31st Dec. 1848, 148 5 0 149 6 6 This Collector overpaid 21s. 6d. to his credit.
DIGBY.			
			Collected to 30th Sept. 1848, 80 17 4 80 17 4 No Returns or Remittance for December Quarter.

ARGYLE.										
Collected to 31st Dec. 1848,	41	17	0	41	16	6	0	0	6	
Also due on overcharge Commission, £1 2 7.										
SHELBURNE.										
9 12 0	Collected to 10th Aug. 1848,	18	8	3	8	16	3	9	12	0
No Returns or Remittance from this Port since 10th Aug.										
ANTIGONISH.										
7 11 0	Collected to 31st Dec. 1848,	7	11	6				7	11	6
LUNENBURG.										
	Collected to 31st Dec. 1848,	36	3	5	36	2	11	0	0	6
LONDONDERRY.										
No Returns or Remittance.										
PORT HOOD.										
No Returns or Remittance.										
MAITLAND.										
1 0 0	Collected to 31st Dec. 1848,	38	2	0	37	2	0	1	0	0
WILMOT. (STONE.)										
	Collected to 31st Dec. 1848,	8	12	0	7	5	0	1	7	0
WEST CORNWALLIS. (GIVANS.)										
	Collected to 31st Dec. 1848,	4	6	6	4	6	6			
WALLACE.										
19 3 0	Collected to 31st Dec. 1848,	140	2	8	120	19	8	19	3	0
<u>£366 7 4</u>		<u>£3724</u>	<u>14</u>	<u>2</u>	<u>£3206</u>	<u>6</u>	<u>11</u>	<u>£519</u>	<u>8</u>	<u>9</u>

THE COMMISSIONERS OF LIGHT-HOUSES.

The Expenditure for the service to 31st December, 1848,		£5159	17	8
Cr.				
By amount received from the Treasury,	£3972	5	11	
Received from New Brunswick for Seal Island and Brier Island Lights, 1847,	241	9	4	
Received Sales of empty Oil Casks, £28 13 11 ; Provisions St. Paul's £27 10,	56	3	11	
Balance of Money drawn for Black Rock and Apple River Lights transferred,	48	9	3	
		<u>4318</u>	<u>8</u>	<u>5</u>
Memorandum,		£841	9	3
Cost of erecting and completing Black Rock Light, 1848,	754	11	0	
Do. do. do. Apple River, do.	754	9	9	
		<u>1509</u>	<u>0</u>	<u>9</u>
Drawn from the Treasury :				
Amount appropriated for these services,	1250	0	0	
				Received

Received by Commissioners :		
Amount granted by Legislature of		
New Brunswick,	£300 0 0	
Difference of Exchange 2½ p. ct.	7 10 0	
	<u> </u>	307 10 0
		<u> </u> 1557 10 0
This Balance credited by Commissioners in General Account Current £48 9 3		

LIGHT-HOUSES.

Amounts received for Light Duties in 1848,	£3206 6 11	
Less overpaid by Windsor Collector,	1 1 6	
	<u> </u>	£3205 5 5
Due by Collectors for 1848,		519 8 9
Due by New Brunswick for Seal and Brier Island, 1848,		239 11 6
Do. do. do. for contribution for St. Paul's Light, 1848,		250 0 0
Due by Canada, for do. 1848, £500 ; share of over-expen- diture, £96 4,		596 4 0
P. E. Island, for do. do. £30 ; do. do. do. £5 15 4,		35 15 4
Sales of empty Oil Casks, &c.		56 3 11
		<u> </u> £4902 8 11
Amount expended by Commissioners per Account Current, 1848,		5159 17 8
N. B.—Amount of contribution from New Brunswick for St. Paul's and Scatarie, 1847, £250, (still unpaid.)		
		<u> </u> £257 8 9

CUSTOM HOUSE.

Collected at Halifax to 31st March, 1848,	£3182 12 0	Stg. £3978 5 0
Collected at Out-ports,	836 11 11	" 1045 14 10
Balance due 31st December, 1847,		3208 8 11
		<u> </u> £8232 8 9
CR.		
Cash paid into Treasury to 31st Dec. 1848,		8218 16 9
		<u> </u> £13 12 0
Balance due from Custom-House, Currency,		

COMMISSIONERS OF SABLE ISLAND.

Their Accounts to 31st Dec. 1848, received. Balance due by Commrs. £543 18 11

PUBLIC BUILDINGS.

By the Commissioners' Accounts the expenditure for the year 1848 has been :		
On Government House,	708 1 7	
On the Province Building,	398 7 6	
	<u> </u>	1106 9 1
Appropriated for this service and drawn out in 1848,		250 0 0
		<u> </u> 856 9 1
Undrawn of Grant 1848,		250 0 0
		<u> </u> £606 9 1
	To be provided for	Marshall's

MARSHALL'S JUSTICE.

Balance due as per former Reports, £59 17 4

PROVINCE NOTES.

Amount in circulation 31st December, 1848, 59,864 0 0

FUNDED DEBT.

Amount of Stock Certificates at 5 per cent. interest, 10,000 0 0
Of Monies Funded in Savings' Bank, 31st Dec. 1848, 39,100 0 0

£49,100 0 0

DR. PROVINCE OF NOVA-SCOTIA. *31st DECEMBER, 1848.

To this sum undrawn on account of Roads and Bridges, as per Abstract, £2612 7 4

Due for other services, undrawn, 7858 0 0

Amount of Funded Debt, 49100 0 0

Amount of Province Notes in Circulation, 59864 0 0

Amount due Commissioners Public Buildings, 606 9 1

The following sums included in the Treasurer's Balance as Cash, viz :

Brig Joseph and Owners, 400 0 0

Surveyor General, Cape-Breton, 571 2 11

Fines and Forfeitures Account, 744 13 10

St. Paul's and Scatarie Light House Account, 92 3 3

Clerk of License Account, 159 1 1

Passenger Fund, Nil.

1967 1 1

£122007 17 6

CR.

Cash Balance, Treasurer's Account, 3376 3 10

Balances due by Light Collectors, 519 8 9

Due on Bonds in Excise Office, Halifax, 6571 15 5

Less probable Drawbacks, 571 15 5

6000 0 0

Due from Canada Light Houses, 1848, 596 4 0

New-Brunswick do. 1847, 250 0 0

Do. do. 1848, 489 11 6

739 11 6

P. E. Island, do. 1848, 35 15 4

Marshall's Justice, 59 17 4

Loan to Dalhousie College, 5000 0 0

Due from Collectors of Excise at Out Ports, 4468 7 5

Due Amount advance Casual Revenue,

(since paid) 400 0 0 21195 8 2

Balance due 31st December, 1848, £100812 9 4

Due from Custom House, 31st December, 1848, 13 12 0

£100798 17 4

The

The Committee have given their attention to the Accounts submitted to them, and find those of the Treasury satisfactorily arranged.

Those of the Excise at Halifax are also satisfactory.

The Excise Accounts from the Out Ports have also been examined, in some instances they are satisfactory; but your Committee must remark on the charge in others for Guagers, which, though disallowed by Law, is calculated up to the end of the year. The Committee, after making a liberal allowance, have sur-charged the respective Collectors with the sums over-paid for this service. Your Committee conceive that all Monies collected should first be paid into the Treasury, and the Salaries both of Collectors and others, should then be drawn out by Warrant, after their Accounts are audited. This would afford a check on the Collectors, and enable the Auditor of Public Accounts to rectify mistakes in the Returns before the payment of remuneration to the Officers.

The Collectors of Light Duties, with few exceptions, have neglected to make Returns of Vessels producing Certificates of Payments at other Ports,—without this no effective check can be kept on the collection of this duty. Your Committee therefore suggest that the proper Officers should again direct all the Collectors to make a Yearly Return of all Vessels who enter their respective Ports, stating the Port where the Yearly Duty was paid—the name of the Vessel and Master—the Tonnage, and *date of Certificate produced*.

Your Committee deem it proper to remark, that the three Junior Judges have been paid for travelling fees beyond those charged for travel on the Country Circuits.

Committee Room, Halifax, Nova-Scotia, 21st February, 1849.

STAYLEY BROWN, WILLIAM STAIRS, JOHN MORTON,	} Com. of L. Council.	JAMES D. FRASER, THOMAS KILLAM, H. Y. MOTT, W. B. TAYLOR, HENRY MIGNOWITZ,	} Com. of House of Assembly.
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APPENDIX No. 32.

(See page 39.)

[COPY.]

No. 138.

Downing Street, 26th January, 1849.

SIR—

I think it right to transmit for your information the enclosed copy of a Report which has been made by Her Majesty's Commissioners of Railways, containing such observations as occurred to them upon Major Robinson's Report upon the proposed Line of Railway between Halifax and Quebec; but I abstain from making any remark on these observations until Her Majesty's Government shall have had an opportunity of considering simultaneously the communications received or expected on this important subject from the neighbouring Provinces, as well as from your own Government.

I am, &c.

(Signed)

GREY.

Lieut. Governor SIR JOHN HARVEY, &c.

Copy

[COPY.]

Enclosure in No. 3.

*Office of Commissioners of Railways, Whitehall,
January 12, 1849.*

SIR—

I have been directed by the Commissioners of Railways to acknowledge the receipt of your Letter of the 22nd of November, transmitting for their consideration a Copy of a Report by Major Robinson, of the Royal Engineers, on a proposed Line of Railway between Halifax and Quebec, and other documents connected therewith, and requesting them to endeavour to ascertain whether the estimate in that Report, of the probable cost of the Work, and of the return to be expected from it may be relied upon, and I am to inform you that the Commissioners have carefully considered the subjects referred to them, and have directed me to make the following observations, for the consideration of Lord Grey, which are chiefly founded on the facts contained in the Report, as they have but little other data on which to rest their opinion.

With respect to the estimate given by Major Robinson of the cost of the proposed Works, they consider that where so long a line is concerned, the average which he has taken from the actual cost of other Lines, as nearly similar as possible in their character, affords good data for an estimate; and they therefore concur in the conclusion he has drawn from the average cost of the completed Railways in Massachusetts, and believe that, with prudent management, a single Line of Railway between Halifax Harbour and the St. Lawrence, opposite Quebec, if gradually constructed from each end, might be properly completed and supplied with a moderate plant for £5,000,000, but they fear that this sum would not be found sufficient, if it be endeavoured, by locating large working parties on different parts of the proposed Line, to expedite its construction; for the expenses attendant on forming the necessary establishments for the labourers, on forwarding them thereto, and on providing for them during the season when their labour could not be fully employed on the Line, would probably be very great, and any expenditure which may be thus incurred, can hardly be considered as provided for in the above estimate.

With respect to the probable return upon this Capital, Major Robinson, it appears, considers that "there are very good general grounds upon which to form an opinion that ultimately, if not at once, the Line will, in a commercial point of view, be a very productive one;" but after giving this question the fullest consideration, so far as they possess the means to do so, the Commissioners are disposed to think that, although in a military and political point of view the completion of a Railway between Halifax and Quebec may be of great importance, that as a commercial undertaking it is very doubtful whether it can, at least for a long time to come, prove profitable.

The Commissioners agree with Major Robinson in not attaching much importance to the direct intercourse between Halifax and Quebec; the passenger traffic between two cities having respectively 45,000 and 25,000 inhabitants, and situated at the extremities of a Railway 635 miles in length, would be quite insignificant, and there are no towns of any size between the termini. The productions also of the several Provinces of British America, are not of a nature to offer a prospect of any important interchange of commodities between them until new branches of industry have sprung up,

It is anticipated, apparently, that the principal immediate revenue would be derived from the transport of the agricultural produce of the western part of Upper Canada, and of the parts adjacent thereto of the United States, to Halifax, for exportation; that the construction of the Railway would lead to the rapid settlement of the Province

of

of New Brunswick, and the developement of its agricultural and other resources; that the Cumberland Coal Field, which is crossed by the line, would occasion a considerable traffic, and that the increased value likely to accrue to the ungranted lands adjacent to the Railway would be equivalent to a considerable diminution in the cost of its formation. But it is difficult to believe that the agricultural produce from the settlements on the Lakes of Upper Canada, when either the lateness of the season or the rate of freight at Montreal prevents its shipment at that port, will be forwarded by the circuitous route of the St. Lawrence to Quebec, and thence by Railway to Halifax, instead of by the more direct existing communications through New York and Boston, or by that which the Montreal and Portland Railway, now constructing, will afford, especially when the differential duty which at present favours the exportation from a British Colonial port has ceased; the early closing and the late opening of the navigation between Upper Canada and Quebec, on which the proposed Railway would be dependent for its connection with the west, would also induce the merchants in this country to send their orders in the spring and autumn, as well as in the winter, to New York, Boston, or Portland, instead of to Halifax.

It is easy to understand that Montreal may be an important depot for the commerce of the district round the Western Lakes, and be able to share it with those ports of the United States upon the Lakes which have communication by Railways or Inland Navigation with the Atlantic; but it appears improbable that Quebec should obtain an important share of this trade. Produce at Montreal will be ready to be forwarded by the St. Lawrence when freights are low, or to Portland by a Railway, one half the length of that proposed between Quebec and Halifax; and the difference in freight and insurance at Halifax and Portland could not compensate for the additional water carriage of 180 miles between Montreal and Quebec, and the transport over 300 additional miles of Railway.

That the construction of the proposed Line would tend to expedite the settlement of New Brunswick there can be no doubt, but the Commissioners fear that a long time would elapse before this effect could be produced to a sufficient extent to make the Railway profitable, or even to affect materially the value of the land. Although the Provinces of British America have had for a long time a considerable advantage with respect to the duties on which their produce was admitted into this country, and although a few years ago the produce of the United States was entirely excluded from our West India Colonies, it nevertheless appears that neither New Brunswick or Nova Scotia can at present feed their own small population, and that the price which in the principal towns of those Provinces affords a profit to the distant agriculturist of the United States, is not sufficient to attract Capital to agriculture along the river St. John. Of the traffic which the Cumberland Coal Field might occasion, it is of course impossible to judge, within the Province while it remains thickly wooded it is not likely that the Coal would obtain a profitable sale at any great distance from the pits, but if it be of such quality as would command a good price in the ports of the United States, it might prove remunerative to connect this Coal Field by Railway with one of the Ports of Nova Scotia; it would not, however, be prudent, until this is ascertained, to calculate on any important return from this source.

The successful result which has attended the construction of Railways in the United States, affords no grounds for anticipating similar results at present in British America.

Before any Railway in Massachusetts was commenced, that State contained a tolerable population per square mile. The city of Boston had nearly as many inhabitants as Quebec and Halifax united have at present, and a considerable Commerce must have traversed the State and passed through its port. But New Brunswick has barely a population of five to the square mile; and Halifax, notwithstanding its beautiful Harbour, is more important as a Naval and Military Station than as a Trading Port.

To

To return, three and a half per cent. on an expenditure of £5,000,000 a net receipt of £175,000 will be required, and as the fixed charges contingent on the maintenance of 635 miles of Railway, with the necessary buildings and staff, ought not to be estimated at less than £75,000 per annum, a receipt exceeding the carrying charges by £250,000 per annum, or £4808 per week should be obtained to yield $3\frac{1}{2}$ per cent. upon the expenditure; and if it be supposed that two trains passed over the Line in each direction daily, or 28 trains per week, the gross weekly receipts to make this return ought to be about £6,500, or rather more than £10 per mile.

On looking through some of the recently printed lists of the receipts on the different Railways in England and Ireland, it will be found that on the East Anglian Railway, connecting the town and port of Lynn, and also several minor towns and a considerable Agricultural District and population, with the Railway system of this country, the weekly receipts have generally been less than £10 per mile, and that this has also been the case on the Belfast and Ballymena, and on the Londonderry and Enniskillen Railways, the last being open between Londonderry and Strabane.

If this can be the result upon a Railway connecting any district of England and Ireland with the port on which it depends, there is, it is feared, but little probability that a Railway between Quebec and Halifax could be profitable as a commercial undertaking for many years to come.

It must however be observed, that Major Robinson only considers it necessary for the receipts to be sufficient to return an interest upon £3,000,000, as he proposes that the remaining expenditure shall be met by an issue of Notes. But the Commissioners understand that paper is at present extensively used in the Currency of the three Provinces, and they consider that any advantages which can be derived from an alteration in the principle on which it is issued, may be obtained independently of the construction of the Railway, and that if it be possible for such alteration to be accompanied by an increase in the pecuniary resources of the three Governments, the returns to be expected from any proposed application of those additional resources should be as carefully considered as the return from the employment of capital under any other circumstances. I return herewith the Maps and Plans which accompanied your communication, and remain, &c.

(Signed)

H. D. HARNESS,
Captain, Royal Engineers.

H. MERRIVALE, Esq., &c. &c. &c.

APPENDIX No. 33.

(See page 58.)

[COPY.]

No. 141.

Downing Street, 13th February, 1849.

SIR—

As the Lords Commissioners of the Treasury have now under their consideration the draft of a Bill to be submitted to Parliament in the present Session on the subject of the Postal Arrangements in the British North American Provinces, I have to inform you that in the opinion of their Lordships, it will not be desirable that the existing Rates of Postage in those Provinces should be disturbed, until the control of the Post Office Departments shall have been transferred to the Local Governments.

Under these circumstances, I do not propose to advise Her Majesty to make any Order at present upon the Act passed by the Legislature of Nova Scotia in its last Session, "enabling the Governor in Council to make Orders and Regulations towards establishing an uniform Rate of Postage throughout British America."

I am, &c. &c.

(Signed)

GREY.

Lieutenant-Governor SIR JOHN HARVEY.

APPENDIX No. 34.

(See Page 59.)

[COPY.]

No. 142.

Downing Street, 22d February, 1849.

SIR—

In answer to your Despatch, No. 71, of the 28th January last, enclosing a Letter from Mr. Johnston, on the subject of his claim to retain the Office of Advocate and Procurator General of the Vice Admiralty Court of Halifax, I have to inform you that Mr. Johnston's statements have not altered the view which I had originally taken of the subject.

The Office which he holds is one which has been commonly, if not uniformly, combined in Nova Scotia, with that of Attorney General, and there appear to me obvious advantages in the combination, which cannot be carried into effect if the former be held by a different tenure. The Lords Commissioners of the Admiralty have accordingly communicated to Mr. Johnston their intention to dispense with his services, and Mr. J. B. Uniacke will be appointed to his Office, with the full understanding that he will hold it only so long as he remains Attorney General.

Although the Office in question appears to me to fall within the rule which I have laid down respecting Political Situations held under Responsible Governments, it by no means followed, as Mr. Johnston appears to suppose, that I contemplated its extension to the case of Officers in the Regular Army, or Militia, or Justices of the Peace.

I am, &c.

(Signed)

GREY.

Lieutenant-Governor SIR JOHN HARVEY.

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