

THE GLEANER:

AND NORTHUMBERLAND, KENT, GLOUCESTER AND RESTIGOUCHE
COMMERCIAL AND AGRICULTURAL JOURNAL.

OLD SERIES]

Nec aranearum sane textus ideo melior, quia ex se fila gignunt, nec noster vilior quia ex alienis libamus ut apes.

[COMPRISED 13 VOLUMES

New Series, Vol. XI.

Miramichi, Tuesday Afternoon, December 16, 1851.

No 8.

Colonial News.

Novascotia.

NOVA SCOTIA LEGISLATURE.

To His Excellency Lieutenant General SIR JOHN HARVEY, Lieutenant Governor of the Province of Nova Scotia.

The Humble Address of the Legislative Council and House of Assembly of Nova Scotia.

May it please your Excellency:

The Legislative Council and House of Assembly have passed the accompanying Address to Her Most Gracious Majesty, on the subject of the magnificent project of connecting Her Majesty's possessions bordering on the Atlantic with the fertile countries of Canada and the far West, and they respectfully request your Excellency to forward their Address to Her Majesty, with your Excellency's most favorable recommendation.

To the Queen's Most Excellent Majesty.

The Humble Address of the Legislative Council and House of Assembly of Nova Scotia.

May it please Your Majesty:

We, your Majesty's dutiful and loyal subjects, the Legislative Council and House of Assembly of Nova Scotia, in Provincial Parliament assembled, beg leave to thank your Majesty for the gracious offer made to the North American Provinces, in the letter addressed by the Under Secretary of State to the Delegate from Nova Scotia on the 10th of March last.

The construction of Trunk Lines of Railway through these Provinces must advance their material prosperity—multiply their commercial and social advantages, in tranquil times, and greatly strengthen them should the peace of this Continent be broken.

Strongly impressed with the high political and industrial interests involved in the completion of these great Highways, the Legislature of Nova Scotia have not only cheerfully made provision for that part of the Main Trunk which crosses this Province, but, with a view to relieve a sister colony, have also pledged the public revenues for the extension of that line far into the bosom of New Brunswick.

While we have done this, and while we have felt deeply sensible of the substantial service to be rendered to the Colonies by the interposition of Imperial credit, we will not disguise from your Majesty that a very strong feeling prevails that the great interests at stake upon this Continent would warrant some direct aid from the Imperial Treasury.

The same policy which secured the Highlands of Scotland from disquiet, which has bridged the Ocean with noble Steamships, would seem to justify direct aid to a great national work, that, however desirable, the Provinces are scarcely able to accomplish.

This Railway will, we trust, before many years, be extended across this Continent, securing to the mother country, upon British soil, and under the protection of the national flag, and of the Queen's own subjects, easy and rapid communication not only with the rising communities upon the Pacific, but with the rich and populous Provinces and nations which lie beyond.

With entire confidence in the merits of Our Sovereign, and the liberality of the Imperial Parliament, we commend this great subject to their care, having given to it all the aid which can be justified by the limited resources of our country.

An Act to make provision for the construction of a Trunk Railway through British North America.

Whereas the formation of Railroads from Halifax to the Rivers Detroit and St. Croix, would consolidate and strengthen the Provinces of British America, develop their resources, multiply their social and commercial relations, and afford increased facilities for rapid inter-communication with the British Islands, and with all parts of this Continent:

And whereas Her Majesty's Government is prepared to advance the Funds required to construct a portion of these works, on certain conditions:

And whereas Canada has made liberal provision for one third of a trunk line from Halifax to Quebec, and for the extension of that line to the river Detroit:

And whereas there is reason to anticipate the co-operation of New Brunswick in the completion of both lines passing through that Province:

I. Whenever the Funds necessary for the purpose shall be raised by loan under the authority and guarantee of the Parliament of the United Kingdom, or advanced as a loan

to this Province under such authority, or subscribed or loaned by individuals, as hereinafter provided, it shall be lawful for the Governor in Council to enter into such arrangements as may be deemed conducive to the interests of this Province, with the Government of the United Kingdom, and with the Governments of Canada and New Brunswick, in reference to the construction of a Railway from the Harbor of Halifax, in Nova Scotia, to some point opposite the city of Quebec, either by constructing the same on the joint account of this Province and the Provinces of Canada and New Brunswick in equal proportions, or by engaging to construct at the expense of this Province, that part of the Railway lying within Nova Scotia, or by making such other arrangements for the construction of the Railway, as may be agreed upon with the Governments of the United Kingdom and such Provincial Governments; and for facilitating such arrangements, all the ungranted lands within this Province lying within ten miles on each side of the line of the Railway, are hereby placed at the disposal of the Governor in Council, to be appropriated, pledged, or otherwise dealt with, as may be thought best for the interests of the Province with regard to such arrangements, it being understood and hereby declared that the Legislature of this Province will confirm and carry out, by such enactments as may be necessary to give full effect to the same, any arrangement and agreement which may be made by the Governor in Council, in the spirit and for the purposes of this Act.

II. It shall be lawful for the Governor, out of the funds to be raised or advanced for the purpose, to pay such sums as may be required to defray the expenses of making that part of the Railway which shall be made at the expense of this Province under any such arrangement, or any other expenses which, under such arrangement, are to be borne by this Province.

III. Whenever the Governments of Canada, New Brunswick, and Nova Scotia, have completed the arrangements necessary, and determined on the construction of the work contemplated by this Act, it shall be lawful for the Governor in Council to appoint not more than five Commissioners, with full powers to construct such work, in conjunction with Commissioners to be appointed in the other Provinces, who shall be empowered, from time to time, to draw upon the Receiver General for any amount, not to exceed one-third of the funds required for the same.

IV. The main trunk line of Railway, or such part thereof as may be made under the provisions of the preceding sections of this Act, shall be a Public Provincial Work; and the Railway shall be made through this Province on such line, and in such places, as the Governor in Council shall determine and appoint, as best adapted to promote the general interests.

V. The Commissioners are authorized to enter upon and take possession of any lands required for the track of the Railway or for stations, and they shall lay off the same by metes and bounds, and record a description and plan thereof in the Registry of Deeds for the county, and the same shall operate as a dedication to the public of such lands: but the lands so taken shall not be less than four nor more than eight rods in breadth for the track, nor more than five acres in extent for any station.

VI. The Commissioners may enter with workmen, carts, carriages and horses, upon any lands, and therefrom, for the making of such Railroad, dig up and carry away stones and gravel, and cut down and carry away any trees, bushes, logs, poles, and brushwood.

VII. The Commissioners may make an agreement in writing with the proprietors of the land so taken for damages, and fencing, where such fencing shall be considered requisite by the Commissioners, and also for materials for the road taken from any lands; and the same shall be laid before the Sessions, and, if approved of, shall be confirmed.

VIII. Where no agreement shall be made, or the same shall not be confirmed, one appraiser shall be appointed by the Sessions, a second by the persons interested in the lands, and on their default, after three days notice from the Clerk of the Peace, such two shall choose a third appraiser: and the appraisers shall be sworn to the faithful discharge of their duty, and they or any two of them shall make a valuation as to damages for lands and fencing when requisite, or materials taken from any land, which valuation shall be final.

IX. In making such arrangement or appraisalment, the benefit likely to be derived by the proprietor from the Railway running through his land shall be taken into consideration, and the damages thereby reduced or extinguished.

X. The monies payable for such lands and fencing shall form a county charge, but in the apportionment of the assessment, the Session shall have respect to the relative benefits de-

rived from the Railway by the several sections of the county, and shall appoint the assessors accordingly.

XI. If any corporation or individual shall desire to invest monies in the Railway Fund applicable to the construction of this work, at their own risk, sharing with the Government the hazard and the profit of the enterprise, it shall be lawful for the Receiver General to issue scrip in sums not less than Twenty-five Pounds, bearing no interest, but entitling the holder to a share, proportioned to his investment, in the tolls and revenues of the road.

XII. Any person desiring to invest on the credit of the Province, monies in the Railway Fund, applicable to the construction of this work, may pay any amount to the Receiver General, under the same guards and regulations as now secure the monies invested in the Savings' Bank, provided that the rate of interest to be paid on such instalments shall be the same as the Province pays for the loans advanced by Her Majesty's Government.

XIII. Whenever the Railway shall be completed from Halifax to Quebec, it shall be lawful for the Governor in Council to make, in conjunction with the Governments of Canada and New Brunswick, such arrangements as may be suitable for working the Railway as one line, by a common management, or for working that portion of the line which shall have been constructed at the risk of this Province—such arrangements to be submitted to both branches of the Legislature at the Session then next ensuing; and during the progress of the work the Governor in Council shall have the like power over the portion of the line within this Province, and arrangements made in reference thereto shall be submitted in like manner.

XIV. The total sum to be raised for the purposes of this Act, upon the credit of the Revenues of this Province, shall never exceed in the whole the sum of One Million of Pounds sterling, including the Stock to be held by the City of Halifax, and any Stock that may be taken by private individuals.

XV. This Act shall not go into operation unless provision be made by the Province of New Brunswick for the construction of a Branch Line from some convenient point of intersection with the Main Trunk Line, to the River St. Croix.

An Act for raising, by way of Loan, a sum not exceeding One Million of Pounds Sterling, for the construction of a Trunk Railway through British North America.

Whereas Her Majesty's Government is disposed, on certain conditions, to recommend to Parliament that the credit of the United Kingdom shall be employed to enable the Provinces of Canada, New Brunswick and Nova Scotia, to raise upon advantageous terms, the funds necessary for the construction of a line of Railway, from the Harbor of Halifax, in Nova Scotia, to Quebec or Montreal, in the Province of Canada:

And whereas the Parliament of this Province hath, during the present Session passed an Act for the construction of that portion of the Railway from the Harbor of Halifax to Quebec, which is to be made by this Province, provided the necessary funds shall be raised under the authority and guarantee of the Parliament of the United Kingdom or advanced as a loan to this Province under such authority:

I. The sum necessary for defraying the expenses of making such part of the Railway from the Harbor of Halifax to some point opposite the City of Quebec, as may be, to be made under the provisions of the Act passed in the present Session, and entitled, "An Act to make provision for the construction of a Trunk Railway through British North America," and the arrangements under the same, or any other expenses which, under any such arrangement, are to be borne by this Province may be raised and borrowed under the provisions of any Act which shall be passed by the Parliament of the United Kingdom authorising the advance of such sums to this Province from the Treasury of the United Kingdom, or guaranteeing the repayment of the sums so borrowed, the due payment of dividends and interest thereon, or providing in any other way for the employment of the credit of the United Kingdom, so as to ensure the raising of such sums on advantageous terms; and the sums so raised shall be applied to the purposes for which they are hereby authorised to be raised and no other; but the sums to be raised under the authority of this Act shall not in the whole exceed the sum of One Million of Pounds Sterling, including the Stock held by the City of Halifax as hereinafter mentioned, and any Stock that may be taken by private individuals.

II. Such sums may be raised and borrowed under and subject to the provisions of any such Act of the Parliament of the United Kingdom, by any person appointed in that be-

half by Her Majesty or by the Governor of this Province, by Loan Debentures or otherwise; and the principal sums so raised, and the dividend and interest thereon, are hereby charged on the general revenues of this Province, of which the profits coming to this Province from any part of the Railway, together with the funds raised under this Act, shall form part, and shall be the first charge thereon, after any previously existing debts of the Province, and the sums payable under any Act then in force granting a Civil List to Her Majesty.

III. The annual sums payable for the transmission of British Mails and Troops shall be carried to the credit of the loan contracted, and shall, together with the net proceeds of the Railway, after deducting working expenses and interest, form a sinking fund for the liquidation of such loan.

IV. Until the Railway shall pay its working expenses, and the annual interest due upon the loan contracted, no part of the principal sum shall be chargeable upon the revenues of this Province, nor shall the Sinking Fund ever consist of more than two per cent. per annum, if chargeable on the Provincial Revenues, on the principal sums so to be raised and borrowed.

V. The principal sums, so to be raised and borrowed, shall be received from time to time, as the same may be raised, by the Receiver General, who shall, upon the warrants of the Governor, pay out of the same such sums as may, from time to time, be required for defraying the expenses made payable out of the same by this Act, and the act of this Session hereinafter referred to; and who shall also, upon the warrants of the Governor, pay the dividends and interest upon the sums so raised and borrowed, as the same shall become due, together with the sums accruing to the Sinking Fund; and such Fund shall be paid and managed in such manner, for the redemption and liquidation of the principal sums, and shall be agreed upon and negotiated when the principal sums shall be raised and borrowed; or if their be no such agreement in that behalf, then in such manner as the Governor in Council shall, from time to time, direct and appoint, subject however to the provisions of this Act—and it is hereby declared that the Parliament of this Province will confirm and carry out, by such legislative enactments, if any, as may be necessary to give full effect to the same, any arrangement or agreement not inconsistent with the spirit of this Act, and of the Act of this Session hereinafter referred to, which may be made or authorised by the Governor in Council, with regard to the raising and borrowing the sums aforesaid, under the provisions of any Act to be passed by the Parliament of the United Kingdom in that behalf, and for the purpose of complying with the requirements of such Act.

VI. The Receiver General shall, before each session of the Provincial Parliament, transmit to the Governor, for the purpose of being laid before the two Houses of the Legislature, a correct and detailed statement and account of the sums raised under the authority of this Act, and of the debentures and other securities which shall have been issued, and of the dividends and interest paid thereon, and of the Sinking Fund, and of the redemption of the whole or any part of the principal sum by means of the sinking Fund, or otherwise, and of the expenses attending the negotiation, management, payment and redemption of the Loan.

VII. The City of Halifax shall be considered as holding stock in the Railway to the extent of one hundred thousand pounds sterling, and shall be entitled to participate in the profits of the Railway in proportion to the amount of such stock, and shall be assessed annually for the amount of interest thereon, at the same rate of interest at which the Loan is obtained; and also for a proportionate amount of such sums as may be chargeable against the general Revenues of this Province for the Sinking Fund, such annual sums to be assessed and levied in the same manner, in which other city rates are now assessed and levied, and to be paid into the hands of the Receiver General, to form a part of the general revenues of this Province and continue to be so annually assessed, levied, and paid in, until the loan obtained under this Act shall become extinguished under the provisions thereof.

VIII. The due application of the monies to be raised under the authority of this Act, and of all the sums to be expended under such authority, shall be accounted for to Her Majesty, through the Lords Commissioners of Her Majesty's Treasury for the time being, in such manner and form as Her Majesty shall direct, and an account of all sums expended under the authority of this Act shall be laid before both Houses of the Provincial Parliament within fifteen days after the opening of the Session thereof next after such expenditure.