

The Colonial Herald,

AND

PRINCE EDWARD ISLAND ADVERTISER.

Vol. VI.]

CHARLOTTETOWN, SATURDAY, JULY 15, 1843.

[No. 314.]

TO THE SHAREHOLDERS OF THE PRINCE EDWARD ISLAND STEAM NAVIGATION COMPANY.

The Directors of the Prince Edward Island Steam Navigation Company having, in consequence of a communication from His Excellency Sir Wm. Colebrooke, Lieut. Governor of New Brunswick, enclosing an opinion of the Attorney and Solicitor Generals of that Province, that the Company has no claim, either legal or equitable, upon the Government, for remuneration, &c. &c. &c., determined to withdraw the *St. George* immediately from the voyage to Miramichi, as the Company is suffering a heavy loss thereby; and having given public advertisement to that effect, to take the earliest occasion of publishing, for the information of the Shareholders, and those whom it may concern, the correspondence and documents which have led to their adoption of this determination; and also to give to the Shareholders of the Company the information necessary to the forming of a right judgment of the proceedings of the Directors, under the very embarrassing circumstances in which the Company has been placed by the very unexpected conduct of the Legislative Council of New Brunswick, in the first instance, in such singular and unenviable opposition to the just and faithful conduct of the House of Assembly, and now by the opinion of the legal Gentlemen whose names and titles are appended to their extraordinary document.

A few days after the annual meeting of the Shareholders of the Steam Navigation Company, the Directors dispatched the following Memorial to the Legislative Council and House of Assembly of New Brunswick, accompanied by copies of the Report adopted at the annual meeting of Shareholders, by favour of His Excellency Sir Henry Vere Huntley, and addressed to His Excellency Sir Wm. Colebrooke, with request that he would be pleased to use his influence and recommendation of the prayer contained in it:

The Memorial of the Directors of the Prince Edward Island Steam Navigation Company, sheweth:

That during last season, and from the 17th of August to the end thereof, the Steamer *St. George*, their property—a Vessel of 110 horses' power, with good accommodations, was employed weekly between Pictou, Charlottetown and Miramichi, for the convenience of the several Provinces of Nova Scotia, Prince Edward Island and New Brunswick.

That their undertaking was in a great degree induced by the liberality exhibited heretofore by your Honorable House towards enterprises having similar objects.

They therefore pray that your Honorable House, after a perusal of the reports and documents herewith transmitted, will take their case into your favorable consideration, not only with the view of affording your valuable assistance towards rendering their undertaking remunerative for the past year, but with the further view of assisting the Company which they represent in supplying the means of a more extended communication between other parts of the three Provinces.

Having duly forwarded these necessary papers (the Report and Memorial), the Directors were content to abide the event, in patient confidence that the representation of the advantages likely to accrue to those Provinces by a well conducted Steam communication would secure the liberal patronage and support of a Legislature already pledged for its encouragement. For a period of nearly three months, the Directors remained in ignorance of the issue of the application; at length, a rumour of ill success reached their ears, and steps were immediately taken to ascertain the truth. A letter from a gentleman at Miramichi at length informed the Directors that the House of Assembly of New Brunswick had unanimously voted a grant of £175 to the owners of the *St. George*, for the service of the past year, 1842, but that this vote had been negatived in the Legislative Council.

Struck by the very extraordinary conduct of the Legislative Council, the following letter was immediately addressed to that Gentleman, with permission for him to use it as he might deem advisable, for communicating the views of the Directors upon the matter. We are not aware that it was made public; but we proceed to make it so now, as it conveys the opinion we entertain upon it:

"Sir: The Directors of the Prince Edward Island Steam Navigation Company have to thank you for the information you have been kind enough to procure them of the proceedings in the Legislature of New Brunswick, with respect to the application made by this Company for remuneration for services performed, &c., in accordance with the encouragement held forth by the Act of the New Brunswick Legislature, passed 30th March, 1840.

They assure you, that the intelligence of the refusal by the Legislative Council of the grant so honorably and unanimously voted by the Representative body, has excited, not only their utmost astonishment, but also a feeling of painful regret, far beyond any mere question of pecuniary interest. The acts of a British Colonial Legislature have hitherto been supposed to be distinguished by such a steady and honorable adherence to its engagements, that proceedings have been as readily taken upon the faith of them, as if the remuneration promised, had already been paid. In such faith the P. E. Island Steam Navigation Company was formed, and in the formation of it, a frequent reference to the Act mentioned above was made, as one among other resources to be relied upon for the necessary funds for its sustenance; and the Company having more than fulfilled the terms prescribed, by placing a Steam Boat of superior power and accommodations upon the station, reasonably concluded that they had but to make application for the grant, and to receive it.

It would serve no useful purpose to speculate upon the nice distinctions and legal discrimination which may have influenced the minds of the majority of the Legislative Council in the adoption of a course so destructive of all confidence and good faith; but it has been stated that the Council negatived the proposed grant upon the ground that the *St. George* did not run in 1841 and part of 1842—that it had not fulfilled the requirements of the Act to the very letter. If a clause had been inserted, stating that if the expected boat be not in active operation by 1st May, 1841, this Resolution will be void and of no effect, it would have afforded some plausible ground for the course taken by the Council. But in the absence of such a clause, it must be evident that the ordinary mode of understanding the Act is by its spirit. A grant of £350 per annum for five years, from the 10th day of May, 1841, was made to the Lieut. Governor of New Brunswick, for the purpose of encouraging a weekly steam communication between Miramichi, Charlottetown and Pictou, &c. &c. Fifteen months elapsed without effecting the desired object. At length a Company is formed, and a very

efficient Steamer purchased, and placed upon the station. The object so much desired by the Legislature as to induce them to offer a bonus of £350 per annum for five years, for its accomplishment, is at length obtained. The service is performed—the account is handed in for settlement. It is unanimously endorsed by the House of Assembly, but rejected by the Council, because (as we are informed) it was not executed at an earlier period. If it was desirable to establish good and regular communications between the several Ports mentioned in the Act, in 1841, surely it is not the less so now. If, when trade was in a more prosperous state than at present, it was thought right to give encouragement to Colonial enterprise, for the advancement and improvement of inter-colonial intercourse, it is not the less needful when we are becoming daily more dependent upon our own exertions. If the facilitating the means of communication between places is of the paramount importance to their prosperity which all political economists agree in stating it to be, surely the maintenance of the line of communication from Miramichi to Pictou, through Charlottetown, &c., is not very dearly purchased to the Province of New Brunswick at a charge of £350.

To conclude; if we were wrong in assuming that we have established an undoubted claim to the grant offered by New Brunswick, the delusion under which we laboured was certainly largely participated in; for up to the last moment, no surmise or doubt of any kind appears to have been entertained by any party on that head.

I have now only to acquaint you, for the information of our friends at Miramichi and elsewhere, that the Directors of this Company feel so confident that some misapprehension of the case has caused the present determination of your Legislative Council, and that a reconsideration of it will induce them to act in the just and liberal spirit which has always distinguished the Legislature of New Brunswick, that they have determined to continue to run the Boat as usual, until they receive positive assurance that the impression they entertain of the ultimate acquiescence of the Legislative Council in the views entertained by your House of Assembly is altogether erroneous and without foundation."

We had contemplated attempting, in the course of the season, the touching at Shediac, alternate weeks, but this proceeding of the Council is rather a damper to our enterprise.

That no exertion might be wanting, on the part of the Directors, to obtain attention to the just demands of the Company, the following Memorial was addressed through His Excellency the Lieut. Governor to His Excellency Sir Wm. Colebrooke, Lieutenant Governor of New Brunswick.

To His Excellency Sir HENRY VERE HUNTLEY, Knight, Lieutenant Governor, &c. &c. &c.

The Directors of the Prince Edward Island Steam Navigation Company having received no answer to the Memorial which they had the honour to place in your Excellency's hands, for the purpose of its transmission to His Excellency Sir Wm. Colebrooke, in February last; and having received information of the rejection of its prayer by the Legislative Council of New Brunswick, have thought it to be their duty to make further representation to the Lieutenant Governor of New Brunswick, with a view to obtain insight of the best course to be taken under the very peculiar circumstances of the case, and they have very respectfully to request, that your Excellency will be pleased to forward their representation, with your powerful recommendation of it to His Excellency's attention.

CHARLES HENSLEY,
Chairman of the Board of Directors.

To Sir WILLIAM COLEBROOKE, Lieutenant Governor of New Brunswick, &c. &c. &c.

The Memorial of the Directors of the Prince Edward Island Steam Navigation Company, Sheweth,

That the Memorialists did, in the month of February last, transmit to your Excellency a Memorial, setting forth a statement of their having, during a part of the year 1842, maintained a Weekly Steam communication between Miramichi, Charlottetown and Pictou, by means of a very efficient Steam Boat, of 110 horse power, and praying that your Excellency would be pleased to recommend their application for remuneration for said service, &c., to the favourable consideration of the Legislature.

That the Memorialists are informed that some time has elapsed since your Excellency prorogued the Provincial Parliament; and although not officially informed of the result of their application, it has, nevertheless, reached their knowledge, that, notwithstanding your Excellency's recommendation, and the unanimous support of the House of Assembly, it was disallowed by the Legislative Council.

It becomes, therefore, the painful duty of the Memorialists again to solicit consideration of the following representation.

That the *St. George* maintained the line of communication between Miramichi, Charlottetown and Pictou, from the 22d day of August, to the 17th day of Nov., 1842.

That she was employed on that service at a very great expense to the Proprietors, in the implicit faith that the Company would be entitled thereby, to an equitable proportion of the remuneration appropriated for that specific purpose by the Act of 31st March, 1840.

That by the above recited Act, a part of the Revenue, amounting to £350 per annum, is appropriated to the Lieutenant Governor, for five years, for the purpose of encouraging a Weekly Steam communication, &c. &c.

That the appropriation of such a sum annually, for five years, for such a purpose, indicated an earnest desire for its accomplishment, and left upon the mind of the ordinary reader of the Act the very natural impression, that if the object sought by that Act should be fulfilled at any period of the five years, an equitable proportion of the promised reward would be faithfully paid. In such faith the Prince Edward Island Steam Navigation Company was formed; and it is the belief of the Memorialists, that in a like faith the Colonies of Nova Scotia and Prince Edward Island voted sums in aid of this Company, under an impression that the three Provinces were acting simultaneously for the promotion of a mutually beneficial object.

That the Memorialists themselves were fully convinced that they had established an undeniable claim to the proportion of the vote of 1840, due (for the fulfilment of the service required by the Act) for the time the *St. George* was on the station; but as their views extended beyond the limits of the said Act, they thought it their duty to address a Memorial to the several Legislatures, stating their intentions, and requesting the necessary support. The refusal by the Legislative Council of New Brunswick, of the sum voted by the House of Assembly, and the ground upon which the Memorialists are informed that refusal is attempted to be justified, are equally matter of regret and astonishment to the Memorialists. If the interpretation of the Act taken by the Legislative Council be the correct one, it will certainly be very needful, for the future, to beware of construing an Act by its spirit; and if that Act was to have been administered in its very letter, it would have left but little encouragement for very letter, it would have left but little encouragement for attempting the enterprise at all. The Act requires that the Boat shall run regularly, not less than once a week (going and returning within the week), &c., and after several very proper regulations, concludes by a reiteration, that the con-

ditions of the Grant shall, in all respects, be complied with. Now, it is almost a certainty that the most efficient Steamer would, in the course of a complete season, encounter gales and severe weather, sufficient to embarrass the regularity of her operations, in defiance of the most strenuous and diligent endeavours to complete them. The letter of this Act would deprive the Company of any remuneration upon such failure; the spirit would induce a reasonable consideration of uncontrollable circumstances.

The Memorialists beg to apologize for the necessity of troubling your Excellency at such length; but they are placed in great difficulty by the rejection of their application; and they have felt it to be their duty, in justice to the Proprietors of the *St. George*, to lay the matter fully before your Excellency, in the hope that you will be pleased to give it your consideration, and to honor the Memorialists with such advice and assistance, under the embarrassments of their position, as your Excellency may deem the matter to deserve.

CHARLES HENSLEY,
Chairman of the Board of Directors.

To which His Excellency Sir W. C. was pleased to return the following answer and inclosure:—
(Copy.)

FREDERICTON, N. B., June 3, 1843.

Sir:—I have had the honour to receive your Letter of the 18th ult., with a Memorial of the Directors of the Prince Edward Island Steam Navigation Company. I will take an early opportunity of replying to the Memorial, and will be prepared to give all the support to their claims to which they may be equitably entitled.

I have the honor to be,

Sir,
Your Excellency's
humble servant,

(Signed)
Wm. G. COLEBROOKE.

His Excellency
Sir H. V. Huntley,
&c. &c. &c.,
P. E. Island.

FREDERICTON, New Brunswick, June 19, 1843.

Sir:—With reference to my letter of the 2d inst., I have now the honor to inclose, for your information, and that of the Directors of the Prince Edward Island Steam Navigation Company, the extract of a report which has been made to me by the Attorney and Solicitor General, who are Members of the Legislative Council of this Province, explanatory of the grounds of the rejection of a grant in their favour, and the view taken by those Officers of their claim to support from this Government.

Since the receipt of this report, I have not had an opportunity of bringing it under the consideration of the Executive Council.

I have the honor to be,

Sir,
Your Excellency's
most obedient servant,

Wm. G. COLEBROOKE.

His Excellency
Sir Henry V. Huntley, K. H.,
&c. &c. &c.

[Extract.]

FREDERICTON, 12th June, 1843.

Sir:—We have the honor to acknowledge the receipt of your letter of the 5th inst., enclosing, by direction of his Excellency, a Petition from the Directors of the Prince Edward Island Steam Navigation Company, for our "Report as to the grounds of the rejection of the Grant by the Legislative Council, and as to the equitable claims of the Petitioners for the support of the Government."

We have, in this instance, not the least objection to say, that we both opposed the Grant, upon the ground that not any of the provisions of the Act of 3d Victoria, cap. 59, upon which the original Grant of £350 annually, for five years, was made, had been complied with; and it is expressly declared by the said Act, that that Grant was made subject to those provisions. The Petitioners, therefore, have no claim, in our opinion, upon our Legislature, on the faith of the original enactment; and any new Grant that might be made, should be accompanied with provisions that will secure to the public such accommodation, for a specified time, as the Legislature may think it right to require, as a consideration for the Grant.

And as no such provision was made for such security in the Resolution of Appropriation in question that was sent up to the Council at the last Session, we, and we believe the majority of that House, alleged that to be the main ground for voting against it. But, in case the question comes up again at the next Session, accompanied by the provisions above mentioned, we are not prepared to pledge ourselves, as members of that House, to support it, as many circumstances may arise, in the interim, that may have great weight, in the view we may then take of it; and our present impression is, that the original Grant was a much too large appropriation of our public funds to an object of that limited nature, from which so small a portion of this Province receives any material benefit.

We do not consider the Petitioners have any equitable claims for the support of the Government; nor should the question be looked upon in that point of view, but as one purely of policy, whether it is advisable for this Province to support, out of our public funds (hindered as we are with debt), a Steam communication of this nature or not; or, in other words, whether the public good or exigencies of the Province at large require it; and thus will be dealt with by the Legislature, if the question again comes up, as the wisdom of that body may deem fit.

We have the honor, &c.,
(Signed)
CHARLES J. PETERS,
Attorney General.
GEO. FREDERICK STREET,
Solicitor General.

William F. Odell, Esq.,
Secretary of the Province.

Immediately upon the receipt of these communications, a Meeting of Directors took place, at which the following Resolutions were unanimously agreed to:—

1. RESOLVED, That in consequence of the foregoing communications, and its appearing to the Directors that the maintaining of the communication with Miramichi is at present attended with heavy loss to the Company (which even the grant which they consider the Company fully entitled to would not compensate), the Directors are of opinion that steps should be immediately taken for discontinuing the voyage of the *St. George* to Miramichi, until some definite arrangement be made by the Government of New Brunswick, whereby the grant of £350 per annum, mentioned in the Act of 1840, be assured to the Company, both for the past and future services of the *St. George*; and whereas the grant taken by the Attorney and Solicitor Generals of New Brunswick, in the above recited opinion, is entirely unsupported by material facts—it being alleged in that document that "not any of the provisions of that Act" have been complied with, and therefore that this Company has no legal or equitable claim to the support of that Government.

2. RESOLVED, That every provision of that recited Act has been complied with, excepting only as to the time specified for placing a Steam Boat on the line between Pictou, Charlottetown and Miramichi, which was not accomplished until the 22d August, 1842—the earliest period of the *St. George's* arrival in this country: That therefore the position taken by the Attorney and Solicitor Generals of New Brunswick is not borne out by the facts; and, further, that this Company has suffered great loss in consequence of its strenuous exertions to fulfil the stringent demands of the Act of 1840.

3. RESOLVED, That it is the opinion of the Directors, that the Government and Legislature of New Brunswick were bound (if they intended to withhold the grant from this Company) to advise the Directors of such disposition, and not to have suffered the Company, for a second season, to incur loss by continuing to avail themselves of the accommodation afforded by the Company to the inhabitants of New Brunswick, for which they had no intention of offering remuneration, and this more particularly, as they have not hesitated to take advantage of the means offered by the Company's vessel for the transmission of the mails.

4. RESOLVED, That a Report of the proceedings, memorials, correspondence, &c. be drawn up, ready for publication, for the information of the Shareholders, and others whom it may concern, relative to the New Brunswick grant applied for by this Company for the services of the *St. George* Steam Boat.

The various documents, resolutions, &c. thus presented to the attention of the Shareholders of this Company sufficiently indicate the opinion of the Directors upon the treatment which the Company has received at the hands of those who they can most truly and conscientiously declare they were most anxious to serve, and they have no desire to say more upon the matter than is absolutely necessary to their own justification. It is but right, however, that they should fairly discriminate, giving honour where it is due, and attaching blame to such as deserve their censure.

Thus it is our duty to acknowledge that His Excellency Sir Wm. Colebrooke has given every attention and countenance to our application that we could justly expect; that the House of Assembly has testified a most honorable desire to redeem its pledge; but the Legislative Council (with, as we understand, one or two honorable exceptions,) has permitted itself to be misled by the unfounded allegations which appear to have obtained such ready (and unenquiring) credence with the Attorney and Solicitor Generals, and must be supposed to have unhappily adopted the peculiar reasoning set forth in the opinion of those learned gentlemen.

We subjoin the following Preamble of a Resolution passed at a most respectable Meeting of the Inhabitants of Miramichi, on the 10th inst.,—at which Thomas H. Peters, Esq., presided—in corroboration of the statements made in the above, of the regularity and efficiency of the Company's boat:—

"Whereas the Steam Boat *St. George* has, in consequence of a grant made and passed by the Legislature of this Province of New Brunswick, in the year of our Lord One thousand eight hundred and forty, for the encouragement of Steam Communication between Miramichi, Charlottetown and Pictou, been purchased by a Company of persons associated for that purpose, and has regularly run and performed a trip once a week between Charlottetown, Pictou and Miramichi, during part of the late season, and from the opening of the navigation, at the commencement of this present year up to this date," &c. &c.

CHARLES HENSLEY,
Chairman of the Board of Directors.

CHURCH OF SCOTLAND.

FREE PRESBYTERIAN ASSEMBLY.

WEDNESDAY, MAY 24.

Dr. KEITH, of St. Cyrus, read an interesting and encouraging "Report of the Committee on the Jewish Mission" for the last year.

A communication was here handed to the Moderator by Mr. Henry Paul, which intimated the Resolution of Mr. Ewing, of Levenside, to subscribe £2,000 to the cause of the Free Presbyterian Church.

Mr. HENRY GREY, of Edinburgh, moved the thanks of the Assembly to Dr. Keith.

The MODERATOR said—Dr. Keith, it is with no ordinary feelings that I return you the thanks of this Assembly for a Report, the hearing of which has been a source of the highest gratification, and the composition of which must have been a congenial employment to yourself. "Keith on the Prophecies"—(loud cheers)—is a work which has not only been highly valued and recognised in our Halls of Theology, as holding a high place among sacred literature, but is to be found in almost every household, and is known to every family as a household word throughout the whole extent of our native land. (Applause.) The reverend Doctor concluded his address by congratulating Dr. Keith on the success his former work had met with, and expressing his conviction that the very one in which he was now engaged in, would meet with an equal success.

The MODERATOR introduced a deputation from the United Original Seceders, consisting of Mr. Anderson, the Moderator; Mr. Shaw, the Clerk; the Rev. Thomas M'Crie (son of the celebrated historian); Mr. Wyllie, and Mr. White. These gentlemen addressed the Assembly in eloquent and impressive speeches, which we regret we cannot find room for.

The Rev. Mr. Guthrie, after some preliminary remarks, said, here I may be allowed the opportunity of stating what my views are with regard to the part which the Evangelical Dissenters of this country have acted in this matter. When my brethren saw me battling for Christ's Crown and Covenant—when they saw me smitten by the civil courts—when they saw an Egyptian smiting a Hebrew, they came in to support me. (Cheers.) I take this opportunity of saying, that I never did rejoice in anything more all my days than I rejoiced in the explanation which Dr. Chalmers gave of the mis-report of his first speech in this Assembly,—an explanation that, out-and-out, corresponds with the sentiments of my own mind. (Great cheering.) I am for a union in the meantime, in the way of co-operation. (Cheers.) What am I to do with the Cowgate and the Grassmarket, and the other destitute districts in my parish? I cannot carry on the work myself; and I will rejoice with all my heart if the evangelical Dissenters of any denomination in Edinburgh would come and sit down at a board with me in friendly conference. I will never cease to pray and work,—and as I do so, I will bury in oblivion the memory of former controversies. (Tremendous cheering.) Yes, Sir, oh! that the day were come that I might meet with my brethren over the grave of all former controversies—that we might shake