

have been continued up to the present time, in instituting experiments, often on an extensive scale, for the improvement of the resources in India. In addition to these, plants of all countries have been incessantly introduced into the country by the government gardens; and many which are useful and important have been naturalized all over the wide extent of British India. Several societies also have now been established. Our object has been to show the course that has been pursued, as well as the results which have been obtained, and by the observations on the failures or the successes, to indicate the course to be followed in future experiments—that is, the necessity of applying scientific principles to insure successful practice.

India was once distinguished for her manufactures as well as her agriculture. What reason can be assigned why she should not become so again? She may never probably be able to compete with the advanced skill of Europe, but she may, with adequate encouragement, be rendered an hundred fold more valuable to herself and to England than she is at present. The subject is of vast importance, and too much praise can scarcely be bestowed upon this work, in which it is so ably treated.

Halifax Morning Post, Nov. 14.
HIGH COURT OF CHANCERY.

Cause:—CRAIG versus ROSS.

This cause, on appeal, was heard on Thursday last in the Council Chamber, by his Excellency Lord Viscount Falkland, attended by their Lordships the Chief Justice, and Judges Hill and Bliss; his Honor the Master of the Rolls, being also present.

The Honorable Alexander Stewart and Jas. Stewart, Esq. appeared for the petitioner, Mr. Ross; and James F. Gray, Esq. for the plaintiff, Mr. Craig. There was a full attendance of the Bar, and a numerous auditory, the cause exciting much interest.

From the defendant's statement (which was read by the registrar,) it appears, that on the 11th of April last he filled his petition of appeal to the Chancellor, from a decree made by the Master of the Rolls on the 23rd of March preceding, and paid into Court the usual deposit of £20 on the 15th of April. That in pursuance of the direction of the Master of the Rolls, the defendant's counsel, on the 20th of April, moved in the Rolls Court on such petition, and therefore his honor declared that the appeal should be allowed, unless cause to the contrary should be shown on the then next court day. That no cause against it having been offered, the defendant, on the 31st of August, filled another petition, praying that his appeal might be heard by his Excellency at an early day. That afterwards, on the 19th of October, his Honor made and signed an order, that the appeal should be allowed, adding thereto the following words, (which formed one of the principal subjects of complaint in the present case) viz.: 'And that such appeal be set down to be heard on such day and at such place as the Chancellor shall be pleased to direct, he being assisted by the Master of the Rolls, and by such other Advisers as he shall think proper to require at such hearing.'

That the defendant deeming such addition to be without precedent, unauthorized, and irregular; on the 26th of October had presented a petition to his Excellency and Chancellor, through his Secretary, referring him to the practice in England, and to that of this Province, upon appeals; also referring to the act of assembly passed in 1833, relatively thereto, and to the order in question praying that the same might be discharged as irregular, and requesting that he might be heard by his counsel before him as Chancellor, in case his Excellency entertained any doubt on the subject. That in answer to such petition, his Excellency 'being advised that no order or decree whatever, made in the Court of Chancery, could be varied in its terms, unless after a formal rehearing or appeal thereupon,' desiring the petitioner, if he desired to have the order referred to altered in any manner, forthwith to present a petition for rehearing to the Master of the Rolls, according to the usual practice, and, making the required deposit, proceed to obtain an order for rehearing the order referred to before his Excellency, at such time as he should appoint therefor. It further appeared that he had obeyed these directions, by paying another deposit of £20, and filling another petition on the 6th of November, appealing from the order of the 19th, and praying that the same might be wholly reversed and discharged, or such other made in the cause as justice might require.

On Monday last, an order was made to hear the present appeal on Thursday the 12th of November at 12 o'clock, as mentioned in our Morning Post of Tuesday last. This last order, as well as that directing a further deposit, appear to have been advised by the Master of the Rolls, but signed by his Excellency himself, and the last order was also signed by the Master of the Rolls.

The Hon. Alex. Stewart opened the argument [occupying four hours in the delivery of his address, of which we can give but a comparatively brief outline] by referring to the facts detailed in the defendant's petition, the several orders made relating to the appeal, to what had taken place in the Rolls Court on Monday last, when the Master of the Rolls

declared 'that the order he had made was irregular in containing the words, such other advisers as his Excellency should think proper as no one but the Master of the Rolls could advise the Chancellor on appeals,' and also to his Honor's observations as to preventing petitions of appeal to his Excellency through his Secretary, and his determination to fine any one who should present petitions to the Chancellor contrary to his Honor's directions, &c.

Mr. Stewart stated the position taken by the Master of the Rolls to be the following, viz.: 'Whenever, in this province a party appeals from the decision of the Master of the Rolls to the Chancellor, it is the right of the former, by an order to be made and signed by him, to direct that the latter shall be advised by himself only, and that the Chancellor cannot legally consult any other advisers upon such appeal. The learned Counsel said he should oppose thereto the following proposition:—

'By the law of England, upon an appeal to the Lord Chancellor, it is not competent for the Master of the Rolls to limit the power of the Chancellor; or to order who shall be his assistant and adviser: to impose restrictions limiting the right of the parties in respect to such appeal; or to make orders directing how, when, or where, the appeal shall be heard; or the terms on which it shall be obtained; or to prevent either party from preferring any petition thereon to the Chancellor, either in person or by his Solicitor, or Counsel, or through the Registrar of his Lordship's Secretary; it being by the Appellate tribunal, (as well in appeals from the Master of the Rolls to the Chancellor, as on appeals from his Lordship to the House of Lords,) and not by that appealed from, that rules and orders to regulate such appeals are made, and directions given to the parties therein. But if the Master of the Rolls of England had such authority there, the Master of the Rolls in this Province has it not here, because, by the tenor and spirit of the act of the General Assembly, 3 Will. 4 cap. 52, which passed 20th April, 1833, he is expressly restrained from interfering in appeals from himself to the Chancellor, who in this country can, if he think proper, (as the Lord Chancellor in England can, and as the Lord Chancellor frequently does,) call any or all the Judges of the Superior Courts of common law to aid and advise him upon such appeals.'

The learned counsel continued, and observed that he had thus put his views of the question in writing, that there might be no mistake between his Honor and the Master of the Rolls and himself; and he should proceed to support his proposition by reference to the law and practice of the mother country, as well as those of this Province, whilst he should treat that of the Master of the Rolls with the respect which was due to the office which he filled, but with the freedom and independence which became him as a member of the Bar of Nova Scotia, and were due to the interests of his client. That the doctrine, now for the first time announced, was unfounded in law, unsupported by reason, repudiated by the practice of the Courts at home, and in this country unsustained by a single analogous case, destructive of the rights of the suitors in the court, and of the freedom and independence of the Bar by whom these rights were to be vindicated, he was prepared to contend.

The question could not but be important to his Excellency, as he must be desirous to deliver to his successor the prerogatives which his Sovereign had entrusted to him, for the benefit of the people of this Province, as he had received them from his predecessor, inviolate and unimpaired. But though it was important, and as novel as important, there was no difficulty in it whatever, except in discovering by what arguments the proposition of his Honor could be supported. He had indulged in fancy in search of such, and sought among his brethren of the Bar for reasons, or doctrine, or practice, in support of his Honor's proposition, in vain. He said, in all sincerity, that his principal embarrassment arose from the utter absence of all these, and if the proposition had emanated from any member of the Bar, however respectable, he should have waited until he had heard something in its support before he said a word; but he could not then deal with it, delivered as law from the bench, and therefore carrying with it the authority of a learned Judge. It would be unbecoming in him to do so. But he could scarcely call what he should address to his Excellency an argument. It would be rather in the nature of a dissertation or treatise on the office and powers and practice of the Court of Chancery in general, and in matters of appeal from the Master of the Rolls to the Lord Chancellor in particular. He should refer to and support and fortify the ABC of the Law, and vindicate and maintain first principles by grave authorities and decided cases. He should take nothing for granted, but prove all things at the risk of wearying his Excellency's patience, for strong as his own opinion was, he was bound to imagine that it might not be correct. It was his good fortune to have the honour of addressing a member of the highest appellate Court of the Empire, who would be therefore more prepared by his previous investigations, than many of his predecessors, to appreciate his argument; to which he would, without further observation, at once proceed. The subject might be conveniently considered; first, by referring to the law and practice of England, secondly, by enquiring what were the law and practice of Nova Scotia in respect to it.

The powers and authority of the Court of Chancery, although it had no action in crim-

inal cases, were, as regards the subject of its jurisdiction, greater and more extensive than those of the other Courts in Westminster Hall. By its decrees the property of the subject was bound; no man could go into or remain in the Courts of common Law with the view of trying his cause before a Jury, if the Judge of the Court of Chancery enjoined him not to do so; and for whatever he might consider to be a libel upon his proceedings, however innocent the publication; or a contempt to his Court, however justifiable the act; the Judge, by his own sole judgment and process, can fine and imprison at his own discretion; and to that discretion, without appeal or further inquiry, the offender or Victim as it might be, must submit. But to no one man were all these powers implicitly intrusted without appeal. From the Lord High Chancellor of England (the presiding Judge of the Court) to the House of Lords, the subject had an appeal. (Here the learned Counsel referred to legal authorities, but as these will not be interesting to the general reader we shall omit them as interrupting the course of our report of the substance of Mr Stewart's arguments and mention them at its conclusion.) The proceedings of both these high offices were vigilantly watched by the enlightened and independent bar of England, controlled and kept within their proper sphere by both Houses of Parliament, jealously scanned and scrutinized by the ability, impartiality, and knowledge of the English Press, and all upheld by the spirit of English liberty. And is it the fact that in this Province and its small community, the uncontrolled powers of its High Court of Chancery are without a domestic appeal, intrusted to the judgment and discretion of one man? The Master of the Rolls in England can make all orders and decisions which the Lord Chancellor can, but he cannot sign any, nor has he any common law jurisdiction, nor any in bankruptcy, nor even in lunacy. If a cause is heard before him he can if either of the parties desire rehear it, and this is sometimes done, but most frequently upon a new view of the case or upon the proposed consideration of evidence not heard at the original hearing, generally however the party dissatisfied with his decision appeals to the Lord Chancellor, who of late years, from his numerous avocations, rarely hears causes originally. This is, technically, a re-hearing, because the Master of the Rolls is only one of the Officers of the Court; he is in point of law considered to sit for the Lord Chancellor, and the Court of Chancery in all its departments is in law but one Court. But though technically denominated a re-hearal by way of appeal, it is a real substantial appeal from one mind to another, a substance, not a shadow, a reality, not a mockery. The Lord Chancellor reviews, and varies or reverses the decision of the Master of the Rolls as in his judgement it seems right, and because in a point of law it is a rehearing of the same cause, he also may and does frequently hear new evidence not read on the hearing before the Master of the Rolls, but only such as ought to have been received if it had been tendered to him. In the year 1828, Commissioners among whom was Lord Eldon, made one of those reports upon the administration of the laws of England, which were produced by the magnificent speech of Lord Brougham on that subject.

The rights or parties to appeal are by them described to be from every decision of the Master of the Rolls and the vice Chancellor; by appeal motion, by appeal petition, and by petition of rehearing by way of appeal and which latter applies especially to a decree or decretal order. As regards two former no deposit was required by the Appellant, nor any certificate of counsel. If the decision complained of, originated in a motion only, then an appeal motion was as of course made to the Lord Chancellor. If again it originated on a petition, then as of course also an appeal petition, could be preferred to the Lord Chancellor. If however the appeal was from a decree or decretal order upon hearing, then a deposit of £10 (increased to £20 by a general order of the Court made in 1831, and no English Order made since 20th April, 1833, is in force in this Province by the operation of the act of assembly which passed on that day, was required, and the signature and recommendation of two counsel before it was granted. But immediately that this was done, the jurisdiction of the Master of the Rolls, by the practice ceases, and an appeal being no stay of proceedings thus causes no injustice. To the Lord Chancellor the party addresses his petition of appeal: by his Lordship the order allowing it is made; to his Secretary the petition is delivered; by him it is handed to the Registrar; it is set down in the ordinary course for a hearing before the Lord Chancellor; he hears the appeal; before his Lordship motions then are made; his officers ascertain the regularity of the party's proceedings to obtain the appeal: if they are erroneous, the appeal is dismissed, all appeals transfer to the appellate jurisdiction over the subject, and until very recently it was held to be most advisable to make before that Court a motion to stay proceedings on the decree in the Court below; and now, although by a recent order, a motion for stay of proceedings must be made before the Court below; yet the decree of the Court in that particular may be reviewed and reversed on appeal. And such is the practice on appeals from the Lord Chancellor to the House of Lords, from the Supreme Court of Scotland and from the Lord Chief Baron of the Exchequer to the same august assembly. [To be continued.]

SCHEDIASMA.

MIRAMICHI:
TUESDAY MORNING, DECEMBER 8, 1851.

ARRIVAL OF THE MAIL.
The Courier with the Southern Mail arrived here on Saturday morning, 6 o'clock.

EUROPEAN NEWS.
THE Great Western, steamer, arrived at New York on the 24th ult., after a passage of sixteen days and a half. Dates thus furnished, are to the 7th inst. We did not obtain any English papers by this vessel, and are therefore indebted to the New York papers for the intelligence we have copied under our pen name. Among the extracts will be found the Speech of the King of France, at the opening of the Chamber, which is more moderate than could have been expected. The Allies still continue their victorious career in Syria.

NEWS FROM CHINA.
By the arrival of the Ann McKim at New York from Canton, dated at that place, to the 25th of June have been received at that place, being two days later than precious advices. The only of the British expedition had arrived, and Admiral Elliot, with the remainder of the fleet, was hourly expected. With the exception that nothing had been done. We have copied all the extracts furnished by the papers.

SAINT ANDREW'S DAY IN NEWCASTLE.
THE sons of Saint Andrew at Newcastle, being unwilling to allow the festival of their tutelary Saint to pass without some demonstration of their attachment to the Parent Land, and Veneration with the day set apart for the celebration of the festival, determined to meet together to celebrate the day as become the custom of Old Scotland; but in consequence of the state of the river from recent freshets of ice, were unable to extend their party beyond the neighbourhood of the castle and Douglastown, which was much regretted. The members of the society met with a number of guests at Hamill's Hotel, Newcastle, on the evening of the 30th November last, and the doors of Mr Hamill's saloon were thrown open, a grateful and luxuriant prospect opened before you. The hall was beautifully decorated, and the well provided with every luxury could excite the appetite of the most terminated epicure; and the viands spoke Mr Hamill's good taste in the selection; in fact, the whole scene such as to gratify the most sanguine desire of every one present; and brought the mind of every Scotchman to his by-gone days in his native land, and plenty crowned the board, and peace and friendship commingle around. The C. ALLAN, Esq. Presided on the occasion. After the cloth was removed the following toasts were given from the chair:

The day, and all who honor it.
Her Majesty Queen Victoria, and illustrious consort Prince Albert, the next steamer from Britain bring joyful tidings that another Gem is to Her illustrious crown. Immense applause. Song—A Bumper of Burgundy. Queen Dowager Adelaide, and the rest of the Royal Family. Applause. Song—Then's the time to remember the poor.

Lord Hill and the Army. Song—The British Grenadiers.

Earl Minto, and the Navy. Song—The Great British Bulwarks.

The President announced that he was next to propose, would touch the manly feelings of every one present, and excite in bosoms that respect for sterling virtues which meritorious conduct should call forth. He said that the very bosom was about to propose as the subject of the next toast, would animate the inmost soul. He stated, that if the cries and honors of a hundred battles fought, and victories in defence of country were not sufficient to excite and call forth the applause of this country, he did not know what could should foreign aggression, or parent land in hostilities, the mantle of His Grace the Duke of Wellington would be outstretched, and he would forth in his might, and lead the victory: and should it be the will of providence not to prolong his useful life, his country amidst the struggle, a tomb might be erected on a victorious battle field, and his epitaph engraved