

Provincial Legislature.

LEGISLATIVE COUNCIL,

FRIDAY, Feb. 15.

After the reading of Journals, the following petitions were presented:—By the Hon. Mr. Fairbanks, from the proprietors of Lequille Mills, and 56 others, praying for aid. The petition stated that 25,000 yards of Satinett, Twills and Flannels, had been manufactured at the establishment, the wool for all of which was purchased in the Province, and that the £150 granted to them by the Legislature, two years ago, had been nearly all expended in the purchase of new machinery.

By Hon. Mr. Crichton, from Donald Ross the elder, of Blue Mountains, Pictou, praying for aid in the education of his three deaf and dumb children. Petitioner stated that there were many other children in the same unfortunate condition in his neighbourhood, and throughout the Province, and prayed that an institution for the education and training of deaf and dumb persons might be established in some central locality; and in the event of such an institution not being established in this Province, prayed for aid to enable him to send his children to an asylum in the United States.

By Hon. Mr. Bell, from the Trustees of the Wesleyan Academy, at Sackville, praying for aid.

By Hon. Mr. Brown, from Freeman Tupper and 100 others, of Liverpool, praying for a charter of incorporation, and for pecuniary aid for a company formed for the purpose of constructing a Marine Railway Slip.

By Hon. Mr. Morton, from the Governors of the Halifax Visiting Dispensary, praying for aid. The petition stated that the institution had been established in June last, for the purpose of affording medical aid to the sick poor—that 1,100 patients had been treated, that of these 310 were cured, 165 relieved, 17 or 18 not materially relieved, and 10 or 20 were still under treatment. The petition also stated, that 135 persons had been visited at their dwellings by the resident physicians; 750 visits having been made for this purpose, with the advice and medicines necessary thereto, that £100 had been granted to the institution by the Legislature, at its last session, and that £180 had been contributed by the public—that from a contemplated extension of the operations of the institution, it urgently required further aid.

By Hon. Mr. McCully, from Dr. Cramp and others of Wolfville, praying for the exemption from State Labor of Students in Colleges, Theological Institutions and Academies; also from the inhabitants of the Head of Amherst, praying for the erection of Fog Bells, on Cape Tormentine, in New Brunswick, and Cape Traverse, in P. E. Island, and also for the erection of a Light House on Cape Tormentine. The petition stated that the mails and passengers from this Province, and also from the other British colonies, the U. States and England, for P. E. Island, were obliged during the winter to cross on the ice from Cape Tormentine to Cape Traverse; that the passage is always attended with danger from drifting ice, and often also from snow storms and thick weather. That this danger would be very considerably lessened by the erection of the Fog Bells and Light House, above mentioned.

The Hon. Mr. McCully presented a petition from Daniel Crow and 143 others, inhabitants of the township of Onslow, praying for the appointment of Trustees of Glebe Lands in that neighbourhood.

MINES AND MINERALS.

Hon. Receiver General, by command of his Excellency, laid on the table of the House a correspondence between the Imperial and Provincial governments, extending from the 12th of April, 1855, to the 4th of January, 1856, relative to the Mines and Minerals of this Province.

The most important of these papers are a despatch from the Lieut. Governor, of April 12th, 1855, enclosing three resolutions passed on the 4th of that month by the Assembly, on the right of the General Mining Association (denied by the House of Assembly) to obtain the completion of the proposed new lease of the Mines and Minerals of the Province, and a despatch of the 17th of August, 1855, from Sir William Molesworth to the Lieutenant Governor, enclosing a copy of the opinion of the Attorney and Solicitor General of England, on a case submitted to them by Sir George Grey, on the rights of the General Mining Association of Nova Scotia. The case itself was also enclosed. It appeared from this opinion that the rights of the Association expressly saved by the Acts under which Her Majesty made over her right to public lands in Nova Scotia, to the Assembly, were those declared by the minute of 1845, and expressed in the agreement of 1849. It appeared to be questionable whether the legal interest in the term originally granted to the Duke of York, is, or is not vested in the Association, but it was clear at all events that the reversion of the lands and mines, is vested in the Assembly, and that therefore the new lease to the Association (to be valid) must be executed under the authority of the Assembly. By the last despatch on the subject (that of the 4th of January, 1856) the right of the Assembly to have a new lease submitted to them, and of the Lieut. Governor, to postpone taking any steps until the draft lease arrives is distinctly recognized.

Hon. Mr. McCully.—I congratulate the people of Nova Scotia on the position which this matter has assumed. The law officers of the crown have stated that the Mining Association have an equitable right to a renewal of the law. I do not deny that, but I assert

that the people of Nova Scotia have also an equitable excuse for not renewing this lease. Any Government would be true to the best interests of the country, that considering the grievous wrong that has been done to the people of Nova Scotia by the British Government, in leasing these mines and minerals, would consent to renew that lease without seeing that the Province is indemnified for that wrong. I do not wish to say anything hostile to the Association. They have expended large sums of money in developing the resources of this country, and they ought not to be injured. The crown by the act of 1849 divested itself of all its interest in the mines and minerals, and in consequence of that circumstance the Government of Nova Scotia can call upon the British Government, and say to them "go and do these people justice."

The crown of England must now compensate the Association for the injury done by the non-renewal of the lease. This is one of the most important subjects that can claim our attention, and this is the first time that the people of Nova Scotia have had an opportunity of dealing with the question at all. I think that the Province should withhold its assent from that lease until the British Government have made us amends for the gross wrong which they have done us. The lease of 1826 should not have been made then—this lease should not be made now.

Hon. Mr. Almon.—I am happy to hear the sentiments of the hon. gentleman who has just sat down, with regard to the equitable rights of the Mining Association. As, however, we are not in possession of all the facts of the case, it will perhaps be well for us not to enter into the question fully just now. On the arrival of this draft lease (which has not been sent, but which I have no doubt will be forwarded to us) we can fully discuss the whole matter. The question, however, for our consideration appears to me not to be exactly that which is put by the hon. gentleman. The question appears to me to be this:—In 1849 the casual and territorial revenues of this Province were made over by Her Majesty in exchange for a civil list. Her Majesty prior to this transfer had agreed to lease these Mines to the General Mining Association. The lease was not exactly made out, but all the details of it were perfectly understood by all the parties in England.

It was a mere oversight on the part of the Crown, giving assent to the act of 1849, not to provide for the renewal of the lease to the Association. The question for this Province to consider is, whether there is not an express agreement on the part of Her Majesty to perform a certain act—to complete the agreement.

Hon. Mr. McCully.—Let Her Majesty complete it then.

Hon. Mr. Almon.—If the whole matter is simply that Her Majesty had agreed to do a certain act, and by mere oversight had not done it, it seems to me that we have quite a new feature in the case; and should not the Province confirm the intention of Her Majesty?

Hon. Mr. Bell.—I regret that I have not heard the whole of this discussion—the hon. gentleman had just retired—but I may remark that while in England I had an interview with Earl Grey on the subject of the Mines and Minerals; and in consequence of my representations, I obtained a promise that any mines which the Mining Association did not open after twelve months' notice, might be opened and worked by any person who was willing to lease them.

Hon. Mr. Fairbanks.—I have observed several such notices in the Gazette, and wish to know whether leases have been granted to any of the applicants; and if none have been granted, why not.

Hon. Receiver General.—I think the reason is because the parties have not made the requisite application at the expiration of the twelve months. I will however, if the hon. gentleman wishes, ascertain the real cause.

Hon. Mr. McCully.—I wish, sir, to call the attention of the Government to the census. According to the existing law, a census shall be taken this year. The census taken in 1851 was not considered reliable by the people of this country. There are good reasons for supposing that it was in many respects inaccurate. I would suggest that a committee should be appointed on this subject, as there is nothing more important to the development of the resources of the country, than that the people should have under their control those facts which are embraced in a correctly taken census. In all parts of the civilized world the taking of a public census engrossed the attention of public men.—The act of 1851 provides that two members of the Executive Council, together with the Financial Secretary, shall constitute a board of statistics. The duties of this board being very onerous, and falling principally on the Financial Secretary, an immense amount of labor was imposed on this officer. It is to be hoped that the census this year will be one of a reliable character, as nothing is of such importance, in guiding us in our legislation, as these statistics. If no action be taken by the Government, I shall bring the subject again before the House, when I shall state my views on it more fully. I think there should be a joint committee of both Houses appointed on this matter.

Hon. Receiver General.—The Government had the subject under their consideration, and are aware of the difficulties attending the taking of the census under the present law. A measure will probably be submitted which will remove these difficulties, as well as provide for the means of paying the enumerators. The Government think that five years is too short a period to intervene between the taking of the different censuses of this Province.

House adjourned until 2 p. m., on Tuesday next the 19th inst.

TUESDAY, Feb. 19.

Anselm F. Comeau, Esq., was introduced by the Hon. Messrs. Archibald and Mofeen, and having presented his Mandamus appointing him a member of this House, the oath of allegiance was administered to him by the Hon. Provincial Secretary. After receiving the congratulations of the members present, the Hon. gentleman took his seat.

SWORD OF HONOR TO THE HERO OF KARS.

The House of Assembly, by message, informed this House that they had passed the following resolution, in which they requested the concurrence of the House:—

Resolved, that His Excellency, the Lieut. Governor be respectfully requested to expend 150 guineas in the purchase of a sword to be presented to General Williams as a mark of the high esteem in which his character as a man and a soldier, and more especially his heroic courage and constancy in the defence of Kars, are held by the Legislature of this his native province; and this House will provide for the same during its present session.

It was moved by the Hon. Receiver General, and seconded by the Hon. Mr. Fairbanks.

Hon. Mr. McCully.—Before that resolution passes, I should like to say one word about it. It is not often that we have an opportunity of eulogizing any of our fellow-countrymen either as philosophers, orators, or heroes, and I gladly embrace this opportunity of expressing my hearty acquiescence in that resolution. That a native of Nova Scotia should have distinguished himself as Gen. Williams has, is a matter of proud congratulation to every one who has the honor of claiming Nova Scotia as the land of his birth. At the present moment a passing cloud may seem to have dimmed the brilliancy of his career, yet let it be remembered

"Who noble ends by noble means obtains,
Or falling, smiles in exiles or in chains:
Like good Aurelius let him reign, or bleed
Like Socrates, that man is great indeed."

I doubt not but that when the historian records the names of those who have distinguished themselves in the present war, the name of General Williams will stand high on the scroll of fame. Nova Scotia ought to be proud that one of her sons has so distinguished himself in that great contest in which almost all the great nations of the earth are engaged. The bravery and constancy displayed by that gallant officer in the defence of Kars, when the Russian hordes made that celebrated attack, heroically repulsed, are mentioned with admiration throughout the whole civilized world, and have covered his career with glory. I only wish we had a more substantial proof to offer him of our admiration of his bravery.

The Hon. Dr. Grigor suggested the propriety of having the blade of the sword made of Nova Scotia steel.

The Resolution was then read the second time, and passed unanimously.

The Clerk was then sent to the House of Assembly to inform them that this House had unanimously agreed to the Resolution.

POSTAGE OF NEWSPAPERS.

A despatch of 26th June, 1855, stated that in future a British rate of 1d. postage will be levied on all papers sent to the colonies from the United Kingdom.

Also a despatch of 3rd September, 1855, stating that in future such newspapers, although still liable to the 1d. postage, need not as heretofore required, bear the impressed stamp devoting the stamp duty, the stamp being neither required nor being counted as postage, it being presumed that where it is employed it has already served for the transmission of the newspaper within the United Kingdom.

Correspondence.

FOR THE CHURCH TIMES.

LA PRAIRIE, MONTREAL, Feb. 15, 1856.

SIR,—A short time ago the Churchwardens of our Church received per post a printed paper addressed to them officially but without any signature, not even the Printer's name, and postage unpaid, containing a most scandalous and libellous attack upon our Bishop and Clergy, as well as those of the Sister Provinces, on account of their endeavors to form Diocesan Synods of both Clergy and Laity. As the production was considered to proceed from a very malignant or moonstricken source, they did not consider it worth noticing. I perceive by your Paper of the 9th Feb. that the Churchwardens of Manchester have been equally favored, and have given such a reply as will I think prevent a renewal of the attempt in that quarter. Finding that our Churchwardens did not take any notice of this mischievous intended missile, I have by the last post been honored by having a copy directed to me—the only clue as to whence it came is the Kentville postmark—although it is not printed as a circular yet it would appear that it has been pretty generally circulated, and as it might possibly do some harm among those who are uninformed on these points I am induced to make the following remarks upon it through the medium of your Paper. All anonymous attacks particularly those without even the Printer's name, I look upon as cowardly and base. The paper in question I consider as malicious, vile, and false in its allegations—I can hardly consider it as the production of a member of our Church, if it is not I pity the author—if it is the more the pity. Had it not been anonymous I should have returned it per post, that the author and myself (though I trust as wide a part as the Poles in this matter) might have reciprocity of feeling on the subject of postage.

I remain
H. A. CLADWICK.