

COLONIAL.

New Brunswick.

Imports.—The value, in sterling, of Foreign Goods imported into this port during the quarter ending 10th October last, was £10,754 (the account of British Goods is not made up till the end of the year). The value of Imports for the same period, from British North American Colonies, was £31,777; from Foreign Europe, £290; from British West Indies, £357; from Foreign West Indies, £3,947; from the United States, £75,336. The above are the values of Imports in British ships. The following are the values of Imports in Foreign ships, viz., from Great Britain, £523; and from the United States, £3617.

As compared with the Importations of last year, during the corresponding quarter, these returns show an increase in favour of the present year of £40,457.

The quantity of Rye Flour and Corn Meal imported during last quarter was 8,012 bbls.; during the corresponding quarter in 1849, 18,468 bbls.; and for the same period in 1848, 11,743 bbls.

This shows a considerable decrease in the importations of these articles during the present year, which may be owing to the increased quantity of agricultural produce raised in the Province. The quantity of wheat Flour imported during the last quarter was 16,585 bbls.; corresponding quarter, in 1849, 17,963 bbls.; and in 1848, 11,115 bbls. The quantity of Wheat and Indian Corn imported last quarter was 65,788 bushels; corresponding quarter in 1849, 77,277 bushels; and in 1848, 107,219 bushels. This also shows a large decrease in the importation of the raw material, which we are inclined to think speaks well for the improving condition of the country and agriculture.—*St. John's N. B. Courier*, 30th ult.

The River was closed by ice at Fredericton on Tuesday night. Two steamers, which left Indian Town during the day, were unable to get above Gagetown, and have since returned. We have had considerable rain yesterday and to-day, which, if it extends to Fredericton, may open the River again.—*Id.*

RELIEF FOR THE SUFFERERS BY THE FREDERICTON FIRE.—The *Head Quarters* of Wednesday contains a list of the donations received by the Committee at Fredericton for the relief of the sufferers by the late conflagration. It will be seen that a few of our citizens, and the people of Woodstock in general, have come down handsomely at this juncture. The officers of the 47th Regt. stationed at Fredericton, have also paid into the hands of the Committee the sum of £20 for the relief of the sufferers. The people of Woodstock have behaved nobly; they held a public meeting, and generously subscribed a large amount in provisions and money.

The following communication from the committee we copy from the *Head Quarters*:

The Committee for the relief of the sufferers by the late fire, acknowledge with grateful thanks the following donations in aid of the Fund raised for that object in this City:

His Excellency Sir J. Harvey, Halifax, £25 0 0
Hon. Mr. Justice Parker, St. John, 10 0 0
Messrs. Morrison & Co., " 5 0 0
W. H. Gardiner, Esq., No. 17 Church Street, St. John, 5 0 0

John Gillis, Esq., " 10 0 0
Messrs. Thorn & Lee, " 5 0 0
B. K. Foster, Esq., " 5 0 0

Nov. 23. From Woodstock and its neighbourhood a large supply of Provisions, consisting of Flour, Indian Corn, Oat and Buckwheat Meal, Potatoes, &c., &c.

Nov. 27. A further supply of Provisions, and £16 in cash, contributed in Woodstock, and forwarded by E. J. Jacob, Esq.,

The Committee wish to remove an erroneous impression that they have received, or expect to receive a Grant from the Public Revenue. They have reason to hope that the individual benevolence called into exercise by this calamity will afford relief to all who have been exposed to want thereby.—*New Brunswick*, 30th ult.

PERILOUS SITUATION.—On the afternoon of Wednesday last, while the ice was forming on the river, and while it was yet moving downwards with the current, a man was heard calling for help, being then about one third the way from the Douglas side of the River. He was endeavouring to work a skiff across, but was rapidly drifting downwards. Every effort was made both by the Officers and Men of the 47th Regt., and the Citizens to rescue him, but the dark night closed in, and a cold steady rain commenced falling. During the whole night, as he passed downwards, the efforts to save him were continued, but all without avail, and it was not until nine o'clock next morning that he was brought ashore on the Fredericton side, about a mile below the City. He was dreadfully exhausted having frequently given himself up for lost, and again raised himself from the tempting death sleep usual on such occasions. The sufferer turned out to be Mr. David Thompson, wheelwright of this city; and what is very extraordinary, he is not frozen although he had on neither overcoat nor mittens.—*Fredericton Reporter*, 24th ult.

PROVINCIAL APPOINTMENTS.—Her Majesty the Queen has been pleased to appoint, by Warrants under the Royal Sign Manual, JAMES BROWN and WILLIAM HUNTER OUELLE, Esqrs., to be Members of the Legislative Council of this Province.

J. R. PARKER.

ENTERPRISE IN WESTMORELAND.—We copy below an extract from a letter we obtained from a correspondent in this County. It is pleasing to hear that a spirit of enterprise is awakened in any portion of the Province; and it is also gratifying to learn that the labours of these pioneers,

who, by their perseverance and foresight, having opened up new branches of trade, have been crowned with a measure of success. We trust the example set by the Merchants and Fishermen in Westmoreland, will be followed by those classes on the Gulf Shore who have ample materials in fish, lumber and agricultural produce, to carry on a successful trade with the United States and the West Indies. Our correspondent says—

"On Wednesday last, a Brigantine of 180 tons, named the *Triumph*, was launched from the shipyard of Charles Dixon, Esq., in Sackville. She is intended for the West India trade, and is to be loaded immediately and despatched on her first voyage. Mariner Wood, Esq., who is part owner of this vessel, commenced the trade with the West Indies direct last autumn. He sent out, by way of experiment, a cargo made up of a little of almost everything produced in the country: among other things, Potatoes, Oats, Boards, Plank, Shingles, Scantling, Grindstones, and some live stock. The cargo was disposed of chiefly at Port au Prince, where a return freight to New York was obtained. As another cargo was sent in the same direction immediately afterwards, it is probable that remunerative prices were realized. It is pleasing to see any new trade opening up in these times of depression and discouragement.

"Our Fishermen, too, have been making a move in the right direction. Instead of putting up carelessly the beautiful Shad with which our Bay abounds, and disposing of them at their own doors, for such prices and mode of payment as they could, they have begun to wake up to the fact, that, by taking a little more pains in putting up, better price and better pay can be had in New York and Boston, and have governed themselves accordingly. A large quantity has been shipped this season, principally to New York, where half barrels of No. 1 fish, neatly put up, for family use, have netted the fishermen Twenty Shillings each; and returns have been made in money, or in Flour at New York prices.—*Miramichi Gleaner*.

Canada.

SAD CALAMITY.—A most deplorable accident occurred in the parish of St. Croix, a short time since. It appears, says our correspondent, that in the back concession of that parish a poor habitation woman left her domicile, one morning, very early, for the purpose of milking her cows that had strayed some distance in the woods; the morning being rather cold, she lit a fire in the stove for the purpose of making things comfortable, leaving her children in bed, four in number, the eldest of whom was 6 years and the youngest 6 months old. During her absence, the house from some cause took fire, and melancholy to relate, the whole four children perished in the flames. The neighbours seeing the smoke, hurried to the spot, but it was too late, the father and mother of the children arriving just as the roof fell in, thereby witnessing the burning up of all they held dear in life. The feelings of the parents were wrung to madness by this awful visitation, and it was with difficulty the neighbours restrained them from rushing in and sharing the fate of their offspring. The authorities of the parish speedily convened a jury among the neighbours, and did every thing to alleviate the feelings of the parents. The reading medical gentleman, Dr. Lafarge, after examining the remains, could not discover that they came to their deaths by unfair means, and the jury returned a verdict of accidental deaths.—*Quebec Mercury*.

ENTERPRISE.—Mr. Galt, of Sherbrooke, the President of the Montreal and Province line railway, has visited Toronto with the view of obtaining the assistance of the government in raising the sum of £100,000 to complete the remaining half of the road which the government guarantees. The government, it is said, will afford every assistance in its power.

TORONTO HOUSE OF INDUSTRY.—This charitable Institution, which has been for several years in successful operation, continues to dispense blessings to the indigent and the needy. Hundreds of destitute persons have been relieved through its instrumentality. During the period that has elapsed since the 1st January, 1850, not less than 674 persons have been relieved, while 37 have been wholly supported. The wisdom, as well as the benevolence, of such a charity in this city, cannot but be apparent to every thoughtful and humane individual; and the season is now upon us when the relief of the poor becomes an object of the greatest importance.—*Toronto Ch. Guardian*.

L. VOSYVIT.—An Indian of the Oneida Tribe, at the Wesleyan Mission at Muncey, died a few weeks ago at the advanced age of one hundred and fourteen years. He had actively served during the whole of the revolutionary war. On one occasion he succeeded in capturing three prisoners, whom he delivered up to the British. His name was Peter Sumner.—*Id.*

COPPER TO ENGLAND.—Yesterday the *Ninesota* passed down the Welland Canal, with 300 tons of Copper Ore, from the Bruce Mines on Lake Huron, for Swansea.—*St. Catherine's Journal*.

THE PORT COLBORNE POST OFFICE ROBBERY.—A very extraordinary robbery took place at Port Colborne Post Office a short time ago. It appears that Mr. Park, Collector at that place, had mailed a package of money containing about £250. Early in the morning following the mailing of the money it was discovered that the Post Office had been broken into and the mail bag carried away—but, strangely enough, the money was found lying on the counter directed to its envelope, and tied round with a string. The mail bag was subsequently found about a mile and a half from the office, and when the thieves examine their booty they would no doubt wonder how they could have been so stupid as to leave the only valuable part of it behind.—*Niagara Chronicle*.

TEMPERANCE.—One hundred and sixty persons signed their names in Mr. Gough's Pledge Book on Thursday evening. Between 800 and 900 persons were present.—*Niagara Mail*.

FEARFUL SCENE AT TORONTO.—During an exhibition of Van Amburgh's collection at Toronto, in Canada, a few days since, while Hydralgo, one of the company, was in the cage with the Bengal tiger and other beasts, the tiger became sulky, and refused to leap. He struck him with a whip, which so enraged the furious beast, that with one bound and a yell of fury, he rushed upon Hydralgo, and brought him to the floor of the cage. Van Amburgh, who was on the other side of the arena, rushed to the spot, sprang into the cage, and in an instant had the enraged animal under his feet in perfect subjection, and released his friend from his perilous situation, fortunately more frightened than hurt.

UNITED STATES.

The President of the United States has expressed himself strongly in favour of "The European and North American Railway." He says that it shall have all the assistance and encouragement which himself and his cabinet can constitutionally give to it.—*Quebec Morn. Chronicle*.

THE ABOLISHMENT OF GRAND JURIES is being debated in the Indiana Constitutional Convention. It is proposed to substitute a public examination thereof. The proposition was so modified that, after five years, the Legislature should have power to re-establish grand juries, if it did not work well.

A bill has been introduced in the North Carolina legislature taxing northern manufactures brought into that state.

CALIFORNIA.—Steamer *Crescent City* arrived at New York 21st ult., from Chagres, via Havana, with 200 passengers, and \$1,500,000 in gold dust. The *Crescent City* did not stop at Kingston on her return, on account of the prevalence of the cholera there.

Steamer *Caroline* left San Francisco Oct. 15, and arrived at Panama on the 3d ult. with \$1,500,000 in gold. The *Columbus* left San Francisco on the 15th Oct., and arrived at Panama on the 25th ult., with \$300,000.

Steamer *Pacific* arrived at Havana Nov. 16th, with 500 passengers for New Orleans and New York, the greater part for New Orleans, with \$2-1-5/6 in gold dust. She left Chagres on the 11th ult.

The new Captain General of Cuba, Gen. Don Jose De La Cucheta, arrived at Havana in the Spanish steamship *Caledonia* on the 12th ult., and took charge of the government of the island. On Saturday he reviewed 7000 regular troops on the Paseo de Trécon.

The news of the admission of California into the Union was received at San Francisco Oct. 18th, and caused a universal outbreak of enthusiasm, which continued with the roar of cannon, buzzards, bonfires, and illuminations throughout the night, and had scarcely slackened when the *Columbus* left at 4 P. M. of the 19th. The corporation of San Francisco and citizens generally were already making preparations to celebrate the great event with becoming honors.

Lumber has become a drug in the market—the consequences, in some cases, abandoning it for the freight.

The last burnt district in San Francisco was entirely rebuilt, and business was more active. All staples were at a high price. The papers had the usual number of big bump stories, and of murders. At Mormon Gulch, two Italians, who had been killed at Mormon's Bar, W. H. Walker, of Evansville, Ind., killed G. W. Beck, of Ky., in a quarrel about a "lead." Companies at that place were finding lots of gold. In the northern parts of the state and on the borders of Oregon, gold had been found, but not so abundantly as was first anticipated. The quartz mine near Los Angeles, it is said, will prove exceedingly valuable.

The Sacramento Transcript says two men named Fisher, from Nantucket, had obtained \$1700 from a bushel of rotten quartz near Columbia. Their process is likely to be successful.

The Ohio arrived at New York on Saturday morning, 23rd Nov., from Havana, which port she left on the 18th—36 hours after the *Crescent City*. She brings 350 passengers, principally from California.

About \$300,000 in gold dust are entered on the Ohio's manifest, and it is reported that there are \$500,000 in the hands of passengers.

MISCELLANEOUS.

ROLLS COURT, Saturday, 9th Nov. 1850.—*Holloway v. Holloway*—Injunction.—This case came on for argument, by appointment to-day.

Mr. Turner opened the case for the plaintiff, and stated that the injunction which he was instructed to move for could hardly be refused under the circumstances it was his duty to state; and the affidavits which had been filed by the defendant since the case was before the court very imperfectly attempted to answer the case made out by the plaintiff in behalf of the injunction.—He read the following affidavits:—

"Thomas Holloway, the inventor of the Ointment and Pills, deposed that in the year 1837 the plaintiff invented an Ointment, and, in 1839, a Pill, since known as 'Holloway's Pills and Ointment,' which for several years had a high reputation with the public for their curative and healing

qualities; and that large quantities were now sold in the United Kingdom, and in all quarters of the Globe; that the plaintiff had expended £150,000 in establishing the sale of his medicines, which are more extensively sold than any patent medicine in use. About May last the defendant (Henry Holloway) commenced the sale of his Pills and Ointment, at No. 9, Walbrook, and since then at 270 in the Strand; and the defendant described the latter to be his manufactory, but the premises consisted of only two empty rooms on the second floor. The defendant had stated in his advertisements that he had expended large sums of money in advertising his medicines, which assertion the plaintiff denied, and alleged that he had not expended in advertisements more than one pound per week at the utmost, and that sum only for colourable purposes. The affidavit of Mr. Thomas Young, of Hatton-garden, deposed that he had learned from the defendant himself, that the defendant had applied to the Stamp-office, to have medical stamps struck off for him, with the words, 'Holloway's Pills and Ointment,' engraved thereon, which the authorities refused to do. He had then stated that he should carry out his speculation without being obliged to advertise the medicines, as his brother had already sufficiently advertised them, and would continue to do so."

William Hall, 190, Strand, said the defendant had hired part of his shop-window for the sale of his Pills and Ointment. The defendant informed the said William Hall that his Pills and Ointment were prepared and made up for sale in such a manner as to resemble those of the plaintiff, so that they might be sold for the plaintiff's; and to remark that the initial letter "H" of the name of the defendant would betray the deceit, the defendant replied that would never be noticed by the public.

Amy Newberry's deposition was, that she had used for a twelvemonth the Pills and Ointment of the plaintiff with good effect for the dropsy, that on the 25th of September last she purchased both Pills and Ointment at a shop in Harrow-road, which proved to be injurious to her on two occasions, when she took eight of the Pills. The Pills, upon examination, were found not to be those of the plaintiff. Other affidavits were read, which proved that the defendant had obtained his recipe for his Pills from a young medical student, and another for the Ointment from a different party, and that neither had been prepared in the same manner as the plaintiff had prepared his, though they were put up in boxes and pots of the same make as those of the plaintiff's medicines, with labels corresponding in nearly every respect, and in wrappers and direction papers copied almost literally from those made by the inventor. There were other affidavits to prove that the defendant had endeavoured to induce patent medicine vendors to sell the defendant's Pills and Ointment as those of the plaintiff, and that they had been offered at a reduced price, or to be left on sale or return; that he had failed to induce the Messrs. J. Pratt & Co., Pottery, of Lane Dolph, Staffordshire, to furnish him with pots of the pattern of the plaintiff's, having inscriptions burnt in upon them, purporting to contain his, Holloway's Ointment; that he had given instructions to Gayne, to draw up two direction papers, consisting of twelve and eight pages, the same number of pages as are used by the plaintiff, which papers were to be only a little altered in phrases from those of the plaintiff, so as to deceive buyers into the belief they were purchasing the plaintiff's medicines; that he had succeeded in getting lithographers, pill-cutting machine makers, &c., to aid the defendant in his deception, and that some of the wholesale dealers told him that they must refuse to vend his medicines unless specially asked for, as his was a too palpable deception. The learned counsel (with whom was Mr. Miller) remarked that the case could hardly be possibly be carried further to prove that a gross fraud had been practised upon the trade, and the customers of the plaintiff, and that the pirating of the plaintiff's boxes, labels and printed directions, fully authorized the court to grant the injunction.

Lord Langdale said he would not trouble the learned counsel to reply upon the case. The names of the plaintiff and of the defendant in this case were the same. His lordship did not, he said, mean to abridge the right of the defendant to vend an article in which he dealt, but he could have no right to prepare and get up that article so as to resemble the article invented by the plaintiff, and thereby deceive the public into a belief that it was that of the plaintiff. It was only necessary to refer to the evidence of Gayne to see that the defendant had given orders that the direction papers of the plaintiff should serve as a guide or model of the pamphlets which the defendant wished him to prepare, so as to pass with the public as the pamphlets of the plaintiff. This was a direct avowal of an intention to commit a fraud upon the plaintiff. It was stated also to Hall, by the defendant, that the introduction of the initial letter "H" for Henry would never be noticed, and the medicines might be very well sold as those of his brother. This was certainly a description of property which was protected by law, and when it came under the jurisdiction of the court it must have the benefit of that protection. The only thing which pressed upon the court was the suggestion that the defendant had not had time enough to put in a sufficient answer. His lordship would, therefore introduce into the terms of the order for the injunction which he was determined to grant in this instance permission to the defendant to move to dissolve the injunction should he be provided with sufficient evidence to contradict the plaintiff's affidavits.

The injunction as prayed by the plaintiff's bill was accordingly granted.