Daily Tribune. The

VOL. I.

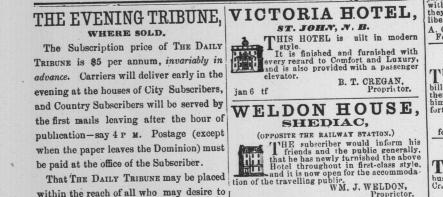
SAINT JOHN, N. B., MONDAY EVENING, FEBRUARY 26, 1872.

No. 56.



THE SUBSCRIBERS HAVE REMOVED THEIR MANUFACTORY, WAREROOM, &c.,

Corner of Union and Carmarthen Streets, Where they would solicit a continuance of the patronage heretofore received by them. ROBINSON'S RALSTON. feb 6 6m



of delinquent subscribers' stock, and provided that in the event of the shares

Dissolution of Co-Partnership. THE Co-Partnership existing between the sor, is this day dissolved by mutual consent. St. John, N. B., January 6th, 1872. Jan 11 tf ANDREW J STEWART. Jan 11 tf ANDREW J STEWART. THE Subscribers have this day entered into a Co-Partnership, as SOAP and CANDER MANUFACTURERS, under the style and func-of Logan & Stewart. Logan & Stewart. The words of that purpose; but inasmuch as the recital of the Act shews that the be held accountable to the Company for the balance. It is not disputed that had the proceedings been regular, and had the terms and to selling for sufficient to pay the assessment, the delinquent shareholders should be held accountable to the Company for the balance. It is not disputed that had the proceedings been regular, and had the terms and conditioned. The words of this section, taken by themselves, would certainly seem to show of Logan & Stewart. Lo

 The superviser have the dry entered into the dry entered into the dry in the dry dry and the constant of the superviser of the superviser and the dry dry and the constant of the superviser of the superviser and the dry dry and the constant of the superviser and the constant of the superviser of the superviser and the constant of the superviser and the constant of the superviser and the constant of the superviser and the superviser and the superviser and the superviser and the constant of the superviser and t A grant is an action of the state of the sta

bught not to be given to it, unless it is free from ambiguity. In Kimbray vs.
b) Draper, (3 Law R., Q. B. 161), Blackburn, J., says:—"That where an enactment, "changes or takes away rights it is not to be construed as retrospective, unless, "there are express words to that effect, but where it only changes the mode of "proceedure, it is to be applied to all actions."
b) The construction of the Act contended for here would give a right of action against the Defendant which did not exist before; it would therefore affect and change his rights, and, therefore, according to the acknowledged rule of construction, it would require clear and express words to create such a liability which I think does not exist. I am therefore of opinion that no personal liability against the Stockholders is given by the Act, 32 Vic., Cap. 54.
On the other point, as to the Act 32 Vic. being beyond the powers of the Local Legislature under "The British North America Act, 1867," I do not think there is anything in that objection; but as that question will be fully dealt with by His observations upon it.
THE EUROPEAN AND NORTH AMERICAN BALLWAY COMPANY FOR leave daily for N read it, it has been decided that, in addition to sales by the street News-boys, Shediac. Dec. 29, 1871. dec 19 3m and on the Railroads, and delivery by our WILLIAM JONES, Carriers, the paper shall be offered for sale Merchant Tailor, at the following central points in and near St. John :-IN ST. JOHN:-At the Book-stores of Messrs. T. H. Hall, W. K. Crawford, H. S. Beek, J. & A. McMillan, H. Chubh & Co. Public Notice. A LL parties indebted to me by Book Account or Notes of Hand, or otherwise, will please attend to the settlement of the same before the first of March next. as all disms remaining un-settled at that date will be handed to an Attor-ney for collection. IN ST. JOHN: -At the Book-stores of Messrs. T. H. Hall, W. K. Crawford, H. S. Beek, J. & A. McMillan, H. Chubb & Co. At Roger Hunter's, Dock street. At T. M. Reed's Drug Store, Head tion. JAM S DUNLOP. jan 31 1m Notice of Removal. When purchasing Plate Powder, be sure to ask for Wharf. North Wharf. At W. Hawker's Drug Store, Reed's The undersigned purposes, in a few weeks, to REMOVE HIS STOCK W. H. ATKINSON'S Point. At J. D. McAvity's Grocery, Bus Champion Plate Polish, THE EUROPEAN AND NORTH AMERICAN RAILWAY COMPANY FOR EXTENSION FROM ST. JOHN WESTWARD I am therefore of opinion that the enacting clauses of the 32nd Victoria are so tin's Corner. At James Adams' Grocery, cor. Boots and Shoes, &c., WHICH will save considerable time and trouble, and will be found invaluable, as well as produce a most brilliant pollsh. The Proprietor can, with the greatest confi-dence, recommend his "CHANFION PLATE, Fo-tism" as an article superior to anything of the kind ever offered to the public. One trial of it will ensure constant use; and as it sives sy much time and labour, besides producing a very Unsting polish, Housekcepers wild find it worth their while to use "ATKINGON'S CHANFION PLATE POILSH." for cleaning and polishing all kinds of silver and plated goods. This article is done up in fancy boxes, of dif-ferent colurs, at seventeen cents each. feb 1 lm* Cor, King and Germain sts. explicit in their terms that their meaning cannot be controlled by the preamble. That the first section cured the defect in the proceedings of the Company in regard Orange and Carmarthen. At Mr. Lorimer's Grocery, corner Duke and Sydney. At Mrs. Bowen's, Princess street, From his present place of business, on Prince William street, to the commodious and well-known stand, That the first section cured the defect in the proceedings of the Company in regard to the capital, the amount subscribed and paid, and in the assessments and the mode of making them, and the notices; and that under that section the Company had power to forfeit the stock, and to sue for any balance due after the sale, in the manner prescribed in the fifth section of the Act of Incorporation. That the third section empowers the Company to sue for calls after giving two months notice of the amount of the assessment in a newspaper published in St. John. As it appears in this case that the notice required by the Act had been given, I am of opinion the Plaintiffs are entitled to recover, and that the rule for a nonsuit should be discharged THOMAS. JUDGE FISHER. This is an action brought to recover the amount of a call from the Defendant, one of the subscribers for stock in the Company. The Act of 27 Vic., Cap. 43, incorporating the Company, required amongst other things, that the Capital Stock should consist of two million dollars, and that when the sum of fifty thousand dollars was paid in to the Treasurer, the Company should proceed to construct the road; it also authorized the Company to make assessments on the stock from time to time for the purpose of carrying on the work. As some of these requisites had not been complied with, another Act was passed the 32 Vic., Cap. 54, to amend the Act of Incorporation, and to meet the difficulties which might arise from the non-compliance with the provi-sions of that Act. Assuming that no action for calls would lie under the Act of 27 Vic., because of the non-compliance with its provisions in several respects, the Plaintiffs right to recover must depend entirely upon the 32 Vic., to which several objections have been taken. No. 15 King Street, At James Lemon's, corner St. James and Carmarthen. At Miss Campbell's Pitt street, noar (above Carmarthen.) Recently occupied by Messrs. C. & E. EVERETT as a Lar, Cap and Fur Store, and next door to their present place of business. J. SAUNDERS, (Retail Euccessor to Messrs. Valpey & Bro.,) 68, Prince William Street. At John Smith's, corner Union and Coburg. At R. E. Puddington's Grocery, 44 jan 25 should be discharged. Charlotte St. At John McArthur's, Charlotte A. & T. GILMOUR REDUCTION. Just Received. street. At Geo. Williams's, Coburg street. At J. B. Fenwick's, Railway Station. At C. Manaton's, City Read. At L. Currey's, Waterloo street. At H. C. Frost's, Brassells street. At Emery & Sons, Golden Ball corner. 1000 BUNDLES WHITE and BLUE WARPS-"Domestic." a prime HAVE REMOVED TO WOOLEN GOODS, &c. FURLONG'S TISDALE'S BUILDING, 1000 yards Cotton and Wool and All Wool bjections have been taken. It is said to be *ultra vircs*, and if it is not, that the Act itself does not sufficient THE BALANCE OF HOMESPUN: IRISH MALT It is said to be *uttra vires*, and if it is not, that the Act itself does not sufficient-ly cover certain defects in the proceedings of the Plaintiffs—that there are other conditions precedent to the Plaintiffs right to recover which are not stated in the preamble, and therefore that the enacting clauses of the Act do not operate to re-move that difficulty, but only the defects which are so stated in the preamble, and in any state of things, the Plaintiffs cannot recover for calls until after the stock had been for fortied and sold. Clouds, Scarfs, Sontags, corner. At John Morey's, Union street. At R. J. Patchell's, corner Brittain 45 100 pieces COTTON FLANNELS. WHISKY WAISTS, HOODS, &c., GERMAIN STREET, For sale low and Sydney. At Mrs. Perkins', cor. Carmarther and Mecklenburg. feb 14 u p T. R. JONES & CO. The above Celebrated NOW SELLING AT NEARLY OPPOSITE 200 Pieces IN PORTLAND : - By Mr. Shields, druggist GREATLY REDUCED PRICES. Old Irish Malt Whisky stock had been forfeited and sold. By the Act of Union "British North America Act 1867" the 10th clause of the S. K. FOSTER'S. COTTON DUCK, Main street. Capt. Speight, Main street. W. G. Brown, P. M., Indiantown. A. T. Matthews, Indiantown. IN CARLETON:—At the Agency of II Chubb & Co., and on the street. IN FAIRVILLE :—At C. F. Tilton's, Post Office. 92nd Section, the exclusive power is conferred upon the Local Legislature to make Laws in relation to local works and undertakings other than "Lines of "Steam or other Ships, Railways, Canals, Telegraphs, and other works, connect-ALSO. Winter Skirts and Skirting, Rivals the finest Cognac Brandy. FOR BOAT SAILS. feb 1 feb 14 up T. R. JONES & CO. IT HAS BEEN STORED FIVE YEARS GEO. STEWART, Jr., "Steam or other Ships, Railways, Canals, Telegraphs, and other works, connect-"ing the Province with any other or others of the Provinces, or extending beyond "the limits of the Province." The object of this section was to limit the power to authorize such works to the Parliament, whose authority extends over the whole AT COST PRICES. L'ENVOI. In Sherry Butts, and is highly recom-To make room for Spring arrivals. Hence, unbelieving Sadducees, and less-b lieving Pharisees, With dull conventionalities: And leave a country muse at ease To play leap-frog, if she please, With children and realities. mended for Medicinal and other W. W. JORDAN, 53 King stree Chemist and Druggist, purposes, being The DAILY TRIBUNE may also be obtained DEALER IN This Railway neither connects this Province with any other or extends beyond SOMETHING NEW This Railway neither connects this Province with any other or extends beyond the limits into any other. It is an authority to construct a road from St. John west-ward to the boundary of the United States—all this within the Province, and there-fore, in my opinion, within the power conferred upon the Local Legislature. To adopt any other construction in relation to this Act would lead to the deprivation of the Legislature of much of its authority to incorporate Railway Companies, for most of the Railways connect with roads which extend beyond the limits of the Province Mellowed with Age, Perfectly Pure at the Stations of the E. & N. A. Railway. We have only space to add the names of a Woods and Dye Stuffs, Surgical FROM A And free from those heating qualities We have only space to add the names of a POPULAR AUTHOR A CLEVER SATIRE. usually found in other Whiskys. few of our country agents, such as Mr. A. WATER BABIES," H. Clewley, St. Stephen, Mr. J. S. Magee, Toilet Requisites, Perfumery, Brushes, &c. PATTY, 24 King Street, St. John, N B. St. Andrews, McLauchlan & Sons, Freder A Fairy Tale for a Land Baby. FOR SALE BY By Katherine S. Macquoid. THOMAS FURLONG, icton, Mr. W. Everitt, Woodstock, Mr. (Pine's Building.) BY CHARLES KINGSLEY. J. W. Pitfield, Moncton, Mr. Ovid Chap-mrn, Shediac, Mr. T.G. Burnes, Ossekeag. A complete list however will be given in Greeley's "What I Know of Farming," It is urged that assuming the Act 32 Victoria, in force, it does not cure all th Direct Importer, the Province. Being one of the most popular Books on the subject published. At McMILLAN'S. feb 21 defects in the proceedings, and if it does that no action will lie for any call until the stock had been forfeited and sold, and then only for the balance. CHUBB'S BUILDING, Warehouse, 14 Water St. Druggists' Sundries. A complete list, however, will be given in LORD BANTAM, the stock had been forfeited and sold, and then only for the balance. Authors who have treated upon the Law of Corporations appear to have as-sumed that the Corporation has a remedy by action at Law against a stockholder for calls upon his stock. Upon a careful examination of the authorities to which these authors refer, the doctrine does not appear to be so fully sustained as it is stated; still I incline to the opinion that where a call for stock is made on the stock-holders the Law will imply a legal obligation to pay for which an action will JOHN CRAWFORD, CHERRY TOOTH PASTE, Chest Protectors, Vinaigrettes, Prout's Court Plaster, Respira-tors, Ostarrh Snuff, Transparent Soap, Lubin's Violet Powder, Euresia, Plate Brushes, Mus-tard Leaves, Aloack's Plasters, Castile Soap. Wholesale and Retail at feb 9 HANINGTON BROS. A new satire by the author of "Ginx's Baby." Dr. Baxter's Chalybeate another issue. No. 9, KING SQUARE, RATES OF ADVERTISING. At J. & A. McMILLAN'S. feb 8 THE great Reconstructive Tonic for the ane-mia of females, in the debility of weak shildren, in the imperfect digestion and assimi-ation of food, where a tonic is required for the itomach, and an element added to the blood, he CHALYBEATE will be found to be invalu-DEALER IN A limited number of yearly con-53 King Street. racts will be made on the basis Groceries, Provisions, Flour, holders the Law will imply a legal obligation to pay for which an action will of \$30 for one inch of space,feb 9 MEAL, TEAS, SUGARS, &c., &c. STRIPED BEDDING several changes being allowed, say, \$30 In Shepherd vs. Hill 11 Exch 66, Parke B. says, there is no doubt where an CORNMEAL. Wholesale and Retail. In Shepherd vs. Hill 11 Exch 66, Parke B. says, there is no doubt whill lie for Act of Parliameut creates a duty or obligation to pay money an action will lie for its recovery, unless the Act contains some provisions to the contrary. It is true, its recovery, unless the Act contains some provisions to the contrary. It is true, its recovery a new of distress, but that is clearly a curmulative remedy. There is a Backer is a contrary of distress is the contrary of the contrary is a curmulative remedy. White, Colored and Unbleached KNIT-\$50 Two inches, with changes, able. Dr. Baxter's Chalybeate is for sale, wholesa's ind retail, by COUNTRY PRODUCE SOLD ON COMMISSION. MESS PORK. For a Card of 5 lines, 1 year, un-GEO. STEWART. JR., PHARMACFUTICAL CHEMIST. 24 King street. its recovery, unless the Act contains some provisions to the contrary. It is true, the statute gives a power of distress, but that is clearly a curmulative remedy. In the Queen vs. Landenderry& Conna 1ght RailwayCompany, 5 Exch 136, Parke B.:—The statute which enables the Company to recover calls, no doubt merely enforces an obligation on the shareholder created by contract. If the Defendant contracted with the Company and took twenty shares, upon each of which the capital to be contributed was twenty pounds, he may be said to have agreed with them to pay twenty nounds per share by such instalments as according to the \$12 'feb 21 1 case BROWN and Unbleacued White. Colored and Unbleacued TING COTTONS. W. W. JORDAN. changed. Landing ex brig "Alaric ":--For Advertisements of Govern-MEDICAL HALL, ments, Corporations, Railway and 1000 BARRELS CORNMEAL feb 22 Congou Tea, Coffee, &c. (Opposite King Square,) Steamboat Co.'s, and other public feb 20 For sale by HALL & FAIRWEATHER. Art Union of London. Received ner late arrivals: 34 CHESTS FINE CONGOUTEA: 15 sacks Java COFFE: 10 cases Columan's No. 1 STARCH; 45 gross Dorme BLACK LEAD; 3 cases Rickett's Diamond do.: 41 dozer SCRUBBING BRUSHES: 41 dozer SCRUBBING BRUSHES: 5 Black Lead For sale by JOHN CHRISTY, feb 7 75 King street. bodies,-for Theetres, Concerts, ST. JOHN, N. B. THE UNIVERSITY, capital to be contributed was twenty pounds, he may be said to have agreed with them to pay twenty pounds per share by such instalments as, according to the statute, they were initided to recover. Patterson J.:--on considering the statute and the cases bearing upon the subject it appears that a call may mean either the resolution formerly come to by those who have the power to determine that those who are bound to contribute, that is, the shareholders, shall pay a certain instal-ment, or it may be that resolution, together with notices to the persons called on, of such resolutions having being come to, or the combination of facts making the parties liable to an action for non-payment of the money called for. Lectures and other public entertainments, say first insertion, 80 cts R. D. MCARTHUR 1872. Medizeval and Modern. Each subsequent do. 40 cts EVERY subscriber of ONE GUINEA will re-ceive, besides the chance of a prize at the annual distribution in April, a set of impres-sions of Chemist and Druggist, For ordinary mercantile transient AN ORATION, advertising, say, first insertion, 60 cts Importer and General Dealer in Drugs, Medi cines, Patent Medicines, Perfumery, &c., &c. For sale by Delivered at the Encoenia of New Brunswick, Each subsequent do. 30 cts OILS, PAINTS, DYES, For condensed advertisements, to of such resolutions having being come to, or the combination of facts making the parties liable to an action for non-payment of the money called for. I do not think the right to maintain the action depends upon the question whether the Corporation have a cumulative remedy by action for calls, or not; otherwise I should refer more fully to many other authorities which I have ex-amined. Whatever may be the state of the law in that respect I am of opinion that the 32nd Victoria has made sufficient provision to meet the case. It appears to assume that the Company can recover for calls by action at Law irrespective of the power conferred by the Act of Incorporation. So far as I can ascertain the meaning of the 32nd Victoria, the Legislature intended that the remedy given by the Act of Incorporation should be cumulative. Eight Plates of Coast Scenery ! The Prizes include a Marble Group, the Wood Nym.h. for which a premium of £600 was awarded, and the right to select a valuable work of Art from one of the Public Exhibition of Bust, Vases, and Tazzas. Persons intending to subscribe will please leave their money immediately with H. CHUBR & CO. occupy 5 lines, such as Wants, each Brushes, Cigars, Tobacco, &c. 45 Germain Street. WILLIAM ELDER, A. M., and every insertion, 25 cts. CATTLE AND HORSE MEDICINE. Editor of the Telegraph and Journal. A few special agreements, having re-GENERAL ASSORTMENT CONSTANTLY ON HAN D ablished by request of the Alumni Association. ference to position and extra space, will feb 16 A.&T.GILMOUR. CHUBB & CO., Publishers. be made at paying rates. AF For sale at the Book Stores. The Model Livery Stable. H. CHUBB & CO., THE Subscriber begs to return thanks to all who have patronised him during the past twelve years, and to inform his friends and the public generally that he has opened his new Model BOARDING, SALE AND LIVERY STABLES in the rear of Mr. Thos. Furlong's Brick Building, Charlotte Street, where, with increased facilities, he will be happy to accom-motate all his natrons. Coaches always on hand. Horses Boarded on reasonable terms. dec 21- y J. B. HAVM. feb 10 feb 22 3 New American Hats. Watches, Clocks, Portland Kerosene Oil. Brown, Blue and Black meaning of the 32nd Victoria, the Legislature intended that the remedy given by the Act of Incorporation should be cumulative. The Legislature appeared to have two objects in view, the making valid the proceedings of the Directors and that in relation to the calls, for the *purpose* of enabling the Company to forfeit the stock of the defaulters, and also for the *pur-pose* of enabling the Company to sue for calls. The first section enacts that the subscribers for stock shall be liable in the same manner and to the same extent as if the whole of the capital stock had been fully WE have opened six cases NEW STYLES AMERICAN HATS, Medium and Fine JEWELRY, &c., BOSTON KEROSENE OIL. BEAVER, CHINCHILLAS, AT REDUCED PRICES. Canadian Kerosene Oil. Wholesale and Retail Hat Warehouse, J. R. CAMERON & CO., MOSCOWS, PAGE BROTHERS, 51 KING STREET. 33 Prince William street. 41 King Street, jan 25 D. MAGEE & CO. The first section enacts that the subscribers for stock shall be liable in the same manner and to the same extent as if the whole of the capital stock had been fully subscribed, and as if the said fifty thousand dollars had been paid in to the Treasurer of the Company in the manner prescribed by the Act of Incorporation, and as if all assessments and notices had been given in the terms of said Act, and shall be held to have been given regularly, and the said subscribers to the said shares in the capital stock shall be liable to the assessment and calls for paymten of said capital stock made, or to be made in the same manner, and to the same AND WISHING to reduce their Stock as much as possible before receiving their Spring importations, will offer special inducements to buyers of EXTRA OATMEAL. Insolvent Act of 1869. Notice to Non-Residents, HEAVY PILOTS. Received by Subscribers: THE undermentioned pers ns, assessed for Road Work in the Parish of Lar caster, in the County of Saint John, are required to pay to the subscribers for their successors their respec-tive assessments, with the costs of advertising: otherwise, legal proceedings will be taken against their real estate, situate in said Parish, for payment of the same, at the end of three months. Canada, Province of New Branswick. In the County Court, for the County of Saint John. IN THE MATTER OF GEORGE N. ROBINSON, JR., and JAMES H. ROBINSON, Insolvents. 100 BARRELS very extra quality OAT-Watches, Clocks, Jewelry, Silver-Pla 45 Germain Street. shares in the capital stock shall be liable to the assessment and calls for paymten of said capital stock made, or to be made in the same manner, and to the same extent as if the whole sum of two millions of dollars had been subscribed for and taken up, and the \$50,000 of said capital stock had been paid in to the Treasurer in the manner and at the time required by the said Act, and as if the notice of the calls and assessments had been made and given as required by the said Act. This section removed the difficulties of proceeding for the calls under the Act of Incorporation, and when the legality of the preliminary proceedings could not be disputed, the Company could enforce the call under power of section five of the 27th Victoria, the Act of Incorporation, which authorised the sale at Public Auction ted Goods, &c., &c. HALL & FAIRWEATHER. feb 6 Buyers of any of the above goods will do well to give us an early call. PAGE BROTHERS, feb 10 41 King street. DOWNER ROBINSON, Insolvents. THE undersigned have filed, in the office of this Court, a consent by their creditors to their discharge; and on Thursday, the twenty-ninth day of February next, they will apply to the Judge ef the said Court for a confirmation of the discharge thereby effected. Dated at the City of Saint John, this twentisth day of January, A. D. 1872. (EC) N. ROBINSON, JR., JAS, H. ROBINSON. Cathery's Dog Soap MINERAL SPERM OIL WILL destroy Fleas, cleanse the Skin and Hair, making the coat fine and glossy, and mill safely and effectually cure the Mange. feb 10 Bark St. Andrew. A NY persons having Bills against them at once at our office. feb 22 HALL & FAIRWEATHER. HALL & FAIRWEATHER. HALL & FAIRWEATHER. will safely and ef Wholesale and Reta HANINGTON BROS., Foster's Corner. feb 2

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