The Daily Tribune.

VOL. I. SAINT JOHN, N. B., WEDNESDAY EVENING, FEBRUARY 21, 1872. No. 52.

STEAM SHOE FACTORY.

THE SUBSCRIBERS HAVE REMOVED THEIR

MANUFACTORY, WAREROOM, &c.,

TO THE

Corner of Union and Carmarthen Streets,

Where they would solicit a continuance of the patronage heretofore received by them.

feb 6 6m *ROBINSON & RALSTON.*

VICTORIA HOTEL,

ST. JOHN, N. B.

THIS HOTEL is uilt in modern style. It is finished and furnished with every regard to Comfort and Luxury, and is also provided with a passenger elevator.

B. T. CREGAN, Proprietor.
jan 6 tf

WELDON HOUSE,

SHEDIAC,

(OPPOSITE THE RAILWAY STATION.)

THE subscriber would inform his friends and the public generally, that he has newly furnished the above Hotel throughout in first-class style, and it is now open for the accommodation of the travelling public.

WM. J. WELDON, Proprietor.

☞ Coaches leave daily for North Shore on arrival of trains.

Shediac. Dec. 29, 1871. dec 29 3m

WILLIAM JONES,

Merchant Tailor,

BEGS to state that after the first of January next he will adopt the *cash principle* in his business, in order to enable him to fill orders as promptly as he would wish.

☞ Orders, on these conditions, will be attended to at the lowest prices.

GERMAIN STREET, Near "Victoria Hotel."
dec 29 tf

Model Livery Stable.

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 accommodate all his patrons.

Coaches always on hand.

Horses Boarded on reasonable terms.

dec 21— y J. B. HAMM.

Notice to Non-Residents,

THE undermentioned persons, assessed for Road Work in the Parish of Lancaster, in the County of Saint John, are required to pay to the subscribers (or their successors) their respective 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.

Dated the 18th January, 1872.

George V. Nowlin	$1 00
Mrs. Amelia Robertson	1 50
George F. irweather	1 00
John Early	2 50

JOHN SHIVES,
THOMAS DEANS,
Commissioners Roads, Lancaster.
jan 18 3m

Insolvent Act of 1869.

Canada,
Province of New Brunswick.
In the County Court, for the County of Saint John.

IN THE MATTER OF GEORGE N. ROBINSON, JR., and JAMES H. 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 of the said Court for a confirmation of the discharge thereby effected.

Dated at the City of Saint John, this twentieth day of January, A. D. 1872.

GEO. N. ROBINSON, JR.,
JAS. H. ROBINSON.

MILLIDGE & BAIRD, *Attorneys at litem.* jan 26 1m

Notice of Removal.

The undersigned purposes, in a few weeks, to

REMOVE HIS STOCK

OF

Boots and Shoes, &c.,

From his present place of business, on Prince William street, to the commodious and well-known stand,

No. 15 King Street,

Recently occupied by Messrs. C. & E. EVERETT as a Hat, Cap and Fur Store, and next door to their present place of business.

J. SAUNDERS,

(Retail Successor to Messrs. Valpey & Bro.)

68, Prince William Street.

jan 25

Congou Tea, Coffee, &c.

Received per late arrivals:

34 CHESTS FINE CONGOU TEA;
15 sacks Java COFFEE;
20 cases Colman's No. 1 STARCH;
45 gross Dome BLACK LEAD;
3 cases Rickett's Diamond do.;
4½ dozen SCRUBBING BRUSHES;
25 " Black Lead do.

For sale by JOHN CHRISTY,
feb 7 75 King street.

Druggists' Sundries.

CHERRY TOOTH PASTE, Chest Protectors, Lip Salve, Huile Philocome, Dog Soap, Vinaigrettes, Prout's Court Plaster, Respirators, Catarrh Snuff, Transparent Soap, Lubin's Violet Powder, Buxess. Plate Brushes, Mustard Leaves, Alcock's Plasters, Castile Soap.

Wholesale and Retail at
HANINGTON BROS.
feb 9

45 Germain Street.

A. & T. GILMOUR.

Brown, Blue and Black

BEAVER, CHINCHILLAS, MOSCOWS,

AND

HEAVY PILOTS.

45 Germain Street.

Potatoes and Turnips.

50 BUSHELS POTATOES;
20 bushels TURNIPS. For sale by
jan 9 R. E. PUDDINGTON.

NOTICES OF 'THE WISDOM OF THE KING'

BY

Rev. James Bennet,

ST. JOHN, N. B.

"EVIDENCES of deep and serious thought throughout the volume."—*Belfast News Letter, Jan. 24, 1871.*

"Succeeds well in seizing on the salient points of the words of the Royal Preacher, and in bringing them home to present duty."—*Glasgow Daily Review, Feb. 6, 1871.*

"Characterised by directness of aim, sound sense, and right appreciation of the sacred writer's meaning."—*The Preachers' Lantern, (London), Feb. 1871.*

"It is a good book of sterling value."—*The British and Foreign Ecclesiastical Review, April 1871.*

"His Book may be recommended as worthy to take a place in the Homiletical Literature of Ecclesiastes."—*British Quarterly Review, April 1871.*

"The production of a highly cultivated mind. . . . We have read several works on Ecclesiastes, and well remember the pleasure with which years ago we perused the 'Royal Preacher,' but for fine criticism, comprehensiveness of thought, striking illustration and unostentatious, yet eloquent and forcible style, THE WISDOM OF THE KING, we think, surpasses them all."—*St. Croix Courier, March 6, 1871.*

"The volume is not an unworthy companion of Dr. Buchanan on the same book."—*The Homilist (London), April 1871.*

"A series of charming Essays. . . Each chapter branches out into innumerable topics of a secondary and collateral nature, giving to the work a boundless diversity, enriched with stores of ethical as well as of spiritual wisdom, evincing at once acute observation of social life and of human character, and containing the noblest lessons for practical guidance. Our author's style is remarkable for its free, unconstrained flow, almost colloquial at times, but invariably signalized by clearness, force, adaptation to the subject, and not seldom by originality of thought in combination with terseness and beauty of expression. . . . There is about it a freshness, as well as a fullness of practical teaching, rarely to be met with in ordinary Biblical commentaries."—*Londonderry Standard, Feb. 15, 1871.*

"This is a bright, breezy book, both interesting and instructive. We can most conscientiously commend this book generally, as one of the most sprightly, attractive and instructive works of its kind that has fallen under our observation."—*Boston Evening Traveller, May 6th, 1871.*

"Every portion of the work indicates extensive scholarship and mature thought."—*Belfast Northern Whig. April 8th, 1871.*

"The force, raciness and robust manliness of Mr. Bennett's style and mode of treatment will arrest attention and excite interest in quarters where preaching or writing of the average quality would fall flat and dead."—*Home and Foreign Record. March, 1871.*

"So plain yet so suggestive, so practical yet so profound are these Lectures that while you read them you feel their deep truth and reality: that you are in contact with realities both visible and invisible: that you are in close contact with the beating heart of nature and humanity, and that all their life and hope flow full and free from God alone."—*Fredericton Head Quarters, March 1st, 1871.*

"The writer is evidently well acquainted with the literature of his subject, and that acquaintance reveals itself almost unconsciously in every page. There is no ostentation of reading or learning, but there is everywhere the gleaming forth of light which cannot be hid. . . . The style is simple, intelligible, graceful. It shows at once that Mr. Bennet is a man of literary culture, who can express his thoughts with scholarly chasteness and good taste. We could not open a page without meeting some thought vigorously expressed. The work is eminently fresh and readable."—*Free Witness, Halifax.*

"He reveals in the treatment of his themes strong common sense, a firm grasp of thought, a logical acumen and a clear insight into human character. Even when dealing with trite ideas he imparts to them a novelty and interest by which they are lifted into an importance they scarcely deserve. The style throughout is lucid, pure, compact, forcible,—and it is his own—the garb of his own thinking. We have met in our perusal of the book with numerous paragraphs of finished and brilliant rhetoric—fine specimens of pulpit oratory. He is never tame nor tiresome. We have not found one slip shod sentence in the volume."—*Christian Visitor, (Baptist) March 6th, 1871.*

"We were not prepared to find him writing in such a finished style and issuing such a volume as 'the result of certain preparations made for an evening lecture to his congregation.' If all his pulpit performances are equal to these, his people have reason to rejoice in the Providence which guided his steps to them."—*Evangelical Witness, May 1st. 1871.*

"This is a remarkably thoughtful, solid book. Mr. Bennet is evidently at home in Metaphysics and Ethics, and he is a shrewd observer of human nature in its ordinary manifestations; consequently he ranges over the lessons of the Preacher with a power of illustration which shews his mastery of the subject. The style is close and direct, and yet so lucid, that any reader may understand every sentence in the volume. It will, we doubt not, take its place, as it ought to do, among our household expositions of this treatise of observation and Jewish wisdom."—*The Presbyterian (Philadelphia), May 20, 1871.*

"The lessons to be learned are drawn with a master's hand, and are expressed with a combined force and beauty that we have rarely seen surpassed in the production of any author. The ordinary reader will find nothing that is above his comprehension, and yet it would be difficult to find a common-place thought or form of expression. A combination of these requisites we deem the highest merit a writer can possess.

"We will be much disappointed if the book do not command a wide circulation. Wherever a sound literature is felt to be a desideratum, THE WISDOM OF THE KING has but to be known to be prized as a work that the world will not willingly let die."—*Saint John Telegraph and Journal.*

"THE WISDOM OF THE KING is well worth careful reading. Indeed you cannot read much of it at once. There is a constant play of fancy about the thoughts, and often the very words, that is admirably suited to the Scripture book, of which this is an exposition, but which demands such constant attention on the reader's part that he gets tired, for he does not know where it is to end. The style is compact, lucid, often sparkling and epigrammatic, the sentences cut sharply, but with a poetic fullness of original illustration that redeems them from all hardness."—*Halifax Monthly Record, (Church of Scotland).*

"Each chapter is so well done, so lucid, yet concise in its exposition, that it is sometimes difficult to determine which is the best and most interesting.—*Stewart's Quarterly, St. John.*

☞ A few copies of the above work may be had at Messrs. McMillan's, Chubb's, Barnes's, and Colonial Bookstore. jan 5

For Coughs, Colds, BRONCHITIS, ASTHMA, SORE THROAT, &c.,

Use either of the following standard preparations:

CHLORATE OF POTASSA LOZENGES:
Brown's Bronchial Troches;
Campbell's Cough Pastilles;
Sharp s Balsam Horehound and Aniseed;
Trotter's Pectoral Balsam Horehound;
Mrs. Gardner's Balsam;
Englishman's Cough Mixture;
Poor Man's Cough Cure;
Cunningham's Cough Cure;
Ayer's Cherry Pectoral;
Allen's Lung Balsam;
Indian Balsam of Liverwort;
Wilson's Pulmonary Cherry Balsam;
Warren's Cough Balsam;
Johnson's Liniment;
Lovecock's Pulmonic Waters;
Keating's Cough Lozenges;
Wilson's Neuropathic Drops;
King's Magnetic Fluid;
Flagg's Cough Killer;
Flagg's Instant Relief;
Fellows' Compound Syrup of the Hypophosphites, &c., &c.

For sale by GEO. STEWART, JR.,
PHARMACEUTICAL CHEMIST,
jan 8 24 King street.

BOOKS.

Bear and Forbear—Optic;
Old Merry's Annual for 1872;
Our Old Uncle's Home;
King's Highways—Newton;
Sir Wilfred's Seven Flights.

AT McMILLAN'S.

Far and Near—by Ita;
Our Domestic Pets;
Resolution—by A. S. Roe;

AT McMILLAN'S.

Brake Up—Oliver Optic;
Omens and Superstitions;
Young America Abroad—Optic;
Stars in a Stormy Night.

jan 10 At 78 PRINCE WM. STREET.

Flour. Flour.

200 BARRELS Howland's Flour; 100 do Tea Rose; 10 do Snow Flake Extra, now landing.

GEO. S. DeFOREST.

Colonial Book Store.

WILFORD CUMBERMEDE, an Autobiographical Story—by George Macdonald, author of Robert Falconer, &c., &c.

The Southern States since the War, 1870-71—by Robert Somers.

These new and immensely popular Books have just been received from the publishers. Also have received—A LEAF IN THE STORM, and other Stories—by Ouida, author of Folle Farine, &c., &c.

T. H. HALL,
feb 2 Cor. King and Germain streets.

Colonial Book Store.

LECTURES ON THE SCIENCE OF RELIGION, with a paper on Buddhist Nihilism. By Max Muller, M. A., author of "Lectures on the Science of Language," "Chips from a German Workshop," &c.

T. H. HALL,
feb 8 Cor. King and Germain streets.

TO ARRIVE.

Daily expected per bark "Morning Star," from Cienfuegos:—

500 hhds. New Crop Molasses.

FOR SALE BY

feb 5 3i L. McMANN & SON.

CANNED FRUITS.—A great variety of Canned Fruits. For sale by
dec 21 R. E. PUDDINGTON.

FRUIT, &c.

6 BOXES ORANGES;
8 boxes LEMONS;
10 sacks FILBERTS;
5 sacks CASTANA NUTS;
10 frails DATES;
1 case FIGS;
45 barrels APPLES;
20 " ONIONS.

Received and for sale by JOHN CHRISTY.
feb 1

Marble and Slate MANTEL PIECES,

FITTED WITH

REGISTER GRATES,

Can be bought as reasonable as any in the market, at the Showrooms of R. Forsythe's Canada Marble Works.

JOHN E. HUGHES, AGENT,
SMITH'S BUILDING,
Prince Wm. stree

2nd January, 1872.

WE have the following in Store, and offer at market rates, for cash or approved paper:

P. E. ISLAND MESS PORK:
Do. Prime Mess do:
Heads and Feet;
Lard in Tubs;
Butter in Tubs;
Butter in Firkins;
Bran, Fine Feed, Grue Oats, Oatmeal, Cornmeal.

HANFORD BROS.,
jan 2 11 North Wharf.

Cheese. Cheese.

IN STORE:

200 PRIME FACTORY CHEESE.
For sale low.

D. BREEZE,
feb 6 6i 1 King Square.

New American Hats.

WE have opened six cases NEW STYLES AMERICAN HATS, Medium and Fine qualities.

Wholesale and Retail Hat Warehouse,

51 KING STREET.

jan 25 D. MAGEE & CO.

Roots, Barks, Herbs.

JUST RECEIVED AT THE

Pharmaceutical Pharmacy

OF

GEORGE STEWART, Jr.,

PHARMACOPOLIST.

A LARGE STOCK OF ROOTS, BARKS and HERBS of every description, fresh from the principal Botanical Gardens of Europe and America:—Vervain, Dandelion, Spikenard, Lobelia, Princes Pine, Burdock, Spearmint, Elm F., Sarsaparilla, Licorice Root, Bitter Root, Bitterswee, Colsfoot, Toroughwort, Motherwort, Buchu, Digitalis, Double Tansy, Peppermint, Sage, Thyme, Orris Root, Bayberry, Sassafras, Juniper, Coriander, Centaury, Boneset, Bay Weed, Milk Weed, Stamonium, Mountain Ash, Cassia, Lovage Leaves, Lovage Root, Queen Meadow, Green Root, Round Wood, Comfrey, Skunk Cabbage, Scull Cap, Yellow Dock, Angostura, Blue Flag Root, White Cherry Bark, Black Cherry Bark, Wild Cherry Bark, Marsh Mallow, Sweet Marjoram, Hops, Garget, Pecampane, Marigold Flowers, Lavender Leaves, Rose Leaves, Rose Petals, Patchouli Leaves, Mandrake Root, Elder Flowers, Balmony, Butternut Root, Mullen Leaves, Horse Radish Root, Buckthorn, Poly-Pody, Dog Root, Ox Root, Bog Bean, &c., &c.

GEO. STEWART, Jr.,
DRUGGIST,
feb 12 24 King street.

HAVANA CIGARS.—5000 very fine Havana Cigars: 10,000 German Cigars. For sale by
dec 21 R. E. PUDDINGTON

Portland Kerosene Oil.

BOSTON KEROSENE OIL.

Canadian Kerosene Oil.

J. R. CAMERON & CO.,
jan 25 33 Prince William street.

EXTRA OATMEAL.

Received by Subscribers:

00 BARRELS very extra quality OATMEAL.

feb 6 HALL & FAIRWEATHER.

Pastry Flour.

JUST RECEIVED.—A further supply of PASTRY FLOUR—in small bags. For sale by
feb 14 R. E. PUDDINGTON.

A. & T. GILMOUR

HAVE REMOVED TO

TISDALE'S BUILDING,

45

GERMAIN STREET,

NEARLY OPPOSITE

S. K. FOSTER'S.

feb 1

SOMETHING NEW

FROM A

POPULAR AUTHOR!

PATTY,

By Katherine S. Macquoid.

Greeley's "What I Know of Farming,"

Being one of the most popular Books on the subject published.

LORD BANTAM,

A new satire by the author of "Ginx's Baby."

feb 8 At J. & A. McMILLAN'S.

Granulated Wheat.

THE subscriber has again received in stock a supply of GRANULATED WHEAT which is very highly approved of by those who use porridge it being decidedly preferable to Oatmeal. For sale by

feb 2 R. E. PUDDINGTON.

Refined Sugar.

70 HHDS. Refined Sugar, for sale low to close consignment.

dec 21 GEO. S. DeFOREST.

Family Tea.

20 QR. CHESTS FAMILY TEA. For sale by

dec 29 R. E. PUDDINGTON.

Ridge's Patent Food!

A FRESH LOT AT

Jan 4 HANINGTON BROS.

EXTRACT BEEF

For Invalids—highly recommended.

FOR SALE AT

Jan 4 HANINGTON BROS.

Fresh Hops.

100 LBS. FRESH HOPS, grown in this Province. For sale by

Jan 23 R. E. PUDDINGTON.

Cod Liver Oil and Lime.

WILBOR'S GENUINE, Wholesale and Retail at HANINGTON BROS.,

Jan 10 Foster's Corner.

Pastry Flour.

PASTRY FLOUR in small bags. For sale by

Jan 23 R. E. PUDDINGTON.

RAISINS AND CURRANTS.—150 boxes, qr. and halves New Raisins; 5 barrels Zante Currants. For sale by

dec 21 R. E. PUDDINGTON.

Useful Books.

STONEHENGE'S BRITISH RURAL SPORTS, comprising Shooting, Hunting, Coursing, Fishing, Hawking, Racing Boating, Pedestrianism, Illustrated. By Wells Hervey, &c.

THE ENGLISHMAN'S HOUSE—a Practical Guide to Planning and Building, with estimates, and nearly 600 Illustrations. By C. J. Richardson.

OUR OCEAN HIGHWAYS, 1871 and 1872—Route Book and Gazetteer, Europe, Asia, Africa, America, Australia, Oceanics, By Dempsey & Hughes.

At McMILLAN'S,
feb 13 78 Prince Wm. street.

Fresh Eggs.

50 DOZEN NEW LAID EGGS, from the Hennery. For sale by

feb 14 R. E. PUDDINGTON.

CANADIAN WHITE OATS.

Landing at Walker's Wharf:

5000 BUSHELS

Prime White Canadian Oats.

Ex schr. Geo. V. Richards, from Portland,

FOR SALE BY

feb 9 CUDLIP & SNIDER.

Camphor Ice and Glycerine.

A CERTAIN and safe cure for chapped hands, sore lips, and all abrasions on the skin. For sale at

feb 9 HANINGTON BROS.

Books on Birds.

HUMMING BIRDS—Described and Illustrated. By H. G. Adams.

NATURAL HISTORY OF CAGE BIRDS. By G. M. Bechstein, M.D., &c.

PROFITABLE AND ORNAMENTAL POULTRY. By B. Piper.

BIRDS AND THEIR NESTS. Mary Howitt.

AT

McMILLAN'S.

feb 10

Mulholland's Arithmetic

WE are now prepared to fill orders for the above School Book, having received a large supply from the publishers.

T. H. HALL,
feb 8 COLONIAN BOOK STORE.

A. & T. GILMOUR

ARE SELLING

Collars, Cuffs and Bosoms

AT

GREATLY REDUCED PRICES.

45 Germain Street (East Side.)

feb 12

Saint Jago Rum.

ON HAND—18 puns St. Jago RUM, 30 per cent. O. P. For sale low to close consignment.

feb 16 CUDLIP & SNIDER.

Manilla Rope.

IN STORE—100 coils Pure MANILLA ROPE, 6 thread to 4½ inch. For sale low to close consignment.

feb 16 CUDLIP & SNIDER.

Balsam of Hoarhound.

SHARP'S BALSAM OF HOARHOUND AND ANISEED is a certain remedy for Coughs and Colds, and is very pleasant to take. The genuine is for sale at

HANINGTON BROS.,
feb 17 Foster's Corner.

Co-Partnership Notice.

THE subscribers have this day entered into Co-Partnership, under the name and style of

BOWES & EVANS,

to conduct a wholesale and retail business in STOVES, TINWARE, IRON GOODS, and GENERAL HOUSE-FURNISHING GOODS, in the building,

No. 4 Canterbury Street,

(and presently occupied by A. G. Bowes,) where, with increased facilities and large assorted stock they hope to receive a continuance of the very liberal patronage hitherto bestowed upon

A. G. BOWES. E. EVANS.
February 1st, 1872. 1m news fmn 1m

Dissolution of Co-Partnership.

THE Co-Partnership existing between the subscribers, under the style of A. STEWART & SON, is this day dissolved by mutual consent.

St. John, N. B., January 8th, 1872.

ALEX. STEWART,
jan 11 tf ANDREW J. STEWART.

Co-Partnership.

THE Subscribers have this day entered into a Co-Partnership, as SOAP and CANDLE MANUFACTURERS, under the style and firm of

Logan & Stewart.

The business of which will be carried on at the Factory lately occupied by A. Stewart & Son, No. 7 GERMAIN STREET, where they will be pleased to receive a continuance of the patronage extended them under a previous partnership.

St. John, N. B., January 8th, 1872.

WM. LOGAN,
jan 11 tf ALEX. STEWART.

Recommenced Business.

THE subscriber begs to inform his friends and customers that he has again commenced business in the Shop lately occupied by John Crawford, Esq.,

No. 125 Union street,

where he will keep constantly on hand a general stock of GROCERIES, FLOUR, MEAL, PORK, FISH, &c., &c.

FEED of every description always on hand, which will be offered at lowest market rates.

JAMES DUNLOP.
Jan 31 3m (Late Dunlop & Sinclair.)

Public Notice.

ALL 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 claims remaining unsettled at that date will be handed to an Attorney for collection.

Jan 31 1m JAMES DUNLOP.

NOTICE.

THE subscriber, intending to make a change in his business, requests all persons having bills against him up to the 31st inst., to hand them in immediately. All persons indebted to him will please call and settle their accounts forthwith.

A. G. BOWES,
feb 1 tf No. 4 Canterbury street, St. John, N. B.

To the Electors of the County of Westmorland

GENTLEMEN,—

At the request of many friends in different sections of this County who believe that the affairs of the people of our Province have not been managed by the present Executive with proper regard to their importance, and that a system of stricter economy should be adopted in the administration of the Government, I shall be a candidate for the present vacancy in the representation of this County.

If elected I shall at all times give my utmost attention to the Local affairs of every section of the County and in every way further the interests of this my native County and the Province generally.

Your obt. sert.

R. A. CHAPMAN.

Rockland, Dorchester, Jan. 13th, 1872. jan16

DOWNER'S

MINERAL SPERM OIL

WILL not ignite under 300° Farenheit, and consequently is absolutely safe for Mills, Factories, Workshops, &c. For sale by

J. R. CAMERON & CO.,
feb 16 33 Prince Wm. street.

Clothes Pins, Brooms, Petroleum Oil, &c.

28 BOXES AMERICAN CLOTHES PINS;
45 doz CORN BROOMS;
20 boxes 12's TOBACCO;
15 bags JAVA COFFEE;
35 bbls Refined Canadian OIL;
10 do American do:

Received and for sale by JOHN CHRISTY,
feb16 75 King Street.

Cotton Duck and Twine.

IN STORE—50 bales Mount Vernon COTTON DUCK, No. 2 to 8;

200 lbs COTTON TWINE. For sale low by

feb 16 CUDLIP & SNIDER.

NEW BRUNSWICK

SCHOOL SERIES

Sangster's Arithmetic,

(NEW EDITION.)

WHOLESALE AND RETAIL.

J. & A. McMILLAN,

Booksellers, Stationers, &c.

feb 14

51 KING STREET.

LACE SETTS.

Valenciennes,

MALTESE, HONITON COLLARS,

AND

FLOWING SLEEVES,

(Embroidered.)

Muslin, Cambric and Linen Collars and Setts.

Real Laces,

In Old English Honiton, Danish, Maltese, Imitation Laces, Edgings and Insertions, (White and Black.)

Plain and Figured Nets.

feb 7 W. W. JORDAN.

NUTS! NUTS!—A full assortment of Nuts including a recent arrival of Fresh Hickory Nuts. For sale by

dec 21 R. E. PUDDINGTON.

Brown's Tracheal Drops.

THE GREAT REMEDY FOR

Croup, Coughs, Hoarseness, and Whooping Cough.

IN ALL STAGES OF THESE DISEASES.

For Sale by

GEO. STEWART, Jr.,
Pharmaceutical Chemist,
feb 16 24 King street.

Cornmeal.

To arrive per brig "Alaric":

1000 BARRELS CORNMEAL. For sale by

feb 15 HALL & FAIRWEATHER.

Fresh Eggs.

Received this day from Weldon's Hennery:—

40 DOZEN NEW LAID EGGS.

For sale by

feb 17 R. E. PUDDINGTON.

IN THE SUPREME COURT,

THE EUROPEAN AND NORTH AMERICAN RAILWAY FOR EXTENSION FROM SAINT JOHN WESTWARD.

vs.

GEORGE THOMAS.

This was an action for calls against the Defendant who was a Subscriber for Ten Shares of the Capital Stock. The case was tried before the Chief Justice at the Saint John Circuit, and a verdict passed for the Plaintiffs for the amount due, and leave was granted to enter a nonsuit if the action was not maintainable, and the case was afterwards argued before the full Court at Fredericton, by C. Duff, Esq., Q. C., and S. R. Thomson, Esq., Q. C., for the Defendant, who raised, among others, the following points:—

1. That as the whole Stock was not subscribed calls could not be made.
2. That the calls had not been properly made.
3. That the Stockholders had been induced to subscribe under the promise that they should not be called upon, and to induce the City and Government to take Stock.
4. That there could be no action against the Stockholders without their Stock was forfeited and the proceeds credited, and then the action ought to be for the balance remaining unpaid only.
5. That the Act of 1869 was *ultra vires* and not in the power of the Local Legislature, and therefore did not cure the defects in the original proceedings.
6. That, if good, it did not cure the defection pointed out by the fourth point above mentioned.

In answer to the above it was answered by A. L. Palmer, Esq., Q.C., and C. N. Skinner, Esq., Q. C., the Plaintiffs' Counsel, that as to the first point, There was no necessity for all the Stock to be subscribed. To the second, That the calls had been properly made. To the third, That even if it was true that the subscribers had been induced to subscribe, as alleged, this would be no answer to an action against him for calls. So far from that being so, it was a reason why they should pay, as otherwise it would be a fraud on the City and Government. To the fourth, That the remedy by forfeiting the Stock was accumulative only, and the Company had the option to proceed which ever way they choose; that the proceeding by action was more beneficial to the Defendant than forfeiting his Stock and then sueing for the balance, as in that case the Stock would sell for little or nothing, and after the Defendent had paid his calls he would not have anything. To the fifth, That the Act of 1869 was not *ultra vires*, but was within the power of the Local Legislature. And to the sixth, That such Act cured all the defects that the Defendants relied on. The Judges took several terms to consider their judgment, and although they all agreed that the Stockholders were liable to pay the calls, yet they did not all agree that the Stockholders could be sued until their Stock was forfeited and sold, and therefore they each delivered their judgment seriatum. The Chief Justice, Allan and Weldon, Justices, deciding that a Stockholder could only be sued after his Stock had been forfeited, and therefore gave judgment for the Defendant, and Fisher, Justice, deciding that the Company could proceed in either way, and giving his opinion in favor of the Plaintiffs. The following are the texts of the said judgments.

THE EUROPEAN AND NORTH AMERICAN RAILWAY COMPANY FOR EXTENSION FROM SAINT JOHN WESTWARD.

vs.

THOMAS.

CHIEF JUSTICE.

This was an action against Defendant as a Shareholder in the European and North American Railway Company for Extension from Saint John Westward, for certain calls.

The Plaintiffs were Incorporated by the 27th Vic., Cap. 43, whereby certain persons, including the Defendant, were made and constituted a Body Politic and Corporate, by the name of "The European and North American Railway Company for Extension from Saint John Westward," the object of the Incorporation being to enable them to construct a Railroad "from the City of Saint John, in the County of Saint John, in this Province, Westward to the Boundary of the United States."

The 30th Vic., Cap. 6, and 30th Vic., Cap. 12, were subsequently passed in aid of this undertaking, but no question arises in this cause under the provisions of either. In 1869 the 32nd Vic., Cap. 54, an Act to amend the 27th Vic., Cap. 43, was passed, which has a most important bearing on many of the questions raised, and therefore of the many points submitted for our consideration. It will be most convenient first to dispose of the one which presents the Question as to the validity of the Act of 1869, as on this a number of the other questions are dependant.

It was contended that this Act was *ultra vires* the Local Legislature, and therefore void. That under the British North America Act, 1867, Section 92, Subsection 10, Paragraph (a) it was withdrawn from the class of subjects on which the Provincial Legislature might Legislate, and that by force of Section 91, which declares the matters over which the Parliament of Canada should have exclusive Legislative Authority, it belonged exclusively to that Parliament.

Under Section 92, which enumerates the matters confided exclusively to the Local Legislature, we have by Subsection 10, "Local works and undertakings *other than such as are of the following class.*" Then follow three paragraphs, a, b and c, of excepted classes. Paragraph (a) is the only one that bears on the subject before us, and it reads thus: "(a) Lines of Steam or other Ships, Railways, Canals, Telegraphs, and other works and undertakings connecting the Province with any other or others of the Provinces, or extending beyond the limits of the Province."

Under Section 91, which specifies the classes of subjects assigned exclusively to the Parliament of Canada by Subsection 29, we have "such classes of subjects as are expressly excepted in the enumeration of the classes of subjects by this Act assigned exclusively to the Legislatures of the Provinces." It is contended that the subject matter of this Act comes within one of such exceptions, and is therefore beyond the power of a Provincial Legislature.

The 27th Vic., Cap 43, of which the Act under consideration is an amendment, is "an Act to Incorporate the European and North American Railway Company for Extension from Saint John Westward," and authorizes the Company so Incorporated to locate and construct and finally complete a Railroad "from the City of Saint John, in this Province, Westward to the Boundary of the United States." Such a Railway, if constructed, clearly does not connect this Province with any other or others of the Provinces, and without stopping to notice the marked difference of the language "connecting the Province with any other or others of the Provinces," and "*extending beyond* the limits of the Province," can we say a Railway extends beyond the limits of the Province when its location, construction and completion is actually confined within the Province, that is limited in its extent, "to the Boundary of the United States," but not authorized to go one inch beyond.

But it was claimed to have been shown by Evidence, outside the Act, that at the time it was passed, and, also, at the time of the passing of the 32nd Vic., Cap. 54, it was contemplated and intended by the promoters of the undertaking to connect with a Line of Railway to be built in the State of Maine, in the United States, to meet the European and North American Railway for Extension from Saint John Westward to the Boundary of the United States, and therefore, it is contended, it was a Railway extending beyond the limits of the Province. But we think we have no right to look to intensions, or anticipations, or doings of parties outside the Provincial Legislature, either in the State of Maine or in the Province of New Brunswick, but that the intention of the Legislature as expressed in the Act alone can control us. That the fact of the Legislature of the State of Maine authorizing, or its people intending to construct, or actually constructing a line of Railway in that Country cannot in any way affect the authority of our own Legislature to Legislate on and deal with Railway undertakings, provided always such Railways do not connect the Province with any other or others of the Provinces, nor extend beyond the limits of the Province. This is the simple question, and all we have to consider in determining on the validity of the Acts; as to any possible or probable connection of the Railway authorized to be constructed under this Act, which may have been thought of at the time of passing the Act, with a line or lines of Railway to be constructed not under the authority of these Acts, in the United States, we have nothing to do. We therefore think this is a Local work and other than such as are of the classes enumerated in Paragraphs a, b and c, to Subsection 10, Section 92, and in relation to which the Legislature of this Province may exclusively make laws.

The 32nd Victoria, Cap. 54, therefore, in our opinion is valid. That Act disposes of the 1st, 2nd, 3rd, 4th, 9th and 10th objections; for however valid all or any of these objections might have been before the passing of the 32nd Victoria, Cap. 54, (or whatever doubts might have existed) that Act was expressly passed to obviate such objections and remove such doubts. The doubts which the 32nd Victoria, Cap. 54, was passed to remove as indicated by the Recital, were, whether the subscribers for shares were or could be made legally liable for the sums by them subscribed.

(*To be Continued.*)