Daily Tribune.

VOL. I.

SAINT JOHN, N. B., SATURDAY EVENING, FEBRUARY 24, 1872.

No. 55.

STEAM SHOE FACTORY.

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. feb 6 6m

VICTORIA HOTEL, GEO. STEWART, Jr., ST. JOHN, N. B. HIS HOTEL is uilt in modern style
It is finished and furnished with
very regard to Comfort and Luxury,
nd is also provided with a passenger

jan 6 tf WELDON HOUSE, SHEDIAC, OPPOSITE THE RAILWAY STATION.)

HE subscriber would inform his friends and the public generally, at he has newly furnished the above tel throughout in first-class style, d it is now open for the accommodaravelling public.

WM. J. WELDON,
Praprietor. dec 19 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.

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

GERMAIN STREET,

dec 29 tf

Near "Victoria Hotel."

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 accommend to the property of the produced by particular transfer of the produced by the produced the produc

noreased lacinotes; no date all his patrons.
Coaches always on hand.
Horses Boarded on reasonable terms.
dee 21— y J. B. HAMM. Notice to Non-Residents. 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 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.

JOHN SHIVES, THOMAS DEANS, Commissioners Roads, Lancaster

ian 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. 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. ian 26 1m* Notice of Removal. The undersigned purposes, in a few weeks, to REMOVE HIS STOCK

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:

HESTS FINE CONGOU TEA;
15 sacks Java COFFEK;
20 cases Colman's No. 1 STARCH;
45 gross Dome BLACK LEAD;
3 cases Rickett's Diamond do.;
44 dozer SCRUBBING BRUSHES;
5 "Black Lead do.
For safe by
For SCRUBBING BRUSHES;
75 King street

45 Germain Street.

A.&T.GILMOUR. CORN MEAL.

Brown, Blue and Black BEAVER, CHINCHILLAS, 1000 BARRELS CORNMEAL: MESS PORK. MOSCOWS,

AND HEAVY PILOTS.

45 Germain Street. Potatoes and Turnips.

50 BUSHELS POTATOES: For sale by R. E. PUDDINGTON. New American Hats. WE have opened six cases NEW STYLES AMERICAN HATS, Medium and Fine

Wholesale and Retail Hat Warehouse, 51 KING STREET. D. MAGEE & CO. feb 2

ROBINSON & RALSTON.

Chemist and Druggist, DEALER IN Drugs, Medicines, Patent Medicines, Dye Woods and Dye Stuffs, Surgical Toilet Requisites, Perfumery, Brushes, &c 24 King Street, St. John, N B. (Pine's Building.)

Ships's Medicine Chests filled and refitted.
Particular attention given to the Preparation A. & T. GILMOUR HAVE REMOVED TO

TISDALE'S BUILDING, 45

GERMAIN STREET, NEARLY OPPOSITE S. K. FOSTER'S.

SOMETHING NEW POPULAR AUTHOR !

By Katherine S. Macquoid. Greeley's "What I Know of Farming," Being one of the most popular Books on the subject published. LORD BANTAM, new satire by the author of "Ginx's Baby."

At J. & A. McMILLAN'S. feb 8 HAVANA CIGARS.-5000 very fine Havana Cigars: 10,000 German Cigars. For sale by dec 21 Portland Kerosene Oil. BOSTON KEROSENE OII. Canadian Kerosene Oil

J. R. CAMERON & CO., 33 Prince William street. EXTRA OATMEAL. Received by Subscribers:

100 BARRELS very extra quality OAT-HALL & FAIRWEATHER. feb 6 REDUCTION.

WOOLEN GOODS, &c. THE BALANCE OF Clouds, Scarfs, Sontags,

WAISTS, HOODS, &c., NOW SELLING AT GREATLY REDUCED PRICES. ALSO.

Winter Skirts and Skirting, AT COST PRICES. To make room for Spring arrivals. W. W. JORDAN, -53 King street.

L'ENVOI. Hence, unbelieving Sadducees, and less-b lieving Parisees, With dull conventionalities; And leave a country muss at ease To play leap-frog, if she please, With children and realities. A CLEVER SATIRE.

"WATER BABIES," A Fairy Tale for a Land Baby. BY CHARLES KINGSLEY. Att Mc WILLAN'S. Druggists' Sundries.

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

Wholesale and Retail at HANINGTON BROS. MESS PORK.

Landing ex brig "Alaric":or sale by HALL & FAIRWEATHER. THE UNIVERSITY, Mediæval and Modern.

AN ORATION, Delivered at the Erccenia of New Brunswick,

WILLIAM ELDER, A. M, Editor of the Telegraph and Journal. Published by request of the Alumni Association CHUBB & CO., Publishers. For sale at the Book Stores

feb 10 Cathery's Dog Soap WILL destroy Fleas, cle use the Skin and Hair, making the coat fine and glossy, and will safely and effectually cure the Man; e. will safely and effectually care.
Wholesale and Retail at MANINGTON BROS.,
Forter's Corner.

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 6th, 1872.

jan 11 tf ANDREW J. STEWART.

jan 11 tf ANDREW J. STEWART.

GEORGE THOMAS.

Co-Partnership.

The subscribers have this day entered into a Co-Partnership. as SOAP a dean of 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 German 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.

Co-Partnership Notice.

The right to make the assessment is given. Notice of this is provided for enforcing payment. If this fails, a personal accountability is fixed. What is there to enable us to say that in addition to, and entirely distinct from this, there is from the Shareholder to the Company a primary, direct, absolute personal obligation, ship, which the Company ignoring the mode of recovery prescribed, may enforce by suit? Why should we so hold? The remedy given by the Statute is a summary proceeding clearly for the benefit of the Company, for should the Stock sell for sufficient to pay the eall, it is realized without the expense and inconvenience of litingation, and that too where there is nothing, if the assessment has been properly smade, to call for a legal decision through the intervention of a Court and Jury.

If the proceeds of the sale are insufficient, the Company have their remedy against the shareholder, who is in that event made personally responsible and account able for the deficiency, so that there would seem to be a substantial reason why should be confined to the remedy given by the Statute, and no good reason of the subscribers have the approached to the remedy given by the Statute, and no good reason of the subscribers have the subscribers when the subscribers to that clears of cases where the Statute at once impose the provided for non-payment accountability is fixed. What is there to enable us to say that it addition to, and entirely distinct from this, there is from the company aprimary, direct, absolute personal obligati o conduct a wholesale and retail business in respect to conduct a wholesale and retail business in respect to conduct a wholesale and retail business in respect to the res the present belongs to that class of cases where the Statute at once imposes the

in the building.

No. 4 Canterbury Street,
(and presently occupied by A G Bowes,) where, with increased facilities and larga assorted stock they hope to receive a continuance of the very liberal patronage hitherto bestowed upon
A. G. BOWES.

February 1st., 1872. 1m news fmn 1m

NOTICE.

THE subscriber, intending to make a charce 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.

A. The preamble of this Act as we have seen very distinctly expresses the four difficulties or doubts intended to be removed, but it is alleged that the entended to be removed, but it is alleged that the entended to be removed, but it is alleged that the entended to be removed, but it is alleged that the entended to be removed, but it is alleged that the entended to be removed, but it is alleged that the entended to be removed, but it is alleged that the entended to be removed, but it is alleged that the entended to be removed, but it is alleged that the entended to be removed, but it is alleged that the entended to be removed, but it is alleged that the entended to be removed, but it is alleged th

The ATKINON'S CONTROLLER MAY CONTROL

EUROPEAN AND NORTH AMERICAN RAILWAY COMPANY,

vs.

THOMAS.

Cap. 43, and 2nd, Whether if not so hable under that Act a right of action is given to the Company by the Act 32 Vic., Cap. 54.

The fifth section of the Act of Incorporation under which the first question arises, authorizes the Directors inter alia "to make such equal assessments from "time to time on all the shares in said Corporation as they may deem necessary and expedient in the execution and progress of the work, and direct the same to be paid to the Treasurer of the Corporation, and the Treasurer shall give notice of all such assessments, and in case any subscriber or stockholder shall neglect the paramy assessment on his share or shares for the space of thirty days after

'his share or shares shall sell for more than the assessment due with interest and

JUDGE ALLEN.

Old Irish Malt Whisky Rivals the finest Cognac Brandy.

IT HAS BEEN STORED FIVE YEARS In Sherry Butts, and is highly recommended for Medicinal and other purposes, being Mellowed with Age, Perfectly Pure, And free from those heating qualities

usually found in other Whiskys. FOR SALE BY THOMAS FURLONG, Direct Importer, CHUBB'S BUILDING,
Warehouse, 14 Water St.

Watches, Clocks, JEWELRY, &c., AT REDUCED PRICES. PAGE BROTHERS, 41 King Street,

W ISHING to reduce their Stock as much as possible before receiving their Spring importations, will offer special inducements to buyers of

Thus it is said in page 38, plea 136: "Upon the question whether, independent of a Thus it is said in page 38, plea 136: "Upon the question whether, independent of a "Charter provision, a Corporation may sue a subscriber upon his engagement to "take shares, the authorities are not agreed. The doctrine in New York and "other States appears to be to hold the provision in the Charter to sell the shares "as a remedy merely cumulative, and to sustain an action for assessment with"out an express promise to pay, and before resort is had to a sale of the shares."
In Massachusetts the doctrine is otherwise, and it has there been held that where there is no express promise to pay the assessments, the remedy in the first instance is by a sale of the shares, and this has been declared to be the rule in New Hampshire.

Upon an examination of the authorities, and upon principle, the true rule ap-Upon an examination of the authorities, and upon principle, the true rule appears to be this:—That where a party makes an express promise to pay the assessments he is answerable to the Corporation upon such promise, for pay all legal assessments, and may be compelled to its performance by action at Law before resorting to a sale of the shares. It is a personal undertaking beyond the terms of the Charter. Where, on the other hand, he only agrees to take a specified number of shares, without promising expressly to pay assessments, then resort must first be had to a sale of the shares to pay the assessments before an action at Law can be maintained. His agreement simply to take the shares is action at Law can be maintained. His agreement simply to take the shares is an agreement upon the faith of the Charter, and by it alone is to be governed so far as his shares are to be effected. He takes them upon the conditions and law of the Charter. They exist only by virtue of the Charter and are to be governed

In ph. 137 it is said "if no statute or bye-law provides another remedy for the "recovery of assessments, Corporations are liable therefor in an action of as"sumpsit, though they have made no express promise," citing Essex Bridge Co.,
vs. Tuttle, 2 Verm. P. 393, and two cases from Illinois, and this agrees with
what is said by Maule, J. in the Cork and Bandon Railway Company, vs. Goode,

This brings us to the eleventh objection—that it is not cured by the 32 Vic., tag. 54. The preamble of this Act as we have seen very distinctly expresses therefore the every liberal receives a continuance of the very liberal received and the received receive 13 C. Beneh 834. In ph. 138, it is said, "a Corporation cannot in an action at Law recover the

The principal questions arising in this case are:—1st. Whether stockholder was liable to be sued for calls under the Act Incorporating the Company 27 Vic. Cap. 43, and 2nd, Whether if not so liable under that Act a right of action is given to the Company by the Act 22 Vic. Cap. 54

Bay Boom Company, 10 Vict., Cap. 72, only authorise a sale of the shares in case of nonpayment of the assessments; but by the Act 11 Vic., Cap. 49, to amend the South Bay Boom Company Act, express power is given to sue the shareholders, in case of non-payment of calls. It is clear, therefore, that the particular Act of Incorporation, in each case, must be looked to for the remedy, in cases of default of payment; and I am of opinion that as the Act incorporating this Company imposes the obligation to pay, and, at the same time, directs a particular remedy in case of non-payment, the remedy so pointed out must be followed—the relation existing between the shareholders and the Company having been created by the Statute, and there being no liability independent of it.

The next question is whether the Act. 32 Vict., Cap. 54, gives a right of action. This act recites that it is doubtful whether the subscribers for stock can be made liable for the amount subscribed by them, by reason: First, that the whole Capital Stock of two millions of dollars had not been subscribed. Secondly, because it is doubtful whether any assessments on the subscribers could be made until \$50,000 of the stock had been paid in, And thirdly, because it was doubtful whether the notices of assessments on the shares had been regularly made and given, as required by the Act of Incorporation; and then enacts in the tothe assessments, and calls for payment of said Capital Stock shall be liable "to the assessments, and calls for payment of said Capital Stock, made, or to be "made, in the same manner and to the same extent as if the whole amount of "made, in the same manner and to the same extent as if the whole amount of "to the assessments, and calls for payment of said Capital Stock had been paid in to the "to the assessments, and calls for payment of said Capital Stock had been paid in to the "recited Act, and as if the notice and notices of the calls and assessments had "recited Act, and as if the notice and notices of the calls and assessments "of all such assessments, and in case any subscriber or stockholder shall neglect "to pay any assessment on his share or shares for the space of thirty days after "such notice is given as shall be prescribed by the bye-laws of said Corporation, "the Directors may order the Treasurer to sell such share or shares at public "auction, after giving such notice as may be prescribed, as aforesaid, to the "highest bidder, and the same shall be transferred to the purchaser, and such de-"linquent subscriber or stockholder shall be held accountable to the Corportion "for the balance, if his share or shares shall sell for less than the assessment due "thereon with interest and costs of sale; and shall be entitled to the overplus if "his share or shares shall sell for more than the assessment due with interest and

scribed for, and the fifty thousand dollars paid in at the time and in the manner

scribed for, and the fifty thousand dollars paid in at the time and in the manner required by the Act.

Section three enacts that, to entitle the Company to recover against any subscriber or stockholder, a notice shall be given by the President of the Company scriber or more newspapers published in St. John for two calendar months, which in one or more newspapers published in St. John for two calendar months, which notice shall specify the amount of assessment, and shall require the same to be paid to the Treasurer, and from and after the expiration of the said two months publication, "the Company shall be entitled to sue for, recover, and receive from "any subscriber the amount due for any unpaid subscribed stock which may have "heen subscribed for by such subscribers, in the same manner as if the call for Now the question is, whether the Company have any right of action against a shareholder for calls under this section, or whether they are bound to proceed by a sale of the shares in case of default of payment,—in other words, whether the

Watches, Clocks, Jewelry, Silver-Plated Goods, &c. &c.

Bayers of any of the above goods will do well to give us an early call.

PAGE BROTHERS, feb 10

THE great Reconstructive Tonic for the anomal and the proceeding by sale is a call that the Company may waive it and the proceeding for females, in the debility of weak children, in the imperfect direction and assisting that the control of this the cases of The Birmingham and Bristol Railway Company, recording the said that the stockholders and retail, by GRO, STEWART, JR., Pharmacktical Christist, feb 1

Watches, Clocks, Jewelry, Silver-Plated (doods, &c. &c.)

Bayers of any of the above goods will do well to give us an early call.

In Angel and Ames on Corporations, Sec. 549, it is said that "it is well settled to sell the stock for that a power conferred by the Legislature on a Corporation to sell the stock for that a power conferred by the Legislature on a Corporation to sell the stock for that a power conferred by the Legislature on a Corporation to sell the stock for the said two months period to the Terasurer, and from and after the expiration of the said two months of the stock for the same to be formed to sell the stock for the s