

there, and was extravagantly loud in his praises of the integrity and uprightness of his client. The verdict was against his client, who reproved the learned gentleman by expressing the decided opinion that his address to the jury was "entirely too sentimental."

But the special plea put upon the record by Counsellor Starr as a defence of his client, to the whole declaration of "A. B. G.," the Plaintiff and complainant, is positively amusing. It is in italics, and by the way, not a usual course in practice, for counsel are scarcely over ready to draw the attention of their rival opponents to what they deem the strong points in their case. But here it is, in the ordinary type,—On the trees and in the fruit room, I saw the same kinds of apples, and in as good condition and appearance as I afterwards saw in the collection marked "First Class Silver Medal" in the grounds of the Association at Bridgetown." Why could not Counsellor Starr aver that he saw the "same apples?" To aver and prove, gentleman of the jury, to say that the "same kinds of apples, &c., &c." is no sufficient answer in law or fact to the Plaintiff's declaration. The defendant must go a step further, and aver and prove that he saw the "same apples, &c., &c.," and leave out the story of "kinds, condition, appearance, &c.," as useless surplusage. If the counsel of the defendant refuses to withdraw his plea and permit judgment to be entered for the Plaintiff, I recommend Mr. Attorney A. B. G. to demur to this italicised plea, on the ground that it is a *Negative pregnant* plea. It is, taken with the introductory part not quoted here, in a *negative* form, but implies also an *affirmative*, and therefore a bad plea in law. And I further recommend Counsellor Starr, that unless he can aver and prove "that he saw the same apples, &c.," his most prudent course is to let judgment go for Plaintiff, and send his bill to his client to be "cashed up."

But, sir, a truce to this good natured banter for the present, and let us go in for a little sober advice to each of your correspondents. Let them keep out of print, either with charges or the justification of them, in relation to the Provincial Fruit Growers' Association; its officers or members; or the exhibitors at its annual Exhibitions; and let all grievances or complaints be submitted to the Award of the Council. Let no well wisher of so valuable an institution go to the public with these real or imaginary wrongs, through the press. We want all the public sympathy and support we can command, to cheer us on in our self-sacrificing efforts, to improve the quality of our Provincial fruit productions—to increase its quantity—to bring it into notice in the markets of Europe, and last though not least, to instruct our fellow subjects across the Atlantic, and Frenchmen, Germans, and all the races of Europe that our happy and charming Nova Scotia is not the sterile, rocky, wintry, and inhospitable clime which ignorant and untruthful persons have heretofore represented her to be. But that, on the contrary, her inland counties, a *very* blessed by the God of nature with facilities and capability almost unrivalled for the production of the most valuable varieties of Fruits, Roots, and Cereals. This last, and the previously enumerated objects, constitute the grand and patriotic mission of our Association; and that man who would designedly tarnish its freshly developing fame, or mar or retard its cause of public usefulness, is a *post* and not a *patriot*. I may say in conclusion that I charge no designed wrong against either of your correspondents. I know that my friend Starr means well, and I am persuaded that my unknown friend A. B. G. merits the like praise.

Earnestly hoping that the Legislature will continue to patronize the Association by the bestowal of a liberal grant from the public treasury, and that our beautiful sister County of Hants will be the scene of the largest and most satisfactory Annual Exhibition next Autumn we have yet had, I beg to subscribe myself, sir,

Your very obedient friend,
T. W. CHESLEY,
One of the Council P. F. G. A.

Granville, Feb. 20, 1865.

[It is almost needless to remark that our correspondent did not write the letter, signed A. B. Granville. Ed. B. F.]

Local and other Items.

TO THE RAILWAY COMMITTEE.—We learn from the *Reporter* that, on the morning of Saturday last, the Committee on Railways, and a number of members of the House of Assembly, started for Windsor by special train on a trip of inspection, and expressed themselves pleased with the present condition of the line. We further learn that the said Committee and members dined at the "Clifton" and returned in safety to the city. While congratulating the members of the Railway Committee upon their safe return to Halifax, we must inform them that the "present condition of the line" is rather dangerous than otherwise, and that it is peculiarly fortunate for their reputations that no serious accident has yet occurred. The Railway Committee will do well to ponder seriously upon the following remarks, addressed to us by a gentleman well known in connection with our public works:—"While walking on the railway the other day (for about 1½ miles) near the ten mile house, the dangerous condition of the line struck me most forcibly. Numbers of the wedges which keep the rails in their proper position on the "chairs," (and which alone ensure the rails being of the proper gauge) are either wanting, or so loose as to be easily pushed out by hand. The wedges, being almost invariably too small, the intervening space has been filled in with brushwood. Again—in places where the rails have sunk, (either from the softness of the soil or from influences of frost) they have been raised to their proper level, by driving wedges between the "chairs" and the "sleepers"—thereby drawing the bolts which secure the "chairs" to the "sleepers," and loosening the "chairs" themselves." Let the Railway Committee see to this at once. Forewarned is forearmed.

JUDGE JOHNSTON ON CONFEDERATION.—We are at a loss to comprehend the wisdom which prompted the "Union League" to drag before the public, a gentleman, who is fairly entitled to an immunity from the strife of questions purely political. Judge Johnston's political career has been long and useful, and he is fairly entitled to enjoy the comparative repose which attaches to the position of a Judge, in a country such as ours. But upon a question so momentous as that of Federation, we must, however reluctantly, endeavour to forget Judge Johnston's years and past services, and criticise his opinions without any reference to himself. Referring to the language of an English Cabinet Minister, Judge Johnston says:—"It is a source of highest gratification, that after the long period since Lord Durham pronounced the Union of these Colonies, that policy should meet the approval of the Imperial Government." How could an English Cabinet Minister help approving a scheme which the Delegates had the impertinence to attribute to the people without in any way consulting them? Judge Johnston is of opinion that the delegates have "improved on the American model in the distribution of legislative powers, between the general and local governments." This is by no means strange, considering the experience we have learned from the fate of the Southern States, as opposed to constituted authority. The Judge's remarks upon the coalition of the neighbouring States are sensible and just, and must commend themselves to every thinking man. He says:—"That after three quarters of a century, when thirteen States had increased to thirty, three or four millions of people had grown to thirty millions, a powerful section possessing individuality and extensive powers of State Legislation should desire separation, was quite within the operations of human passions and interest; and if it was (*sic*) necessary to meet this desire with cannon balls, then the civil war might be an argument against all Confederations. But a peaceful separation might have taken place, &c., &c." Judge Johnston is more at home when treating of America, than when he attempts to lay down general axioms. Witness the following remark: "Union under one government" will, under Providence, give us an opportunity of rising to a degree of intellectual, and literary attainments, religious, educational, and moral progress, and refinement of taste, and manners, which cannot be reached in small and contracted communities." Judge Johnston may, possibly, be right, as regards America, but he is certainly in error as regards Europe. Venice, Bologna, Genoa, &c., are, politically speaking, very small republics indeed, but in point of refinement, taste, manners, &c., they rank very high—even higher than Canada, or the neighbouring States. Judge Johnston should have confined his remarks to the new world.

THE LAKES.—The lovers of skating have had "quite a good time" during the past week. The proprietor of the Dartmouth Ferry boats, must have gained considerably, by withholding half cents in change for return tickets. Were the "ferry folk" imbued with the faintest spirit of speculation, they might realize a trifle by taking charge of the great coats, shawls, &c., which the skating public would gladly leave in their custody between the trips across our "peerless harbour." But Nova Scotians are not quick to profit by emergencies.

THE UNION PARTY.—Three weeks back, the Union press said "now or never"—"annihilation or federation." The result of the New Brunswick Elections has wrought a most marked change.

The present
It is interesti
out by the "

James C
dence, sent
Saturday, M
We are av
graves of co
lives of an
looking for
the mighty E
of individua
was not com
direct breac

NATURAL
hole, and be
and the har
sect, the el
civil and th
that the Co
speech at T
most of t
prophet ha

If, as Lo
ers was in
to a moral
tion is sup
monarchie
important
not of divi
lions of in
sion, and b
latter and
witness.
MASCOT
verment;
been supp
Conference
tion of the
fullest san
conclusion
remove at
Federatio
portance;
Commis
Federatio
harder on
for giving
whims ar
of a thot
Federal
devising
tempt an
Colonial
was publ
would n
America
custom-l
terous;
be clico
cannot be
closely
could se
thing of
nant per
the dom
matter;
neighbo
increas
so more
Treaty
has bec
tence v
For me
had be
threaten
been to
unanim
of amic
Lord
does fu
have e
language
men o
count
within