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The Standard,

OR RAILWAY AND COMMERCIAL RECORD.

Evarius sumendum est optimum.—Cic.

No 19] SAINT ANDREWS, N. B., WEDNESDAY, MAY 11, 1863. [Vol. 20

LAW RESPECTING NEWSPAPERS

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From the Boston Atlas UNITED STATES DISTRICT COURT.

Phineas Winsor vs. Geo. R. Sampson et al.
This was a libel by the master of the ship Rockland against the owners, for \$1761.42 wages on a voyage round the globe, from New York to San Francisco and Calcutta, and back to Boston.

The defence was that the respondents, Messrs. Sampson & Tappan, were not owners of the vessel, and not liable to Capt. Winsor for wages; and, secondly, if liable, they claimed an offset of \$1254.71, for various items, specifically considered in the opinion of the Judge.

JUDGE SPRAGUE.—The first question is whether the respondents are liable at all for wages. They say, in their answer, that they were not owners, and made no contract with the libellant. It appears that the register and bill of sale were in their names, as sole owners. But they say that they held merely as trustees, and an indenture of trust between them and one Horace B. Tebbets, of New York, has been produced. From this it appears that they were to hold the legal title and the possession of the vessel, to appoint the master, to collect the freight at all the ports, to determine the employment of the vessel, and, at the end of the voyage, to sell the vessel, and, after paying all expenses, to divide the net profits of the voyage, including the price obtained for the vessel, with said Tebbets, and one Ward, giving one half to Tebbets, and one quarter to Ward, and retain the balance to themselves. In pursuance of this indenture, they appointed Capt. Winsor, gave him his instructions from time to time, and it was his duty to render his accounts at the end of the voyage. As mere trustees in possession, they would in point of law, be liable for wages, unless the master clearly exempted them, and looked to others. It is alleged in the answer that he contracted with and relied upon Tebbets; but the evidence is otherwise, and Tebbets says that he made no contract with him, and it can hardly be supposed that Capt. Winsor looked to Tebbets for his pay, and Tebbets was then known to be insolvent, and to have no legal title in the vessel. But the respondents were not mere trustees. They had an interest in the vessel and were trustees for themselves as well as Tebbets. On every principle, then, they must be held liable for the wages.

The remaining question, then, is upon the claims against the master, which they allege by way of offset. The charge of \$78.69 for medical advice and attendance, and charge for extra carriage hire, are abandoned. Those which are insisted on are six in number, which I will take up in their order.

1. A charge of \$475 for the passage of the captain's son. The captain had leave to take his wife with him, and this was a boy about five years old, who went with his mother. The libellant says it was verbally agreed that the boy should go with his parents, and he has interrogated the respondents on this point, under oath. They deny all knowledge of the boy's going in the vessel, and their answer is evidence in the case, and the only direct evidence. There was nothing in writing, and no knowledge of his going is traced to the respondents. In this state of the case, the master must pay for his son's passage. Messrs. Cabot & Brown, experienced brokers, say that the charge should be about half the passage of a man, with some deduction on account of the master's having put on board extra stores. Mr. Brown thought \$300 a reasonable charge, and I shall adopt that as the proper charge in this case.

2. The next charge is \$100 for freight of a piano from New York to San Francisco. This piano belonged to Mrs. Winsor, was placed in the cabin, kept open, and used by Mrs. Winsor and other ladies who were passengers. The evidence shows that it was taken as an article of furniture, and for use and amusement, and was not an incumbrance, but rather an addition to the cabin, and so the pleasure of the passengers. This item, therefore, is disallowed.

3. A deduction of \$118 12 is claimed on the libellant's bill while at Singapore. The master's answer says that he was boarded at the lowest rate, and the bill was paid by the respondents' agent there, apparently without objection, and no evidence is offered to prove that the amount paid was unreasonable. This deduction therefore is not allowed.

4. The respondents charge \$125 for the passage of a servant to the master, his wife and child, from Singapore to Boston. The evidence shows that this man, as an assistant steward, signed the articles, and was paid by the owners; also that it was necessary to have such a person in a ship of this size, having three cabins, and that the did steward's duty, and did not attend more on the captain and his family than on the other passengers. This item, therefore, is disallowed.

5. The next item is a charge of \$34 for regulating the captain's chronometer, at San Francisco, Singapore and Calcutta. It seems there were two chronometers on board, one belonging to the ship, and the other to the captain, and they were both regulated together. There is no evidence of the usage in such cases, and in the absence of evidence of a settled usage to the contrary, I think it reasonable that the expense of rating and regulating the captain's chronometer, where he uses it for the benefit of the ship, solely, should be borne by the ship.

6. The last item is a charge of \$300 for the use of three extra state rooms on the passage from Calcutta. There was but one passenger beside the captain's family, and the state rooms in the three cabins were nearly all of them unoccupied, except by a few articles of ship's stores. The captain put several articles of his own in these rooms, with the ship's stores, but all his could have been stored in one room, if necessary, and were only distributed for convenience, and were not unreasonable in quantity. If there were the least reason to suppose that he used these rooms so as to displace freight or stores, he should be held answerable in some way; but the evidence of both the supercargo and the mate shows that there was no use for these rooms. It would be extremely unreasonable, therefore, to charge him for them. I shall, therefore, allow the whole amount claimed in the libel, less \$300, for the son's passage.

Decree for libellant, for \$1161.42, and costs.

R. H. Dana, jr. for libellant; Wm. Dehon for respondents.

European Intelligence.

FOUR DAYS LATER FROM EUROPE.

The steamship Baltic arrived at New York on Sunday evening May 1, bringing Liverpool dates to the 20th of April, and 92 passengers, among whom was Miss Doherty of the Victoria House, St. John, and Mr. Hilliard, of Portland.

The Asia arrived out on the 17th. The propeller Genoa sailed from Liverpool on the evening of the 19th, for Quebec and Montreal, with a full cargo.

The Cotton market was tame, and prices were in favour of the buyer. Considerable business was doing in the Flour market, but without any material change in prices.

The Kossuth rocket affair remains hazy. Kossuth is apparently guiltless. He, the ostensible owner of the factory, threatens to prosecute the Government. In the meantime, the munitions seized are deposited in the Woolwich arsenal.

A great soiree had been given in Glasgow to Mrs. Stowe; also at Edinburgh. She was enthusiastically received, chiefly in religious circles.

The Dutch Government has protested against the establishment of the Catholic hierarchy in Holland, and has withdrawn its minister from Rome.

The English and French Ambassadors have arrived at Constantinople. The former has assured the merchants of a continuance of peace.

The principal news received is, that the Chancellor of the Exchequer's financial statement proposes to continue the income tax on a diminishing scale for seven years, and extend to Ireland and all incomes over £100; also to reduce advertisement duty upon stamps and some others; substitute five per cent. ad valorem duties; making ten per cent. the maximum on manufactures; increase the spirit duties; reduce the tea duty within the next five years to one shilling per lb., and immediately to 1s 10d; all of which would supply a surplus of half a million sterling. Public opinion is divided respecting the statement; some approve of the scheme; others think it will overthrow the ministry.

A motion in the House of Lords to inquire into the system of education pursued in the Maynooth College, Ireland, was negatived by 110 to 53.

In the House of Commons the Chancellor of the Exchequer said the revenue for the finances of the year exceeds the estimates by near £1,500,000. The expenditures had fallen short of the estimates £380,000, leaving with the surplus revenue an actual overplus of £2,426,000.

RAILWAY INTELLIGENCE.—Mr. Beatty, at the head of a large staff of Civil Engineers, charged with the construction of the New Brunswick Railways, came passenger in the Canada. It was, we understand, the original intention of Mr. Beatty to have proceeded to St. John, but a telegraphic message from London previous to the departure of the steamer advised that gentleman to make Halifax his Head Quarters. We learn further that it is the intention of Mr. Beatty to make a thorough survey of the Grand Line of Railway from hence to the New Brunswick frontier, and that all the working plans, surveys and Reports of Major Robinson, Messrs. Fallner,

ST. ANDREWS & QUEBEC RAILROAD COMPANY.

DIRECTORS REPORT FOR GENERAL MEETING OF SHAREHOLDERS.

From the fact of every station and operation of the Company necessarily becoming public almost immediately on its occurrence, in consequence of the limited number of Proprietors among whom the shares are allotted, and the smallness of the community by whom we are surrounded—your Directors do not consider coming before you in accordance with the provisions of the Act of Incorporation, that it will be necessary for them, to enter very minutely into detail.

Shortly after the last General Meeting, a contract for the construction of the Road to Woodstock was taken by Messrs. Sykes, King & Brookfield, of Sheffield, at £2300 Sg. per mile; and the works are now going on favourably.

The progress hitherto made has not been so rapid as your Directors could have wished, but this has been owing to a variety of causes, over which they had no control. In the outset considerable delay arose from the tardy arrival of the ships with the Contractors' plant; and subsequently to this your Directors have been prevented from urging on the works with the rapidity they would otherwise have exacted, in consequence of the adverse interpretation which has again been put by the Government on the Debenture Bond Facility Act.

In the course of last year it became necessary, from these circumstances, to direct Mr. Thompson to proceed to England, and within the last three months the Board has been obliged to send a Deputation to confer with the class A Directors on these matters.

It is now confidently hoped, from the results of the objections and difficulties have been removed, and that the work will proceed without interruption; in which case the Directors anticipate that 25 miles will be finished before the commencement of winter.

The Contractors are importing laborers for the vigorous prosecution of the works, 150 have arrived during the last month, and two more ships with additional men and 600 tons of iron have sailed from England and may be almost daily expected.

It is gratifying to announce to you that the works develop themselves the paying qualities of the Line become more and more apparent. Mr. King has added his testimony on this point, and has stated that the further he penetrates into the country the more he becomes convinced of the enormous traffic, which must pass over the Road.

Considerable improvements are being daily made in the location of the Line, by which great savings will be effected, so that the slightest fears are entertained of confining the quantities within the estimates.

A short Bill has been passed during the Session just closed, to transfer the nomination of the two Government Directors from the two Houses of Legislature to the Executive Council.

Debentures to the extent of £1000 have been received, and £11000 are in the course of issue. A grant for 20,000 acres of land has also been received since the last General Meeting, and the Company are now entitled to a further grant of 30,000 acres; the application for which will be immediately sent in.

The Books of the Company have been made up to the 1st of March, and a statement of the Accounts, both in England and in this Province, since its formation, was exhibited, showing a total expenditure of £68,888 16s. 10d.

SOLILOQUY OF A BOY.
"Oh, would I were a boy again. I don't see why in the world father wants to sing that for; and there's grandpa says with a sigh, 'my dear boy, you'll never be as happy as you are now,' and grandpa looks doleful, and chimes in with the 'golden hours of childhood!' I wonder where the gold is—I had got a penny sometimes when I was a little youngster, I thought I was well off, and always felt very sorry after I had spent it—that is, after the cakes were all gone, and then somebody was always ready with—'why, my dear boy, you can't eat your cent and keep it too.' Well, I know that now, but there's something I don't know, and that is, where all this great pleasure is in being a boy.

When I was five years old, and had just begun to enjoy something, I must be bundled off to school, and sit on a high bench and no cricket; had to say a ill everything I looked upon, even my mother's face, seemed one big A, and to crown the whole, was a dunce. It took me three weeks to get on to B, and a good deal longer learning to D and through the alphabet.

And when I was older, I had the satisfaction of being called 'a great awkward boy,' even by mother, and when I would try to do my best I was invariably laughed at. It is coming into the room I happened to upset half a dozen chairs, a titter was raised, and 'Oh, he's a boy!' considered sufficient apology. If I played with the baby I was agreed around to see if I had pinched it; boys she said were always full of such tricks.

Why be to the boy where there are a host of girls; why I have known my sister play all sorts of tricks, and John—John's I invariably got the blame. And then it was 'John, you are younger than Mary, put up this clothes line; John, you are a great boy, and must learn to work; just go down to the cellar and split some wood; John, run up to the garret and bring down a squash; or two; John, run out to the wood house and get some kindlings;' and on damp days the girls invariably held a public, and poor John was a slave.

The fact is, I don't believe, but what it would do the girls good, if they learned to go out in wet weather as well as the boys. But they're always crying 'thin shoes' and 'wet feet,' and if I ask them why they don't wear thick shoes as I do, they only laugh at me and answer, that such clumsy things are well enough for boys.

I often tell them no wonder they get cold, with nothing but a bit of lace over their shoulders and a piece of gauze on their arms. It seems so funny to call boys 'hardier' than girls. Why if I thought so—thin socks, thin slippers, bare arms, and bare necks, I shouldn't live a month. 'Hardy—they're the radiant mortals alive, for they do stand such treatment some way, though they're mighty delicate and seem to be proud of it in fact, I think a good many of them had rather have a fashionable consumption, than a vulgar, good constitution.

I wonder how long a boy is a boy—there's my sister Louisa come home from boarding school 'finished,' as they call it, at sixteen, while I've got to study three years longer to know as much as she does—that is, provided she's got her education, and I am passed eighteen. Louisa is going to be married next week—who pretends to call her a girl? No body; it's Miss Louisa Sands, that young lady of her, and its 'my dear boy,' by mother, and 'we must overlook the freaks of a boy,' by father—and that's the way they talk to me and to me—me, John Sands, that's next to the head of the family.

Sisters can do anything they please, even to wearing false hair and every other false thing, and nobody says a word; but the first time I put on a dicky it was almost as much as my life was worth to meet with the family. I thought I could be it like a hero, but the 'oh's' and 'ah's!' the pulling the pocket for my checks, the mock salutations to Mr. Sands, the derisive laughter, was more than I was prepared for and I actually ran from the house while all the girls shouted after me, 'good bye, Mr. Sands, take care of that new dicky.'

I brought home a nice razor-box the day I was 18, and for safe-keeping, hid it in the garret between the rafters. Vain precaution! When I got home, box, brushes, strops, powder, and razor were all paraded upon the table, and a little scrap of paper pinned to the wall on which was written, 'Johnny dear, be careful, little boys should not play with 'edge tools'; and all my sisters could sing that day, 'A frog he would a wooing go.'

Never was I as angry in my life, but I bore it like a philosopher, only it did try me, when of mornings I fondly thought myself unobserved, to hear giggling outside the door, and my little six years old sister lip, instigated by older and more wicked spirits, 'Johnny, here's pussy wants to be shaved.'

And so it is in everything; it seems strange that men who profess to so much dignity after they are twenty-one, should have to submit to so much indignity up to the very borders. It's curious, and it puzzles me; it's a fact in metaphysics that I can't account for, and I don't suppose I ever shall. Is matrimony, and you won't catch me after I'm twenty-one; singing—'I would I were a boy again.'

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Mrs. Stowe secured the copyright in England for her Key to Uncle Tom's Cabin by first publishing it in that country. She is making a rapid fortune out of these books, and will soon be able to set up her carriage. Ninety thousand copies of the Key have already been printed in this city, the paper for which has cost \$10,021. Two hundred hands, or one hundred persons, are employed in the binding.—(Boston Post.)

STEAMER BURNT.—Loss of Life.—On Sunday May 1—We learn from Kingston, Canada West, that the steamer Ocean Wave was burnt yesterday morning near the Duck's fifty miles above Kingston. She is reported to have had 60 passengers on board, only 22 of whom were saved. Four hours after the fire was discovered the hull went down.—[Those saved were taken off the wreck by the schooner Georgiana.]

Close of the Session.—The Legislature was prorogued on Tuesday 3d inst., by His Excellency the Lieut. Governor, with the following Speech:

Mr. President, and Honourable Gentlemen of the Legislative Council;
Mr. Speaker, and Gentlemen of the House of Assembly:

I acknowledge with thanks the attention which you have given to the business of the Session.

There is reason to hope that the blessing of Providence may again reward our Husbandmen, our Fishermen, and our Merchants.

The success of all these interests depends on the skill and industry of the individuals engaged in them, far more than on any aid from positive legislation.

I conceive, therefore, that the postponement of several important measures to another Session will not necessarily impede the general prosperity of the Country.

You have passed Acts, however, of some importance, Commerce, by amending the Law relating to Merchant Seamen, by regulating our Weights and Measures, and by facilitating the issue of Patents and the improvement of our Postal connection with Great Britain.

The Address on the subject of the Fisheries and Trade with the United States has been transmitted by me to His Grace the Secretary of State for the Colonies, and I doubt not that the loyal sentiments of Her Majesty's Subjects here will be fully appreciated by our Gracious Sovereign.

Mr. Speaker, and Gentlemen of the House of Assembly:

I thank you for the Supplies which you have given for the Public Service; it shall be my care, to see that the sums thus granted are expended in conformity with your wishes, so far as at least as the imperfect organization of certain Public Departments will allow.

I regret very deeply that there is no one political Officer whose attention is especially given to our Finances. I regret too the total want of Executive Machinery for properly controlling the expenditure on the Roads.

The creation of such offices, however, involves arrangements which require your sanction as Representatives of the People, and as that sanction has not been given, the administration of these matters must remain in its present state.

Mr. President, and Honourable Gentlemen of the Legislative Council;
Mr. Speaker, and Gentlemen of the House of Assembly:

I cannot allow this Session to terminate without expressing some few words of inconvenience will arise hereafter in this Colony, from the increasing tendency to private legislation; any such inconvenience will be more felt in proportion as we look forward to the investment within our limits of foreign capital.

The season is fast approaching when money and labour will be expended on our projected Railways, and when fresh Surveys will probably be pushed through our Forests. I hope at the next meeting of the Legislature, to congratulate the People of New Brunswick on the progress actually made in these undertakings.

I now release you from your public labours with my hearty good wishes for the success of your own pursuits, and with my earnest prayer for the general welfare of the Province.

THE LEGISLATURE.—A variety of business was transacted during the last few days of the session, and as usual, was put through in a hurry. A despatch says:—

Several addresses were passed—one authorizing the appropriation to the extent of £2,000 for the importation of Sud Horses, sum not exceeding £200 to be granted to each County Agricultural Society, when the Horses are imported, &c.—the County contributing £50. The Contingent Bill passed after severe admiration by several members—total amount for the Assembly £1750 7s.—£650 more than any previous year—stationery charged £200 more. The Attorney General, who was dismissed, said it was a most extraordinary thing, &c. Wilmet, Gray, Kerr, Smith, Boyd, Ryan, McPherson, Hatheway, and others spoke, denouncing corruption, extravagance, &c., or denying any share in it—spoke of gold rings, pencils, chains, portfolios, &c. got by members, who, however, all appeared to be away. Gray charged corruption on parties who talk most of reform, re-arrangement, &c.—Much was said of adopting a new system to put an end to the present mode, &c.; still the accounts passed—all agreed they must pass.—Contingencies of the Council are comparatively higher, being £1000.

We may state that most cheering letters have been received relative to the construction of railways in Nova Scotia. Mr. Beatty, the Government Engineer, who came out in the last steamer, is now in Halifax, which he intends to make his head quarters.—[Halifax Colonist.]