

# INTECH (1984) associates

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THIS ORIGINAL DOCUMENT IS IN VERY POOR CONDITION

**Court of Chancery.**  
SUNLEY V. MCRAE.  
Costs of Executor *de son tort*.—Interest on unpaid purchase money.  
Where an executor and trustees named in a will had acted as such to the advantage of the estate, without having proved the will, he was allowed his costs, as between party and party, of an administration suit to which he was a party defendant, excepting some costs which he had needlessly incurred.  
A mortgagee having sold the mortgaged premises after the death of the mortgagor, and a balance remaining in his hands, after retaining the amount due on the mortgage, while there was no person qualified to receive this balance it was referred to a master to inquire whether he was justly chargeable with interest.  
This was an administration suit to administer the estate of John Thorpe, late of the town of Guelph, in the county of Wellington, in which the ordinary decree for administration had been obtained by one Sunley, one of the creditors. The defendant McCrae had proved the will, but the other defendant, who was a son of the testator, had not done so, though he was named as an executor and trustee in the will, and he had acted as such from the time of the testator's death, and in fact he and others acted for some time before Sunley the other executor, had proved the will.

The usual accounts were taken by the Master at Guelph, who found that part of the testator's real estate had been sold by a mortgagee, under power of sale, after the testator's decease, and that there was a balance of the purchase money in the hands of the mortgagee's representatives; this had not been paid over, because it was very uncertain who was entitled to receive it, as the testator was largely indebted at the time of his decease, and his personal assets were not nearly sufficient to pay his debts.

On the hearing of the case, on further directions, Mr. Blake Q. C., for the plaintiff, asked that the outstanding account of the testator should be realized and applied to the payment of debts, and that the executor *de son tort* should be disallowed his costs of the suit.  
Mr. Palmer, for the executor *de son tort* contended that he should be allowed his costs as between solicitor and client, as he had compounded many debts due by the estate for less than their amount. He also asked that the defendant McCrae should be disallowed his costs of administration, and of the suit, because, as he contended, it was not necessary to take out letters of administration, and it did not appear that Mr. McCrae had done anything as executor.

Mr. McGregor, for the defendant Mr. McCrae, contended that he should be allowed not only his costs of the suit, but that he should be allowed as between solicitor and client; and that he should be allowed all his proper disbursements as executor.

His Lordship the Chancellor, before whom the case was heard, allowed the executor *de son tort* his costs of the suit as between party and party, except some costs which had been occasioned by his own misconduct in the Master's office. He also allowed McCrae his costs of the suit as between solicitor and client, observing that he would be entitled to his disbursements for administration as a creditor of the estate; and he directed a reference to the Master at Guelph, to enquire whether the representatives of the mortgage should be charged with interest on the balance of purchase money in their hands. The outstanding estate of the testator was directed to be bought in and applied as asked by the plaintiff.

**AN AUSTRALIAN KING.**—The young Prince, the Duke of Edinburgh who has had a splendid reception in Australia, unwittingly disappointed one of the aboriginal Kings the other day. "King Jerry," the last monarch of the Dandenong tribe in Australia, dressed himself in a new suit of clothes and adorned his many breast with a rosette and a medal, in order to present to the Prince an address and a volume of Dr. Bruce's work on the aboriginal languages; but the Duke, arrived before the specified time, and so the interview did not take place. This case of royalty in default pleases the local journals.

## COMMERCIAL.

### The Guelph Markets.

MERCURY OFFICE, GUELPH.

March 10, 1868.

Flour, @ 100 lbs	2 75	@ 4 00
Patent Flour	3 00	@ 4 25
Spring Wheat @ bush	1 55	@ 1 70
Oats @ bush	0 50	@ 0 55
Peas do	0 70	@ 0 75
Barley do	1 00	@ 1 12
Hay @ ton	15 00	@ 16 00
Straw do	4 00	@ 5 00
Shingles, @ square	1 00	@ 1 50
Wood, @ cord	2 00	@ 3 00
Wool	0 27	@ 0 29
Eggs, @ dozen	0 14	@ 0 15
Butter, @ lb	0 15	@ 0 16
Grease, each	0 25	@ 0 30
Turkeys each	0 50	@ 0 60
Chickens, @ pair	0 20	@ 0 25
Trucks, do	0 20	@ 0 25
Potatoes	0 60	@ 0 70
Apples, @ barrel	2 00	@ 2 50
Lamb, @ lb	0 06	@ 0 07
Beef	4 50	@ 6 00
Hog, @ lb	0 05	@ 0 06
Pork @ 100 lbs	3 75	@ 7 00
Sheep Pelts, each	0 50	@ 0 75
Lambskins	0 40	@ 0 50
Hides	6 00	@ 6 00

### Money Market.

Exchange on London Office.

Guelph, March 10, 1868.

Gold, 75.00

Silver bought at 4 to 5 dia; sold at 4 to 4 1/2.

Upper Canada Bank Bills bought at 65c to 64c.

### MONTREAL MARKETS.

Kirkwood, Livingstone & Co's report by Special Telegram to "Evening Mercury."

MONTREAL, March 10, 1868.

Flour—Fancy, \$7 00 to \$7 75; Superior No. 1, \$7 45 to \$7 60; Welland Canal, \$7 70. Bag flour, \$3 60 to \$3 75. Oats 47c to 48c. Barley \$1 10 to \$1 16. Butter—dairy 17c to 20c; store packed 17c to 25c. Ashes—Pots \$5 70 to \$6 75; pearls \$6 50 to \$6 60.

Flour—small receipts, holders increasingly firm, \$7 70 to \$7 75 asked for best upper, small transactions within range. Grain nominal, no sales. Provisions generally unchanged. Ashes, pots firm demand; pearls nominal.

TORONTO, March 9, 1868.

Flour—Receipts, 140 bbls; No. 1, at \$7 05 to \$7 10; Fall Wheat—\$1 80; Spring Wheat—\$1 52 to \$1 64; Oats—35c; Barley—\$1 25 to \$1 32; Peas—87c.

HAMILTON, March 9, 1868.

Fall wheat, \$1 05 to \$1 15; spring wheat—\$1 25 to \$1 35 per bushel; Barley—\$1 25 to \$1 35; Oats—32c to 35c; Peas—85c to 90c; Pork—\$6 00 to \$6 50.

### GUELPH LUMBER MARKET.

(Corrected by Messrs. Gowdy & Stewart, 96 Wellington Lumber Yard)

Clear 1 1/2 and 2 inch Plank from \$20 00 to \$25 00

1 inch Boards ..... 12 00 to 16 00

Common 1 1/2 and 2 inch Flooring ..... 14 00 to 20 00

1 in. boards and 2 in plank ..... 9 00 to 10 00

Scantling all sizes up to 16 feet ..... 6 00 to 8 00

and doubling from 16 to 20 ..... 12 00 to 14 00

100 lbs No. 1 Saw ..... 15 00 to 16 00

1 Cut ..... 1 05 to 1 25

2 Cut and Sawed ..... 1 10 to 1 25

3 Cut ..... 1 15 to 1 30

Water Lime per barrel ..... 1 50 to 2 00

Plaster (Guelph) ..... 4 50 to 5 50

Guelph, Jan. 22, 1868.

## MERCURY PRINTING HOUSE!

MACDONNELL STREET, GUELPH.

CHEAP, NEAT AND TASTY

## PRINTING!

FOR THE CHEAPEST AND BEST

## Book and Job Printing

Go to the Mercury Printing House, Macdonnell-st.

## McLAGAN & INNES

HAVE spared neither labor nor expense in fitting up their extensive premises on Macdonnell-st. (East of the Golden Cross), with EVERY MODERN IMPROVEMENT requisite to the successful carrying on of one of the largest Printing Houses in the Dominion.

## OUR JOB DEPARTMENT

We have supplied with the most ELEGANT and

## The Newest Styles of Type

AND THE LATEST AND MOST

## IMPROVED JOB PRESSES!

Enabling us to turn out specimens of work justly considered models of Typographical Beauty. In NEW PRESSES we have Machines from all the celebrated makers, such as

Hoe's Railway Cylinder Press.  
Hoe's Hand Press.

Gordon's celebrated Segment Job Press, and  
Gordon's Card and Bill Head Press,

A novelty, and acknowledged to be the NE FINEST of Treadle Presses. In addition to the above valuable and highly improved Printing Machines, we have a very large and complete assortment of

## BOOK & JOB TYPE

Comprising every known Style, Size and Variety,

And are constantly receiving from Type Founders in Great Britain and the United States such new and useful, Plain and Ornamental faces as correct taste and enlightened experience may dictate, and are therefore prepared to execute all orders entrusted to us

From the Finest and most Delicate Card to the Attractive and Mammoth Poster.

MORE PROMPTLY, NEATLY, AND

## AT CHEAPER RATES!

Than can be done by any other establishment in the County. Being practical Printers of long tried experience, and having a thorough knowledge of the wants of the community of this section, employing none but

## The very Best of Workmen!

AND USING THE BEST OF MATERIAL,

We are in a position to turn out work in

## THE HIGHEST STYLE OF THE ART!

And at such Prices as set competition completely at defiance.

## We can Supply on the Shortest Notice:

- BUSINESS CARDS, BLANK AND TAG CARDS, NOTE AND LETTER HEADINGS, CIRCULARS AND BILL HEADS,
- PROGRAMMES, BALL TICKETS, FANFLETS, RECEIPTS, LAW BLANKS,
- BRIEFS, CATALOGUES, BILLS OF FARE, POSTERS, HAND BILLS,
- LABELS, BY-LAWS, CHARTERS, CERTIFICATES, CONSTITUTIONS,

AND ALL KINDS AND STYLES OF

## LETTER PRESS PRINTING!

ORDERS BY MAIL.

Orders from any part of the country will receive prompt attention, and as soon as executed will be forwarded by the earliest possible conveyance.

Orders Solicited, and Satisfaction Guaranteed.

McLAGAN & INNES,

Guelph, 21st February, 1868, Mercury Buildings Macdonnell-st., Guelph

## BRISTOL'S



**VEGETABLE PILLS**  
SUGAR-COATED  
The need of a safe and perfectly reliable purgative medicine has long been felt by the public and it is a source of great satisfaction to us that we have been enabled to command our Bristol's Sugar-coated Pills, as combining all the essentials of a safe, thorough and reliable medicine. They are prepared from the very finest quality of medicinal roots, herbs and plants, the active principles of which are concentrated into a medicinal value being chemically separated from the inert and useless fibrous portions that contain no virtue whatever. Among those medicinal agents we may name PODOPHYLLIN, which has been proved to possess a most wonderful power over the liver, and all the biliary secretions. This, in combination with LEPIDANDRIN and other highly valuable vegetable extracts and drugs, constitute a purgative Pill that is greatly superior to any medicine of the kind heretofore offered to the public. BRISTOL'S SUGAR-COATED PILLS will be found a safe and speedy remedy in all such cases as  
*Piles, Headache, Jaundice, Heart burn and Flatulency, Bad Breath, Foul Stomach, Loss of Appetite, Liver Complaint, Habitual Constipation, Dyspepsia or Indigestion, Female Irregularities, Dropsy of Limbs or Body, and all diseases of the Stomach, Liver, Bowels and Kidneys.*  
In diseases which have their origin in the blood, Bristol's Sarsaparilla—that best of blood purifiers—should be used with the Pills; the two medicines being prepared to act expressly in harmony together. When this is done faithfully, we have no hesitation in saying that great relief, and in most cases, cure, can be guaranteed when the patient is not already beyond human help. For general directions and table of doses see the wrapper around each obial. Note, Proprietors  
LANMAN & KEMP,  
Wholesale Druggists, N.Y.  
For sale by A. B. Petrie, J. Harvey Jr., N. Higginbotham, and also by all respectable Druggists in Canada.

Great Cure of Liver Complaint and Dyspepsia in Canada.



Consecon, Prince Edward Co., C.W., March, 1867.

Messrs. Young & Chamberlain.—Sirs—Having proved within my own person that there is at last a medicine that will indeed cure Liver Complaint and Dyspepsia, I am induced to make this statement, under oath, which is to certify that I have been sorely afflicted for the last three years, according to the Doctors' statements, with Liver Complaint and Dyspepsia. I had a feeling of sinking and vague uneasiness about the stomach, worse than pain, eructations of wind, occasional pain, drowsiness, constipation, uneasiness in the right side, headache, a poor appetite, &c., and was greatly reduced in strength. Hearing your new Bristol's medicine, the Great Shoshonee Remedy, spoken of so highly, I tried a bottle with your Pills, from these I must say I found but little change, but I took another and then found my health improving. I continued it until I have taken about six bottles, using the Pills, and I find that I have quite recovered. I eat hearty without pain or uneasiness. I am well and am pleased in attending to my business. The doctor remarked to me I was looking much better. I told him that the Great Shoshonee Remedy was doing it. I have recommended the Remedy in several cases, and it has invariably given good satisfaction, and I would strongly recommend it to all afflicted as I was.

Sworn before me at Consecon, C.W., this 2nd day of March, 1867.  
J. M. CADMAN, J.P.  
A Commissioner in R. S., and for the Co. of Prince Edward, C. W.



STOP AND SEE!

THE following remarks on Testimonials of a most wonderful and extraordinary medicine in Canada by the GREAT INDIAN REMEDY. They are stern, undeniable and incontrovertible facts, sufficient to convince the most skeptical that the Great Medicinal Compound yearned after for ages is now accessible in the Great

## Shoshonee Remedy!

For Diseases of the Throat, Lungs, Liver, Digestive Organs, Kidney, &c., as well as Bronchitis, the various Skin Diseases, Humors, and all diseases arising from Impurities of the Blood, we boldly state that this great remedy has never been equaled. Where was there ever such a cure as that in the person of Wilson Strongs of Brighton, C. W. Mills, of Earnestown, C. W., of Consumption, or that of Amos Wood of Consecon, C. W., of Dyspepsia and Liver Complaint, or that of John Hoxey of Napanee, C. W., of Rheumatism, in spite of all treatment heretofore, and is now well. Scores of such cases might be mentioned, but we space is limited. Call at the Drug Store and get a Circular of unquestionable certificates from the Great Shoshonee Remedy and Pills, and satisfy yourselves.  
Price of the Remedy in large pints \$1. For sale by all Druggists and Dealers in Medicine.  
Agents for Guelph—N. Higginbotham, E. Harvey, A. B. Petrie. Wholesale Agents—N. Higginbotham.

## LUMBER, LUMBER.

### GOWDY & STEWART

Wellington Lumber Yard, Guelph.  
BEG to inform retail dealers and the public in general that they have started a general on the Grand Trunk Railway, where they will keep constantly on hand all kinds of Lumber, Lath, Shingles, &c. Also, out to order, all kinds of bill stuff, and shipped to any station on the line of railway.  
will be carried on as usual, under the superintendence of Mr. FRANCIS SMALL, where everything can be found in the shape of Lumber that is kept in a retail yard.  
Flour and Feed as Usual.  
The subscribers trust that by strict attention to business and moderate charges that they will receive in the future, as in the past, a liberal share of public patronage.  
All orders for Lumber to be sent to any station but Guelph must be addressed to Georgetown, where Mr. Gowdy can be seen personally from Monday morning to Thursday evening, and in Guelph from Friday morning to Saturday evening.  
GOWDY & STEWART.  
Guelph, 20th June, 1865 717

Drs. Orton & Clarke  
HAVE again entered into partnership, in the practice of their profession. They will be assisted by Dr. Richard Orton Office—Quebec-st., at the residence of Dr. Orton.  
Dr. Orton, Corner for the Counties of Wellington and Waterloo.

## RUTHERFORD HOUSE!

JUST RECEIVED, A SUPPLY OF

## GODERICH SALT.

## Salmon Trout and Herring!

Also, 70 half Barrels Salmon Trout,  
70 half Barrels Lake Huron Herring,  
50 Barrels Prime Labrador Herring.  
Two cases of Finnan Haddies just arrived.

Guelph 15th January, 1868 daw R. RUTHERFORD.

## ALLEN'S LUNG BALSAM!

THE REMEDY FOR CURING

Consumption, Coughs, Bronchitis, Asthma, Croup, Diseases of the Throat, Pains and Oppression of the Chest or Lungs, Difficult Breathing, and all the Diseases of the Pulmonary Organs.

THIS Balsam is introduced to the suffering public after its merits for the positive cure of such Diseases have been fully tested. The formula from which it is prepared is referred to by the leading medical journals as being equal to any prescription that can be made for such Diseases by the medical faculty. The Balsam is, consequently, recommended by physicians who have become acquainted with its great success.  
As an Expectorant it has no Equal.

It is composed of the active principles of Roots and Plants, which are chemically extracted, so as to retain all their medicinal qualities.

Ministers and Public Speakers, who are so often afflicted with Throat Diseases, will find a sure remedy in this BALSAM.—Lozenges and Wafers sometimes give relief, but this BALSAM, taken a few times, will insure a permanent cure. Will the afflicted clergyman please test its merits?

## TESTIMONIALS OF PHYSICIANS.

Dr. Nathaniel Harris, for many years a resident of Middlebury, Vermont, recommends the Balsam as being superior to all other remedies for Bronchitis. He says:—"I have no doubt it will soon become a classical remedial agent for the cure of all diseases of the Throat, Bronchial Tubes and Lungs."  
Dr. Lloyd, of Ohio, surgeon in the army during the war, from exposure contracted consumption. He says:—"I have no hesitation in stating that it was by the use of your Lung Balsam that I am now alive and enjoying health."  
Dr. Fletcher, of Missouri, says:—"I recommend your Balsam in preference to any other medicine for Coughs, and it gives satisfaction."

DR. A. L. SCOVILL,

who has for many years been known to the public throughout the United States as the inventor of remedies for the Lungs, recommends ALLEN'S LUNG BALSAM as surpassing anything that has ever been offered to the public for the cure of Lung Diseases. He has used it in his own family with great success in the case of his sister, who was supposed to be in the last stages of consumption. This lady is now well, and has been permanently cured by

## ALLEN'S LUNG BALSAM.

Physicians who have failed to cure their patients should try this medicine before they give the case up, as we know very many valuable lives have been saved by being persuaded to give it a trial.  
DON'T DESPAIR because all other remedies have failed, but try this remedy, and you will not be deceived. SOLD BY ALL DRUGGISTS.

PERRY DAVIS & SON, Montreal, General Agents for the Dominion of Canada.  
Sold in Guelph by N. HIGINBOTHAM and A. B. PETRIE. Jan

## GREAT CLEARING SALE

The Great Clearing Sale of

## DRY GOODS!

IS STILL GOING ON AT

## WM. STEWART'S,

## PLASTER, PLASTER

THE SUBSCRIBERS HAVE AT PRESENT A FULL SUPPLY OF

## GROUND PLASTER

And while sleighing is good, farmers should get their supplies. By advice from Paris, York and Calcutta, we learn that all that can be produced is already engaged, and that the demand will far exceed the supply. We have been able to secure only

## 300 TONS.

Instead of 500, and we would therefore advise those requiring any to purchase early.

## A small lot of very fine Clover Seed on hand

JAS. MASSIE & CO.

Guelph, 17th January 1868. daw

## Where do you get your Watches,

CLOCKS AND JEWELLERY REPAIRED?



## AT SAVAGE'S.

Guelph, February 6, 1868. daw

## D. KRIBS' HONEY SYRUP

For the various affections of the LUNGS & THROAT  
Such as Colds, Coughs, Hoarseness, Bronchitis, Asthma, Influenza, Consumption.

And for the relief of Consumptive Patients in advanced stages of the disease. Prepared only by DANIEL KRIBS, Guelph, Ont. and for sale at his residence, and by Alex B. Petrie, Market Square.  
Price per bottle 37c., or three bottles for \$1. Guelph, 8th January, 1868.

## UPHOLSTERY CHAS. FIRESTONE

Quebec-st., near Howard and Jones. Prepared to execute orders for all kinds of Upholstering in a neat and expeditious manner.

## SOFAS, LOUNGES,

Chairs, &c., re-stuffed, Church Seats re-trimmed, Furniture Hanging, &c., on short notice, and at moderate rates. Remember the place—Quebec-st., Guelph. Guelph, 15th Feb., 1868.