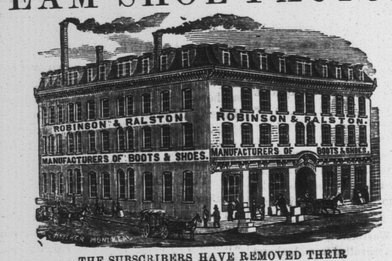
The Daily Tribune.

VOL. I. SAINT JOHN, N. B., FRIDAY EVENING, FEBRUARY 23, 1872. No. 54.

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 built 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. Newlin	$1 00
Mrs. Amelia Robertson	1 00
George F. Irwenther	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.;
44 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, Eurexis, Plate Brushes, Mustard Leaves, Alcock's Plasters, Castile Soap.

Wholesale and Retail at
feb 9 HANINGTON BROS.

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.*

"Characterized 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 elegance, force, adaptation to the subject, and not seldom by originality of thought in combination with tenderness 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 time 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 deside atum, 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 & 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:
Lazecook'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 Highway—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; 50 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:
5 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
feb 1 JOHN CHRISTY.

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,
jan 2 3 2w SMYTH'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, Corn meal.

HANFORD BROS.,
jan 2 11 North Wharf.

Cheese. Cheese.

IN STORE:

200 PRIME FACTORY CHEESE. For sale low.

D. BREFZE,
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 S. F., Sarsaparilla, Liquorice Root, Bitter Root, Bitter-sweet, Colsfoot, Toroughwort, Motherwort, Buchu, Digitalis, Double Tansy, Peppermint, Sage, Thyme, Orris Root, Bayberry, Sumac, Juniper, Coriander, Centaury, Boneset, May Weed, Milk Weed, Stamonium, Mountain Ash, Cassia, Lovage Leaves, Lovage Root, Queen Meadow, Queen 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, Elecampane, Marigold Flower, Lavender Leaves, Ross Leaves, Rose Petals, Patchouli Leaves, Mandrake Root, Elder Flowers, Balmony, Butternut Root, Mullen Leaves, Horseraddish Root, Buckthorn, Poly-Pody, Dog Root, Box Root, Bog Bean, &c., &c.

GEO. STEWART, JR.,
feb 12 DRUGGIST, 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:

100 BARRELS very extra quality OATMEAL.

feb 6 HALL & FAIRWEATHER.

aint Jago Rum.

ON HAND—13 puns St. Jago RUM, 30 per cent. O. P. For sale low to close consignment.

feb 16 CUDLIP & SNIDER.

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.

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 Harvey, &c.

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

OUR OCEAN HIGHWAYS, 1871 and 1872—Route Book and Gazetteer, Europe, Asia, Africa, America, Australia, Oceanica, 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 H. 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 COLONIAL BOOK STORE.

A. & T. GILMOUR

ARE SELLING

Collars, Cuffs and Bosoms

AT

GREATLY REDUCED PRICES.

45 Germain Street (East Side.)

feb 12

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.

FEATHERS,

AT

SMITH'S VARIETY STORE,

Corner Union and Charlotte streets.

Extra Grey Buckwheat,

AT SMITH'S VARIETY STORE,

Corner Union and Charlotte streets.

feb 1

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 6th, 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 the 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. C. CHAPMAN.

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

DOWNER

MINERAL SPERM OIL

WILL not ignite under 30.° 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;
10 boxes U. S. TOBACCO;
15 bags JAVA COFFEE;
35 bbls Refined Canadian OIL;
10 do American do:

Received and for sale by JOHN CHRISTY,
feb 16 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

53 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.

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 "Alarie":

1000 BARRELS CORNMEAL. For sale by

feb 15 HALL & FAIRWEATHER.

Fresh Eggs.

Received this day from Westmorland Henlery:—

40 DOZEN NEW LAID EGGS.

For sale by

feb 17 R. E. PUDDINGTON

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

dec 21 R. E. PUDDINGTON.

IN THE SUPREME COURT,

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

vs.

GEORGE THOMAS.

(Continued.)

No doubt, a reference to the Legislation of other years would shew similar characteristics, from which a fair inference may be drawn that the Legislature was quite alive to the use of unequivocal language when a primary personal liability was intended to be established; and as a further illustration, and as strongly exemplifying the Legislative view on this question as being in harmony with the conclusion at which I have have arrived, I may refer to the Act of Incorporation of the South Bay Boom Company, 10 Vic. Cap. 72, and 11 Vic. Cap. 49, in amendment thereof, to which our attention has been accidentally directed while considering another case now before the Court. By the 10th Vic. the provisions for levying and collecting are substantially the same as in this Act, and by the 11th Vic., Cap. 49, express power is given to sue any shareholder who shall have failed to pay calls. If the Legislature, which must be presumed to have known the state of the Law, had supposed the remedy by salemerely cumulative, the passing of the 1st Sec. of 11 Vic. would have been wholly unnecessary. A reference to some authorities, bearing more or less directly on the question, may not be out of place here.

In *Doe ex dem* Bishop of Rochester *vs.* Bridges 1 B. & Ad. 847, Lord Tenterden, at page 859, thus states the principle—"And when an Act creates an obligation and enforces the performance in a specific manner, we take it to be a general rule that performance cannot be enforced in any other manner."

In the case of the Dundalk Western Railway Company *vs.* Tapster, 12 B. 667, the Court carried the doctrine to a very great length, so much so that in the case being cited, in the Vestry of St. Pancras *vs.* Batterish, 2 C. B. L. S., Wills, J., says, "I think that case has been somewhat doubted;" but this is the only observation I have met of that character. It was an action for calls, which, if not paid as provided, the Statute declared it should be lawful for the Company to sue for in any of the Law Courts of Record in Dublin, and Defendant pleaded that he was liable to be sued there and not otherwise or elsewhere demurrer. In the course of the argument, Patteson, J., observed, "It is only by aid of the Statute that one partner can sue another—must you not take the remedy the Statute provides?" Counsel answers, the Partnership is Incorporated. Patteson, J., "Could such a Corporation sue its own members without the express provisions of the Act?" It was then argued that though the Act gave power to sue in Ireland, it did not prohibit suits elsewhere, and also very much as was pressed upon us in this case, that the call makes the Defendant a debtor to the Company, with all the consequences and liabilities incident to a debt; but Lord Denman says: "The right and the remedy are both created by the Legislature, and the Company are bound to pursue the remedy provided by it," and in this the other Judges concurred.

In Stevens *vs.* Jacock, 11 2 B., 741, "it was held to be a rule of Law that an action will not lie for the infringement of a right created by Statute, where another specific remedy for infringement is provided by the same Statute;" and Erle, J., in delivering the Judgment of the Court, says, "This general doctrine was adjudged in Underhill *vs.* Ellicombe, McLel. & Y, 450, where debt for highway rates was held not to lie, inasmuch as the claim was given by Statute, and the same Statute which created it prescribed a particular remedy for its enforcement," and cites and adopts the language in *Doe ex de* Bishop of Rochester *vs.* Bridges, before quoted.

In the case of the Cook and Bandon Railway Company *vs.* Good, 13, C. B., 618, we see it very clearly established that the liability for calls under the Company Clauses Consolidation Act, 8 & 9 Victoria, Cap. 16, (and a fortiori under this Act, as a comparison of the two will readily establish) is a statutory liability, and therefore the claim is not barred in 6 years,—the proper limitation by 3 and 4, Wm. 4th, Cap. 42, Sec. 3, being 20 years. In the course of the argument in this case, Creswell, J., asks, what is the contract between the shareholders and the Company? When was it made? And how? By writing, by word of mouth, or by instrument under seal? Maul, J.,—"Where is the shareholders' undertaking to pay calls, but for the Statute?" Counsel—"I must concede that there is none." Maul, J.—"Then he undertakes by the statute. Is an action brought upon that undertaking an action upon a contract without speciality?" Again, at page 833, Maul, J. says: "If an Act of Parliament says that certain persons shall pay certain monies, and nothing more, debt undoubtedly is the appropriate remedy; the Statute creates the debt, but it would be necessary to allege specially all the circumstances essential to bring the party under the liability."

Jarvis, C. J.—"I think it is an action upon Statute. * * * But for the Act of Parliament, no action can be brought by the Company against one of its own members." "This, therefore, is an action brought in respect of a liability created by Statute, and, therefore, is an action founded upon the Statute, and the plea which relies on the 6 years limitation is no answer to it."

Creswell, J.—"This is plainly an action upon a Satutory liability to pay calls, and the Defendant is not at liberty to tell us that it is an action upon contract without speciality." Talford J.—"The relation between the shareholders and the Company is the creation of the Act of Parliament."

In Wolverhampton Water Works *vs.* Hawksford, 5 Jur, N. S., 1104, which was an action for calls under a Local Act, 18 and 19 Vic., Cap. 157, for supplying the Town of Wolverhampton with water, incorporating the Company. Clauses consolidation, Clauses, Cap. 16:—

Cockburn, C. J., says—"The liability on which this kind of action rests is entirely the creation of the Statute." And Willis, J, says,—The 2nd Count shews no liability either at Common Law or under the Company's Consolidation Act; at Common Law it must have been shewn that the subscriber was a contractor *with the Company* that sues. That is not stated and could not be stated here. Then it is said there is a liability imposed by Statute 8 and 9 Vic., Cap. 16, Sec, 21, and in determining that, one must assume there is to be no liability at Common Law. * * * There are three classes of cases where a liability may be established, as founded upon a statute. The first class is one in which the liability exists, no doubt, at Common Law, and the Statute re-enacts that liability, and gives a special and particular remedy more beneficial than, or at least different from, that given by the Common Law there, unless the Statute contains words which expressly, or by necessary inference, as applied to the particular case, exclude the Common Law remedy. The Plaintiff has his election to proceed under the Statute or at Common Law. The second class consists of those cases in which the Statute creates the liability to pay money or do some other act, but gives no special remedy in that event; an action of debt or other appropriate remedy is open, whether there is a Common Law remedy or not. The third class is where a Statute cnacts that there shall be a remedy which did not exist at all at Common Law, or not in the form in which the Statute gives the special remedy for enforcing that liability within that class of cases this, as it appears to me, falls, and, in such cases, it has always been held that the party sueing on such liability so created, must follow the particular remedy pointed out by the Statute, and is not at liberty to follow the mode belonging to the second class; the Company, therefore, are bound, I think, to adopt the remedy which gives the right."

In the case of the vestry of St. Pancras *vs.* Battling, 2 C. B., N. S, 477, likewise establishes that, where a pecuniary obligation is created by Statute, and a remedy expressly given for enforcing it, that remedy must be adopted; and Williams, J., refers to the case of Shephard *vs.* Hills, 11 Ech. 55, which, he says, at first sight seems to be at variance, but he explains away by the statement that, in that case, the remedy did not cover the whole right. In Couch *vs.* Steel, 3 E. and B. 413, Ld. Campbell, C. J., says, in Underhill *vs.* Elicombe, McL, and Y., 450, it was held that when the highway rates were payable by the provision of a Statute which prescribed a particular made for their recovery, that mode only can be pursued; and in *Doe ex Dem*, the Bishop of Rochester *vs.* Bridges, 1 B. and Ad. 847, it was held that a Statute having prescribed a particular mode for the recovery of an equivalent for land tax redeemed, no other mode could be adopted for enforcing the payment of the equivalent in the present case (he says) if the Statute had prescribed a particular mode by which a person sustaining actual damage by reason of a breach of the duty imposed by the Statute was to recover compensation, undoubtedly only that mode could be adopted."

I think there can be do doubt, then, that though on the one hand, where a right with its appropriate remedy exists at Common Law, if a Statute gives a new remedy in affirmative words, without a negative express or implied, this does not take away the Common Law remedy; on the other hand, it may be safely affirmed that when a pecuniary obligation is created by Statute, and a remedy expressly given for enforcing it, that remedy must be adopted; at the same time it is equally true if an obligation is created, but no mode of enforcing its performance is ordained, the Common Law may, in general, find a mode suited to the particular nature of the case.

Here the Statute which creates the debt or duty in the same section which confers the authority to make the assessment, and immediately following the words of that authority, gives the remedy or means of realizing the assessment when made thus to make such equal assessment from time to time on all the shares in said Corporation, as they may deem, &c., and directs 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 to pay any* assessment on his share or shares, for the space of 30 days after such notice is given, as shall be prescribed by the Bye-Laws of said Corporation—what then? Is any general power to sue given? Or any alternative remedy provided? No, but provision is nevertheless then and there made for recovering the assessment if the contingency previously suggested of non-payment should arise, in these words immediately following those last quoted:—"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 delinquent subscriber or stockholder shall be held accountable to the Corporation 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 costs of sale." Here then we have a summary remedy given which the Corporation may enforce against the stock without suit, and a personal accountablity for any balance due and not realized by sale of the stock enforcible against the shareholder by suit. Does not this provision fairly exclude the supposition that the Legislature intended that there should be a primary personal liability enforceable against the person and estate of the Shareholder at law without resort to the means expressly provided, and that the remedy so provided was merely cumulative? Is this not just a case, where, as said by Creswell, J., in Vestry of St. Pancras *vs.* Battling, 2 C. B., N. S. 487—"The pecuniary obligation and the mode of enforcing it are indissolubly united by the Statute and cannot be severed."

(To be Continued.)