## Dailv Tribune.

At J. & A. McMILLAN'S.

Family Tea.

20 QR. CHESTS FAMILY TEA. For dec 20 R. E. PUDDINGTON.

Ridge's Patent Food!

Useful Books.

Fresh Eggs.

CANADIAN

ted. By H. G. Adams.

TRY. By Il. Piper.

G. M. Bechstein, M. D., &c.

McMILLAN'S.

feh 10

ARE SELLING

GREATLY REDUCED PRICES.

45 Germain Street (East Side.)

A FRESH LOT AT HANINGTON BROS.

SAINT JOHN, N. B., THURSDAY EVENING, FEBRUARY 22, 1872. VOL. I. Co-Partnership Notice. IN THE SUPREME COURT, A. & T. GILMOUR For Coughs, Colds, STEAM SHOE FACTORY. THE subscribers have thu day entered into Co-Par nership, under the name and style of THE EUROPEAN AND NORTH AMERICAN RAILWAY FOR BRONCHITIS, EXTENSION FROM SAINT JOHN WESTWARD. HAVE REMOVED TO ASTHMA, SORE THROAT, &c., BOWES & EVANS, Use either of the following standard preparations:
CHLORATE OF POTASSA LOZENGES:
Brown's Bronchial Troches:
Campbell's Cough Pastilles;
Sharp s Balsam Horehourd and Aniseed;
Trotter's Pectoral Balsam Horehound;
Mrs. Gardner's Balsam;
Englishmen's Cough Mixture;
Poor Man's Cough Mixture;
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 Iniment;
Layouck's Pulmonic Waters;
Keuting's Cough Lozenges;
Wilson's Neuropathic Drops;
King's Magnetic Fluid;
Flagg's Cough Killer;
Flagg's Cough Killer;
Flagg's Cough Cough Cough Cough
For sale by GEO. STEWART, Ja.,
PHAEMACEUTIOAL (HEMIST,
jan 8 Use either of the following standard pre-TISDALE'S BUILDING. to conduct a wholesale and retail business in STOVES. TINWARE, IRON GOODS, and GENERAL HOUSE-FURNISHING GOODS, GEORGE THOMAS. 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 GERMAIN STREET, A. G. BOWES.
February 1st. 1872. 1m news fmn lm NEARLY OPPOSITE S. K. FOSTER'S. Dissolution of Co-Partnership. OF BOOTS & SHOES SOMETHING NEW POPULAR AUTHOR

Corner of Union and Carmarthen Streets, Where they would solicit a continuance of the patronage heretofore received by them. ROBINSON & RALSTON. NOTICES OF THE WISDOM OF THE KING

VICTORIA HOTEL, ST. JOHN, N. B. HIS HOTEL is uilt in modern style.

It is finished and furnished with rery regard to Comfort and Luxury, and is also provided with a passenger B. T. CREGAN,

feb 6 6m

ST. JOHN, N B. WELDON HOUSE SHEDIAC, (OPPOSITE THE BAILWAY STATION.)

THE SUBSCRIBERS HAVE REMOVED THEIR

MANUFACTORY, WAREROOM, &c.,

WILLIAM JONES, Merchant Tallor,

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.

To 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 triends and the public generally that he has opened his new Model BOARDING, SALE AND LIVERY STABLES, in the rear of Mr. Thes. Furlong's Brick Building, Charlotte Street, where, with increased facilities, he will be happy to accommodate all his patrons.

THE undermentioned pers as, assessed for Road Work in the Parish of Larcaster, 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. 

Insolvent Act of 1869.

Canada,
Province of New Brunswick.
In the County Court, for the
County of Saint John. 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. ian 26 1m\* Notice of Removal. The undersigned purposes, in a few weeks, to REMOVE HIS STOCK

jan 25 Congou Tea, Coffee, &c.

Received per late arrivals:

14 CHESTS FINE CONGOU TEA;
15 sacks Java COFFEE;
20 cases Coiman's No. 1 STARCH;
45 gross Dome BLACK LEAD;
3 cases Rickett's Diamond do.;
44 dozen SCRUBBING BRUSHES:
25 Black Lead
For sale by
10 JOHN CHRISTY,
17 feb 7 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, Euxesis, Plate Brushes, Mustard Leaves, Alcack's Plasters, Castile Soap.

Wholesale and Retail at HANINGTON BROS.

45 Germain Street.

A.&T.GILMOUR.

Brown, Blue and Black BEAVER, CHINCHILLAS, MOTCOWS, AND

HEAVY PILOTS. Pess, land 45 Germain Street.

Potatoes and Turnips. 50 BUSHELS POTATOES: For sale by had at Messrs. McMillan R. E. PUDI INGTON.

Rev. James Bennet,

EVIDENCES of deep and serious thought throughout the volume."-Belfast News etter, 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.

"His Book may be recommended as worthy to take a place in the Homiletical Literature of Reclesiastes," - British Quarterly Review, April 1871.

"The production of a highly cultivated mind.

"We have read several works on Eccle is astes, and well remember the pleasure with which years ago we perused the Royal Preacher,' but for fine criticism, comprehensiveness of thought, striking illustration and unostentations, yet eloquent and foreible style, The Wishow we think, surpasses them all."

"St. Oroix Courier, March 6, 1871.

"The volume is not an unworthy companion of Dr. Buchanan on the same book."—The Ho milist (London), April 1971. 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, dee 21—y

THE undermentioned pers as, 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.

"This is a bright, breezy book, both interest ing and instructive. We can most conscientiously commend this book generally, as one of the most sprightly, attractive and instructive works of its kind that his fullen under our observation."—Boston Evening Traveller, May 6th, 1871. "Every portion of the work indicates ex-tensive 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. 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.

Head Quarters, March 1st, 1871.

"The writer is evidently well acquainted with the literature of his subject, and that acquaint nee 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 chusteness and good taste. We could not open a page without meeting some thought vigorously expressed. The work is eminently fresh and readable."—Pres. Witness, Halifaz.

"He recease in the treatment of his themes

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,
(Retail Euccessor to Messrs. Valpey & Bro.)

(Retail Euccessor to Messrs. Valpey & Bro.)

(Retail Successor to Messrs. Valpey & Bro.)

"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. Providence which guide it is stellar.

"This is a remarkably thoughtful, solid book Mr. Bennet is evidently at home in Metaphysics and Ethies, 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.

"I will, we doubt not, take its place, as it ought to do, among our household se expositions of this treatise of observation and Jewish wisdom "—The Presbyterian (Philadelphia), May 20, 1871.

Jewish wisdom "-The Presoners and phia), May 20, 1871.

'The lessons to be learned are drawn with a smaster'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 noth ng 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 posses.

"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 Tetegraph and Journal.

willingly let die. 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 funcy 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."—Hallifux Monthly Record, (Church of Scotland). "Each chapter is so well done, so lucid yet concise in its exposition, that it is sometimes d flicult to determine which is the best and most interesting.—Stewart's Quarterly, St. John.

PATIY, By Katherine S. Macquoid. PHARMACEUTICAL (HRMIST, 24 King street recley's ' What I Know of Farming,

Being one of the most popular Books on the subject published. BOOKS. B'ar and Forbear—Optic; O'd Merry's Annual for 18.2; Our Old Uncle's Home; Ming's Highway—Newton: Sir Wilfred's Seven Flights. LORD BANTAM, new satire by the author of "Ginx's Baby." AT MCMILLAN'S. Granulated Wheat. r and Near—by Ita; r Domestic Pets; solution—by A. S. Roe;

AT McMILLAN'S. Brake Up-Oliver Optic:
Omens and Supers itions,
Young America Abroad-Optic;
Stars in a Stormy Night. At 78 PRINCE WM. STREET, Flour. Flour.

200 BARRELS Howland's Flour: 100 do
Tea Rose: 10 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 Somes;

EXTRACT BEEF Robert Somers.
These new and immensely popular Books ave just been received from the publishers. Also have received—A LEAF IN THE STOKM and other Stories—by Ouids, author of Folie Parine, &c., &c. feb 2

Cor. King and Germain streets. LECTURES ON THE SCIENCE OF BLLI-By Max Muller, M. A., author of "Lectures on the Science of Language," "Chirs from a Ger man Workshop," &c. nan Workshop," &c.
T. H. HALL,
feb 8 Cor. King and Germain streets.

TO ARRIVE. Daily expected per bark " Morning Star," from 500 hhds. New Crop Molasses.

FOR SALE BY L. McMANN & SON. CANNED FRUITS.—A great variety of Canned Fruits. For sale by R. E. PUDDINGTON. FRUIT, &c. TW 6 BOXES ORANGES:
5 boxes LEMONS:
10 sacks FLBERTS
5 sacks CASTANA NUTS:
10 fruits DATES:
1 case FIGS:
45 borrels APPLES:
20 on IONS.

Reneived and for sale by JOHN CHRISTY. Marble and Slate MANTEL PIECES, REGISTER GRATES, Can be bought as reasonable as any in the market, at the Showrooms of R. Forsythe's (Cara'a Marble Works.

JOHN E. HUGHES, AGENT, SMITH'S BUILDING, Prince Wm. street 2nd January, 1872. W E have the following in Store, and offer at market rates, for each or approved paper; P. E. ISLAND MESS POLK; Do. Prime Mess do:

Heads and Feet;
Lard in Tubs:
Butter in Tubs:
Futter in Firkins:
Brar, Kine Feed, Grue Oats, Oatmeal, Corn mest.

Jan 2

11 North Wharf. Cheese. Cheese. IN STORE:

200 PRIME FACTORY CHEESE.

For sa clow.

D. BREEZE.
1 King Square. New American Hats. WE have opened six cases NEW STYLES AMERICAN HATS, Medium and Fine Wholesale and Retail Hat Warehouse 51 KING STREET.

jan 25 D. M 4 GEE & CO. Roots, Barks, Herbs. JUST RECEIVED AT THE Pharmaceutical Pharmacy 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, Dandelior, Spikenard, Lobelia, Princes Pine, Purdock, Spearmint, Flm S. F., Sarraparilla, Licorice Root, Eitter Root, Bitter; weet, Coltsfoot, Toroughwort, Matherbelia, Princes Pine, Furnock, Speak, Revot, S. F., Saraparilla, Licorice Root, Eitter Reot, Bittersweet, Colrsfoot, Toroughwort, Motherwort, Buchu, Dizitalie, Double Tanzy, Peppermint, Sage, Thyme, Orris Root, Bayberry, Sumac, Juniper, Coriander, Centaury, Boneset, May Weed, Mik Weed, Stamoniuv, Mountain Ash, Cassia, Lovage Leaves, Lovage Root, Queen Meadow, Queen Root, Round Wood, Comfrey, Skuck Cabbage, Scull Can, Yellow Dock, Angostura, Blue Flag Root, White Ch. rry Bark, Black Cherry Bark, Wild Cherry Bark, Marsh Mallow, Sweet Marjoram, Hops, Garget, Elecampane, Marigold Flowers, Laveneer Leaves, Rose Leaves, Rose Petnis, Patchouli Leaves, Mandraxe Root, Elder Fi. w. rs. Balmony, Butternut Root, Mullen Leaves, Horseraddish Root, Buckthorn, Poly-Pody, Dog Root, Box Root, Bog Bean, &c. &c.

Bey Bean, &c. &c.

Bruggist. 24 King street

HAVANA CIGARS. 5000 very fine Havan. Cigars: 10,000 German Cigars. For sale by dec 21 R. E. PUDDINGTON Portland Kerosene Oil. BOSTON KEROSENE OII. Canadian Kerosene Oil J. R. CAMERON & CO., 33 Prince William street. jan 25

EXTRA OATMEAL. Received by Subscribers:

100 BARRELS very extra quality OAT-HALL & FAIRWEATHER. gint Jago Rum. A few copies of the above work may be had at Messrs. McMillan's, Chubb's, Barnes's, and Colonial Bookstore.

On HAND-13 puns St. Jago RUM, 30 per cent. O. P. For sale low to close consign ment. fee 16 CUDLIP & SNIDER. THE Co-Partnership existing between the subscribers, under the style of A. STEWART & Sox, is this day dissolved by mutual consent. St. John, N. B., January 6th. 1872.

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 Logan & Stewart. The business of which will be carried on at the Factory lately occupied by A. Stewart & Son. No. 7 Grenan Street. where they will be pleased to receive a continuance of the patronage extended them under a previous partner-

bip. St. John, N. B., January 8th, 1872. WM. LOGAN, ian 11 tf ALEX. STEWART. THE subscriber has again received in stock a supply of GRANULATED WHEAT which is very highly approved of by those who use porridge it eing decidedly preferable to Oatmeal. For sale by feb 2 R. E. PUDDINGTON. Recommenced Business. THE subscriber begs to inform his friends and customers that he has again commenced usiness in the Shop lately occupied by John Jrawford, Eq. 70 HHDS. Refined Suzar, for sale lot dec 21 October consignment. No. 125 Union street, there he will keep constantly on hand a general took of GROCERIES, FLOUR, MEAB, PORK. stock of GROCERIES, FLOUR, MEAB, 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. A LL 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 Morch next. as all claims remaining unsettled at that date will be handed to an Attorney for collection. JAMES DUNLOP.

FOR SALE AT HANINGTON BROS. NOTICE. Fresh Hops.

Colonial Book Store.

LECTURES ON THE SCIENCE OF BLLIGION, with a paper on Buddhist Nihilism.

Cod 1 iver Oil and Lime.

Cod 1 iver Oil and Lime. jan 23

R. E. PUDDINGTON.

Cod liver Oil and Lime.

WILBOR'S GENUINE. Wholesale and Re
tail at
jan 10

HANINGTON BROS.,
Fostur's Corner. A. G. BOWES. No. 4 Canterbury street. St. John, N. B. feb 1 tf

RAISINS AND CURRANTS, -150 boxes, qr. and halves New Raisins; 5 barrels Zan'e Currants. For sale by dec 21 To the Electors of the C. unty of Westmorland GENTLEMEN,—
At the r quest of many friends in different sections of the County who believe that the affairs of the people of our Province have no been managed by the present Executive with proper recard 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.

It elected I shall at all times give my utnow 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.

Tour obt. sert. STONEHENGE'S BRITISH RURAL SPORTS, comprising, Shooting, Hunting, Coursing, Fishing, Hawking, Racing Bosting, Pedestrianism, Illustrated, By

Weils Harvey, &c.

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

OUR OCEAN HIGHWAYS, 1871 and 1872—
DATE BOOK and Gazetteer, Europe, Asia, Pour obt. sert.
R. A. CHAPMAN.
Rockland. Dorchester, Jan. 13th, 1872. jan Route Book and Gazetteer, Europe, Asia, Africa, America, Au tralia, Oceanica, By DOWNER Africa, America, America, Dempsey & Hughes.

At McMILLAN'S,

78 Prince Wm. street. MINERAL SPERM OIL 50 DOZEN NEW LAID EGGS, from the Hennery. For sale by R. E. PUDDINGTON.

W ILL not ignite under 300° Farenheit, and consequently is absolutely safe for Mills, Factories, Workshops, a.c. For safe by J. R. CAMERON & CO., feb 16 33 Prince Wm street. Clothes Pins, Brooms, Petro-leum Oil, &c. WHITE OATS 28 BOXES AMERICAN CLOTHES PIN3; 20 boxes 124 TOBACC)
15 bags JAVA CUFFEE:
35 bbis Refined Car adian OIL;
10 do American
Resident and Carl

Landing at Walker's Wharf: 5000 BUSHELS do American do American gived and for sale by JOHN CHRISTY, 75 King Stree Prime White Canadian Oats. feb16 Cotton Duck and Twice.
IN STORE-50 bales Mount Vernon COTTON Ex schr. Geo. V. Richards, from Portland. N STORE-50 bases mount version and the DUCK, No. 2 to 8; 200 lbs COLTON TWINE. For sale 1 w by feb 16 CUDLIP & SNIDER. FOR SALE BY
CUDLIP & SNIDER. Camphor Ice and Glycerine. NEW BRUNSWICK

A CERTAIN and safe cure for chapped hands, so re lips, and all abrasions on the skin.

For sale at feb 9 HANINGTON BROS. SCHOOL SERIES Books on Birds. Sangster's Arithmetic, (NEW EDITION.) HUMMING BIRDS-Described and Illustra

WHOLESALE AND RETAIL. NATURAL HISTORY OF CAGE BIRDS. By J. & A. McMILLAN, Booksellers, Stationers, &c. PROFITABLE AND ORNAMENTAL POULfeb 14 BIRDS AND THEIR NESTS. Mary Howitt.

53 KING STREET. LACE SETTS Valenciennes, Mulholland's Arithmetic MALTESE, HONITON COLLARS,

FLOWING SLEEVES, WE are now prepared to fill orders for the above School Book, having received a argo supply from the publishers. (Embroidered.) Muslin, Cambric and Linen Collars and Sett T. H. HALL, Real Laces. In Old Engli h Honiton, Danish, Maltase, Imi-tation Luces, Edgin s and Insertions, (White and Black) COLONIAL BOOK STORE. A. & T. GILMOUR Plain and Figured Nets. W. W. JORDAN.

Collars, Cuffs and Bosoms

Nuts! Nuts! A full assortment of Nuts including a recent arrival of Fresh Hickory Nuts. For sale by dee 21

R. E. PUDDINGTON. Brown's Tracheal Drops.

THE GREAT REMEDY FOR

No. 53.

(Continued.)

The 32nd Victoria, Cap. 54, therefore, in our opinion is valid. That Act disposes of the 1st, 2nd, 3rd, 4tn, 9th and 10th objections; for however valid all or any of these objections might have been before the passing of the 32nd Victoria, Cap. 54, (or whatever doubts might have existed) that Act was expressly passed to obviate such objections and remove such doubts. The doubts which the 32nd Victoria, Cap. 54, was passed to remove as indicated by the Recital, were, whether the subscribers for shares were or could be made legally liable for the super by them subscribed.

whether the subscribers for shares were or could be made legally liable for the sums by them subscribed.

1st. By reason of the whole Capital Stock not having been subscribed.

2nd. Because the Company may have proceeded to locate, construct, &c., the road without the sum of Fifty Thousand Dollars of Capital Stock having been paid in the manner prescribed by the Act of Incorporation.

3rd. Because it may be doubtful whether any assessment made and notices of same required by the Act are regular unless \$2,000,000 Stock had first been subscribed and \$50.000 paid in.

4th. Because it may be doubtful if notices of calls have been given in accordance with the terms of the Act.

And the first Section of the Act proceeds to enact that the subscribers shall be

ance with the terms of the Act.

And the first Section of the Act proceeds to enact that the subscribers shall be held liable in the same manner and to the same extent as if the whole Capital Stock had been subscribed, as if \$50,000 had been paid in in manner prescribed, and as if all assessments made and notices given were made and given according to the terms of the Act, and that the notices of assessments which have been given shall be held to have been lawfully and regularly given, and that the subscribers shall be liable to assessments, made or to be made, in the same manaer and to the the same extent as if the \$2,000,000 had been subscribed and \$50,000 paid in and notices of calls given as required by the Act.

notices of calls given as required by the Act.

The Second Section enacts that all the steps taken, or Acts done, or ordered to be done by the said Company under the Act shall in every respect be as legal and correct as if the \$2,000,000 had been subscribed and the \$50,000 paid in at

and correct as it the \$2,000,000 had been subscribed and the \$50,000 paid in at the time and in the manner prescribed. During the argument we intimated our opinion that there was nothing in the 6th, 7th and 14th points, and we adhere to that opinion. The 5th and 11th points are not so easily disposed of. The 5th is that the 27th Victoria, Chapter 43, points out a particular mode for enforcing payment of calls, and that no action will lie until Stock is first offered for sale, and then only for balance after crediting the net proceeds of sale. And the 11th payment of calls, and that no action will lie until Stock is first offered for sale, and then only for balance after crediting the net proceeds of sale. And the 11th is that this defective proceeding of resorting to action in first instance and passing by a mode pointed out by Act is not cured by the 32nd Vietoria, Cap. 54.

As to the first of these questions the 5th Section of the 27th Vic., Cap. 43, authorizes the President, Directors and Company for the time being to exercise the powers therein granted and international make such equal assessments from time by a mode pointed out by Act is not cured by the 32nd Victoria, Cap. 54.

As to the first of these questions the 5th Section of the 27th Vic., Cap. 43, authorizes the President, Directors and Company for the time being to exercise the powers therein granted and 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 to pay any assessment on his share or shares for the space of 30 days after such notice as in given as shall be prescribed by the bye-laws of said Corporation, the Directors amay order the Treasurer to sell such share or shares at public auction after giving such notice as may be prescribed by the top-claws of said comporation, and the same shall be transferred to the purchaser, and such delinquent subscriber or shares shall sell for less than the assessment due thereon with interest and cost of sale, and shall be netitled to the overplus if his share or shares shall sell for many and cost of sale, provided that no shareholder in said Company hall be in any manner whatever liable for any shareholder in said Company beyond the amount of his or their shares in the Capital Stock of the said Company not paid up, and no assessment shall be laid upon any shares in said Company for a greater amount than fifty dollars per share in the whole." The only other reference in the Act to calls is in Section 9, which after declaring that the shares shall be deemed personal estate and transferrable as such, and shall entitle the holder thereof to a proportionate part of the profits, &c., enacts, "But no shareholder shall be entitled to transfer any of the profits, &c., enacts, "But no shareholder shall be entitled to transfer any of the profits, &c., enacts, "But no shareholder shall be entitled to transfer any

or the assessments on them times and not have the solution of the control of the charter it appears that a personal obligation to pay is imposed on the holder.

In the Superior Court, 1850, Kennebec and Portland Railroad Company, vs. Ken, 31 Me 470, and the ease of Vermont Superior Court, 1830, Essex Bridge Ken, 31 Me 470, and the ease of Vermont Superior Court, 836, Peek vs. Walnut Company vs. Tuttle, 2 Vt. 393, Illinois Superior Court, 836, Peek vs. Walnut Company, 18 Ill., 88, 1859, Spangle Ind. N. B. R. Co., 276, are eited as Railroad Company, 18 Ill., 88, 1859, Spangle Ind. N. B. R. Co., 276, are eited as establishing that if no statute nor bye-law provides another remedy for the restablishing that if no statute nor bye-law provides another remedy for the restablishing that if no statute nor bye-law provides another remedy for the restablishing that if no statute nor bye-law provides another remedy for the restablishing that if no statute nor bye-law provides another remedy for the restablishing that if no statute nor bye-law provides another remedy for the restablishing that if no statute nor bye-law provides another remedy for the restablishing that if no statute nor bye-law provides another remedy for assessments, to pay the assessments to pay the assessments before all legal assessments, and may be compelled to its performance by action-at-law before restablishing to a sale of the shares. It is a personal undertaking beyond the terms of shares without promising expressly to pay assessments, their resort must first be had to a sale of the shares to pay the assessments, their resort must first be had to a sale of the shares to pay the assessment before an action at Law can be maintained; his agreement simply to take the shares is an agreement upon the be maintained; his agreement simply to take the shares is an agreement upon the to be affected. He takes them upon the conditions and law of the Charter and is to be affected. He takes them upon the conditions and law of the Charter and is to be affected. H settled that a power conferred by the Legislature on a Corporation to self-stock for default of payment of an instalment by a subscriber does not exclude the Common Law remedy to recover it, and he is still liable in an action of assumpsit. The penalty of forfeiture is cumulative so that the Company may waive it and proceed in personam on the promise." Angle and Ames edition, 171, S. S. 549, adding in S. S. 550; when it is said that remedies by action or forfeiture are cumulative, nothing more is to be understood than that the Corporation has a cumulative, nothing more is to be understood than that the Corporation has a cumulative, nothing more is to be understood than that they may proceed to right to sue or the right to forfeit at their election or that they may proceed to judgment upon the subscription and the forfeit stock for the same delinguagement upon the subscription and the forfeit stock for the same delinguagement upon the subscription and the forfeit stock for the same delinguagement is more than a means of satisfaction and is of itself a satisfaction," which feiture is more than a means of satisfaction and is of itself a satisfaction, which was so much pressed on us by the learned Counsel for the Plaintiffs, we find by was so much pressed on us by the learned Counsel for the Plaintiffs, we find by no means borne out by the authorities cited in its support and on which alone it no means borne out by the authorities cited in its support and on which alone it herefore on principle and the English authorities so far as they bear on or tend to therefore on principle and the English authorities so far as they bear on or tend to therefore on principle and the English authorities so far as they bear on or tend to therefore on principle and the English authorities so far as they bear on or tend to therefore on principle and the English authorities so far as they bear on or tend to the question mainly depend, as from this alone is the intention of the Legislature the question mainly depend, as from this alon

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