NOTICE TO AGRICULTURISTS.

A few copies of the present half-year of the *Genesee Farmer* can be had at this office, for three york shillings a copy. The *Farmer* is a monthly publication, devoted to Agriculture, Husbandry, Horticulture, Stock Raising, Rural and Domestic Economy, &c., and is full of practical information for all engaged in these pursuits The 1s. 10½d. will purchase six numbers of this excellent work, from July to December inclusive. Those desirous of getting a copy had better apply immediately.

Journal Office, Sept. 15.

LAST WORD TO DELINQUENT SUBSCRIBERS.

Having given those of our subscribers who were two years in arrears on the 7th instant (yesterday) timely notice of the means which we should adopt to collect the sums which they owe us, those who have disregarded the warning will have to take the consequences. To-day a large number of accounts will be placed in the hands of a magistrate; and we will continue to hand them over to him as fast as is found convenient.

Journal Office, Sept. 8

The Journal.

Thursday, October 6, 1859.

The Medical Act, and its bearing upon Homœopathic Physicians.

In the Head-Quarters of the 28th ultimo we notice some remarks upon our enquiry, "What has become of the Medical Act?" It points us to an advertisement in the Royal Gazette of the appointment of the twentieth day of the present month, at 10 o'clock A. M., as the time at which the first meeting of the Faculty shall be held in St. John.

We are glad to find that this step has at last been taken to carry out the provisions of the Act, although we cannot help thinking that more members of the medical profession from the country would have attended the meeting, and consequently a more thorough compliance with the intention of the Act would have accrued, if the meeting had been held at an earlier season of the year, when the travelling would probably have been more easy.

Our cotemporary states that more than one hundred medical men have had their names registered,—this is satisfactory, as it shows that the members of the profession generally are alive to the benefits likely to be derived therefrom.

It also states, we know not on what authority, that the spirit of the regular Faculty is not at all inclined to tolerate the registration of practitioners, holding their diplomas from Homœopathic colleges.

Some time since we took occasion to make some remarks on this subject, and stated it as our opinion that such a course of proceedure would be unjust. Our grounds for the opinion were these:

In the first place the intention of the Legislature, or at any rate, an influential portion of it, the Lower House, was expressed on this subject during the debates, and it was understood that if the Bill received their consent, no objection should be made to the registration of Homœopathic practitioners.

Now, we are not of those who think that the judgement of the House of Assembly must necessarily be right, or that its members are collectively or individually the persons best qualified to decide upon what are or should be the rights and privileges of any scientific body. But when a distinct understanding was made, that in consideration of support for the Bill, certain clauses should be construed in a certain way,—it would not, we think, be honorable for a liberal profession to avail itself of the benefit of the Act, and yet keep others out whom they, or those who acted for them, had agreed to consider eligible, simply because a different meaning might be put upon the wording of these clauses.

In the second place, the intention of the Act in the minds of those enlightened men who framed it, and supported it by their influence and eloquence, was this: that there might be established a proper standard of medical education, and that the possession of a competent amount of knowledge might be insured in all those persons who are licensed to practice medicine in New Brunswick. And we think that the framers of the law, and enlightened men generally, did not contemplate that men thus duly educated and qualified, should be compelled to embrace or denounce theoretical opinions, which they might believe or profess to believe.

The object of the science of medicine is to discover the surest and easiest methods of overcoming disease, whether this method be by giving medicine proper, or by merely caring for the patient, without the administration of any medicine whatsoever. And we think that if such a thing be attainable, he who most surely and most quickly arrives at such success without the administration of any drug whatever, is most near to the perfection of the science.

Medicine is an inexact science. Its fundamental rules as to morbid structure, and the symptoms by which they are designated, are agreed on by all educated physicians of every school;—but Therapeutics is a debatable ground. Different schools of physicians, and different disciples of the same school, are not agreed as to the effect of medicine upon disease. In fact the tendency of modern observation goes to prove that disease is not so amenable to medicine as is generally supposed.

Impartially made observations prove that sick men die under all methods of treatment, and the evidence is not sufficiently abundant or reliable to convince reasonable men of the absolute correctness of any general system of practice. Hence it is not surprising that diverse, contrasting and extravagant opinions are embraced by the sanguine the credulous, the ignorant or the interested, based upon accident, imperfect observation, or want of judgement in the observer. We do not deny that Homœopathy may be classed among these extravagancies, that its doctrines seem absurd that the faith in the curative properties of medicines which chemistry proves to be utterly inert, either from their inherent quality, or from the minuteness of the dose given, is without foundation; but we think that these professions are no more absurd than the faith held by a great many of the regular faculty in the power of their larger doses over diseases, which enlightened observation proves to be beyond the control of any yet discovered drugs. And why one extravagance should be illegalized and the other not, we cannot understand. Where then, the opinions of scientific men and the conclusions derived from their observations differ so widely, we think it is not the province of the Legislature to decide which party shall or shall not be legalized conservators of the public health.

It is within their province to profect the ignorant and the credulous from being the prey of those, who, without any education to fit them for the duties may find it for their interest to profess powers which they do not possess. But here their province ceases, when they have taken care to provide that practitioners shall be duly qualified it would be overstepping their bounds for them them to decide ex-cathedra what theories they shall believe—what practice they shall follow. In this every educated medical man must be left to decide for himself, and it would be unjust to deprive one person of the right to demand remuneration for his services because he follows one theory, while to another is given the full exercise of this power, because he follows another theory, when one is, so far as we can see, as well qualified to judge for himself as the other.

We cannot help lamenting this illiberality which our cotemporary—we fear too justly—imputes to the regular Faculty. It surely has a tendency to weaken the influence which their research and their learning should give them as a body in the popular eye. It leads those who are unacquainted with the subject to doubt the correctness of those theories which must be so jealously guarded by the persecution of all who dare to dissent from them. Better far would it be to demonstrate the truth which they possess in themselves, than to invoke the aid of the law to put down their antagonists.

Carleton Circuit Court.

The Circuit court for this county which opened on Tuesday the 27th adjourned on Thursday evening, having in those three days got through with a very considerable amount of business. Through the kindness of L. P. Fisher, Esq., we are enabled to present our readers with the following summary of the several civil cases tried.

William Connell against Elijah Sisson. This was an action of assumpsit to recover the amount of an account for supplies furnished for lumbering purposes. No defence Verdict for Plaintiff for £96. For Plaintiff, L. P. Fisher.

Joshua Sweet against John D. Beardsley. Summary action of assumpsit to recover the price of 200 boom poles, at 1s. each, alleged to have been delivered under contract, and 4½ day's wages. The plaintiff contended that the contract was to deliver the poles at a boom on the Madoxnakik stream, about ten miles from Woodstock. The defendant denied this, and contended that the poles were to be delivered at his (Beardsley's) boom, at the mouth of the stream. The plaintiff swore that the contract was as he alleged, and on this point was contradicted by the defendant. It was also proved that the poles were at the brow, never having been taken possession of by the defendant, who had been inconvenienced and damaged by their non delivery at the boom. It was likewise proved that at settlement between the parties the plaintiff made no claim for the poles, and never called upon the defendant for the amount; the commencing of the action, the defendant averred, being the first intimation of the demand which he received. Defendant stated that respecting the wages he would have paid for one day and a half had the plaintiff ever called upon him for it. Verdict for plaintiff for five shillings, for one day's work. On application of defendant's counsel the Judge certified that there was no real cause for bringing the action in the Supreme Court, and ordered that plaintiff should pay defendant his costs of suit.—For the plaintiff, Attorney General. For defendant, L. P. Fisher.

Douglas Stevens against Enoch Campbell. This action was brought by plaintiff as endorsee of a note made by S. Tracy in favor of defendant, and by defendant endorsed. The matters of the note and endorsement were proved, and the mailing at Woodstock of a notice of dishonor, addressed to defendant at Northampton, in the lower part of which parish is the Way Office, and in the upper part of which lives the deiendant. Upon these facts the plaintiff rested his case. Defendant's counsel contended that as the defendant lived at the other extremity of the Parish from that at which the Way Office was located, and at a great distance from it, the notice of dishonor was not sufficient, and that it should have been sent by a special messenger, the expense of which plaintiff might have recovered. The Judge overruled this defence, and directed the jury that in point of law the notice of dishonor as sent was sufficient, and that they should find for the plaintiff. The jury came into court with a verdict for the defendant, on the ground, as they stated, that the notice as sent was not sufficient. The Judge told them that he could not take such a verdict: that it was directly contrary to law: that to determine the law was his office, and not that of the jury, and sent them back to the jury-room to reconsider the matter. At the expiration of two hours he had them brought into court, when they re-affirmed the verdict for the defendant. The Judge then told them that he could not force them to give a different verdict, and that having done his duty he should order the verdict to be recorded, and leave them to their own consciences. For plaintiff, John C. Allen; for defendant L. P Fisher.

J. A. Morrison against Dinsmore. This action was brought against defendant as acceptor of a bill of exchange. No one appearing for the defendant the plaintiff had a verdict for the amount claimed.—C. W. Weldon for plaintiff.

Doe on the demise of A. W. Rainsford against David Oliver.

An action of ejectment to recover lands in Wicklow purchased by Rainsford at a sale under a mortgage. No one appearing for the defendant the plaintiff got a verdict. L. P. Fisher, for plaintiff.

Ignace Le Bel against J. R. Tupper and David Munro.

An action of trover to recover the value of fifty-eight pieces of pine timber, alleged to contain 192 tons, and to have been converted and disposed of by the defendants. It appears that in the spring of 1855 plaintiff had a quantity of timber floating down the River St. John; that Richardson and Magee, who had contracted with the York and Carleton Mining Company to carry pig iron to Fredericton, picked up some of the timber and made "bottoms," for the transportation of the iron; that Frazer, the foreman of plaintiff's drive, told the parties he could not allow the timber to remain behind the drive, but must take the rafts. Thereupon Richardson applied to Munro to induce the foreman to allow the raft to be taken down to Fredericton with its load of iron. Frazer refused, but referred Munro to LeBel himself, who he thought was at the Creek Village, or to Tracey. His agent, Munro, upon going to the Creek, found that LeBel had left, and that Tracey was not to be found, whereupon he went to Tupper, a stockholder and director in the Iron Company, who directed him to one Austin, a person in Tracy's employ. Austin at their united request went up, when Richardson, Fraser, Munro and Austin met, and an agreement was made respecting the timber, under which the bottoms were left behind the drive for the carrying down of their loads of iron. The plaintiff contended that the agreement was to deliver the timber to Wm. A. McLean, in Fredericton, while the defendants, denying all responsibility in the matter, contended that the agreement was that Richardson should take the timber to Fredericton and set it adrift. Fraser and Austin swore that the terms agreed upon were to deliver to McLean, while on the other hand Richardson and Munro testified that although Munro suggested that the timber might be left at Fredericton, in charge of T. G. Allen, the Company's agent, or McLean, Fraser declined, and declared that if the timber arrived at that place before the drive and was set adrift nothing more was wanted. Richardson testified that this had been done, and Allen, the agent, proved the arrival of the rafts, their being unloaded and cast adrift, and that he could have taken care of timber until the arrival of the drive had he been so directed. LeBel swore to the loss of 102 tons of timber, and to Tupper having acknowledged to him having taken the timber for the purpose of carrying the iron as already mentioned. LeBel also testified that having had previous difficulty with the Boom company he did not wish his lumber to go into the boom, and rafted it above, except what had been thus taken. There was other conflicting testimony: The jury found for the defendants.—For the plaintiff the Attorney General; for defendants L. P Fisher.

John Caldwell against David R. Stewart.

An action on a promissory note made by defendant in favor of one Holmes, and by Holmes endorsed and delivered to plaintiff. Defendant agreed to purchase from Holmes and his wife a lot of land in Wicklow for forty pounds, and gave this and another note, receiving a bond for a deed when the notes should be paid. Stewart had paid the first note, but refused to pay that for which this action was brought, alleging that Holmes had no title to the land, and that this note being overdue this defence was available. It appeared further that Holmes had endorsed the note to Mr. Tupper in part payment of a lot of land, and that above defendant refused to pay its amount to Tupper, who returned it to him, and received in its stead the note of the plaintiff, who took defendant's note to Holmes in consideration of thus assuming Holmes' debt. It also appeared that defendant had gone into possession of the land at the time of giving the bond, and had remained, and was still in possession, and that he had never rescinded the contract, but had partially performed his share. On the other hand it was shown that Holmes' title to the land being defective he could not give defendant anything more than a possessory right, although the understanding was that he should give a good and sufficient title.—The defendant's counsel offered in evidence copies of deeds showing an alleged good title out of Holmes, but the Judge refused to receive them, holding that the defendant could not call upon Holmes to complete his part of the contract until he had completed his own by paying the note, when if Holmes did not give him a good title of the land he had his remedy by an action on the bond. The jury gave a verdict for the plaintiff for the amount of the note, about £27.—For plaintiff L. P. Fisher; for defendant John C. Allen.

The above were all the civil causes tried. There was but one criminal cause, of which on account of the interest which it excited we give a brief report.

The Queen against Humphrey Tompkins, Tristram Tompkins and Jarvis Tompkins. To the indictment, which was for an assault and robbery of Mrs. John O'Leary, of Simonds, the defendants pleaded *Not Guilty*. The Attorney General conducted the prosecution, L. P. Fisher appeared for the defence.

The principal witness, and the only witness as to the actual fact of the alleged assault and robbery, was Mrs. John O'Leary, of Simonds. Her testimony was to the effect that on a certain day last fall she in a waggon with her daughter aged 16 or 17, accompanied by her married daughter, Mrs. Lucy and Mrs. Ingrigan, in a second waggon, travelled from Woodstock to her home in Simonds. They were overtaken by defendants in a double waggon, who abused them, used bad language towards them, drove past them several times, striking their waggons, and otherwise annoying them. Herself and her companions stopped at several places, and upon the last occasion defendants passed them, and went on ahead. At the cross-road at which the Tompkinses would have turned off to go to their own house, defendants had turned their waggon in, but when Mrs. O'Leary and her two daughters—she had been joined by another on the way—passed in their waggon defendants turned their waggon back into the road before the waggon of the two women who followed. These latter went back to get help. Mrs. O'Leary swore that the defendants followed, passed her waggon, Tristram pulled her out of the waggon, Jarvis held her by the shoulders, and Tristram with a knife cut away her pocket, containing about ten pounds in banknotes and some silver.

The other two women testified to Jane O'Leary having come back to them and upon their going forward to their finding Mrs. O'Leary sitting by the side of the road, with the Tompkinses standing on the road not far off; that Mrs. O'Leary cried out that she had been robbed by them; but neither of them saw the act committed. For the defence there was strong rebutting evidence. The testimony of Mrs. O'Leary was most flatly contradicted on several essential points. A person who heard her pass calling murder and so on followed close behind the waggon of the Tompkinses to where it turned, was present at the time and the place at which the robbery was alleged to be committed, and saw nothing of the assault and robbery, but did see and hear Mrs. O'Leary walk up to one of the defendants and call him names, and offer to fight him. Others who were near contradicted Mrs. O'Leary's testimony in important points. It was proved that at first she charged the defendants with robbing her of twenty pounds, and afterwards fell to ten. Evidence was produced to show that there had been differences between Mr. and Mrs. O'Leary and the defendants, and that she threatened to drive them off the William stown road, and that she on the journey out had been more abusive than they. Mr. Fisher on the defence insisted upon these contradictions and inconsistencies, and also upon the non appearance in the witness stand for the prosecution of Jane O'Leary, who was the last person with her mother before the alleged robberty took place, and, according to her mother's evidence, jumped out of the wagon when the defendants made the attack. Mr. Fisher also alluded to some circumstances brought out in evidence showing that there was a religious feeling in the matter, the prosecutors being Roman Catholics, and the defendants Protestants, and we believe Orangemen, and very properly deprecated the attempt to introduce such feelings into the matter. The Judge in summing up remarked upon the absence of Jane O'Leary as a witness for the prosecution as a most extraordinary circumstance, and upon the many points in which the evidence for the prosecution was contradicted by the testimony of their own witnesses, as well as by that of the defence. The jury, after a short absence returned a verdict of *Not Guilty*.