

# The St. Andrews Standard.

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*Evans sumendum est optimum.*—Cic.

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No 43

SAINT ANDREWS, N. B., WEDNESDAY, NOVEMBER 3, 1859.

[Vol 25.]

**A Criminal Case the Defendant cannot waive his right to a full Jury.**

**COURT OF APPEALS—Albany.**—After the trial of the case of *People v. Canine* for murdering policeman Anderson had commenced, it was discovered that one of the jury had been tampered with before he was sworn in. He was therefore removed from the panel, and the prisoner consented that his trial should go on with only eleven jurors. He was convicted, and writ of error was brought in his behalf. The opinion of the Court on the appeal was delivered by *Strause, J.*, and after giving a very full statement of the proceedings at the trial and subsequently, and the points raised by the counsel, he said—

But it is insisted, that the plaintiff in error might waive his right to a trial by a jury of twelve persons, and that having done so, the trial and conviction in this case were valid. The researches of counsel have not enabled them to refer the Court to any case directly in point, either in favor or against his proposition, nor are the Court aware of any such case; and hence it must be examined and decided in the light of principle and such analogies as reported decisions afford.

There is, obviously, a wide and important distinction between civil suits and criminal prosecutions, as to the legal right of a defendant to waive strict substantial adherence to the established constitutional, statutory and common law mode and rules of judicial proceedings. This distinction arises from the great difference in the nature of such cases, in respect to the interests involved, and the objects to be accomplished.

Civil suits relate to, and affect, as to the parties against whom they are brought, only individual rights which are within their individual control, and which they may part with at their pleasure. The design of such suits is the enforcement of merely private obligations and duties. Any departure from legal rules in the conduct of such suits, with the consent of the defendants, is, therefore a voluntary relinquishment of what belongs to the defendants exclusively; and hence there is manifest propriety in the law allowing such consent to have the effect designed by it in most cases, as to matters within the jurisdiction of the courts. The law does recognize the doctrine of waiver to a great extent; in some instances, even to the deprivation of constitutional rights.

*(Bankers vs. Conner, 3 Coms. 511; Tombs vs. The Rochester and Syracuse Railroad Company, 18 Barb. 583.)* But it is even settled that in civil cases consent will not confer jurisdiction of the subject matter; and where such jurisdiction exists, a change may be so extensive as to convert the case from a judicial proceeding into a mere arbitration. (*Green vs. Patchin, 13 Wend. 298; Silvester vs. Redfield, 19 id. 11; Derick's Admin. vs. Richley, id. 109.*) The substantial constitution of the legal tribunal and the fundamental mode of its proceeding, are not within the power of the parties. It was deemed necessary to insert in our present constitution a provision that "a jury trial may be waived by the parties in all civil cases in the manner prescribed by law," to authorize even the Legislature to confer a right to dispense with that mode of trial. This is a solemn judgment of the organic law that, without such a provision, the trial by jury in cases where it had theretofore been used, could not be dispensed with.

Criminal prosecutions involve public wrongs—"a breach and violation of public rights and duties"—which affect "the whole community, considered as a community, in its social and aggregate capacity." (3 Bl. Com., 2, 4, id. 4.) The end they have in view is the prevention of similar offences, notatonement or expiation for crimes committed (Id. 11). The penalties or punishments, for the enforcement of which they are means to the end, are not within the discretion or control of the parties accused; for no one has a right, by his own voluntary act, to surrender his liberty or part with his life. The State—the public—have an interest in the preservation of the liberties and the lives of the citizens, and will not allow them to be taken away "without due process of law." (Const. art. 1, sec. 6.) When forfeited, as they may be, as a punishment for crimes, criminal prosecutions proceed on the assumption of such a forfeiture, which, to sustain them, must be ascertained and declared as the law prescribed. Blackstone, volume 4, page 189, says: "The king has an interest in the preservation of all his subjects." And again, in vol. 1, page 133, that the "natural life, being the immediate donation of the great Creator, cannot legally be disposed of or destroyed by any individual, neither by the person himself nor by any other of his fellow-creatures, merely upon their own authority." These considerations make it apparent that the right of a defendant in a criminal prosecution to affect, by consent, the conduct of the case, should be much more limited than in civil actions. It should

not be permitted to extend so far as to work radical changes in great and leading provisions, as to the organization of the tribunals or the mode of proceeding prescribed by the Constitution and the laws. Effect may justly and safely be given to such consent in many particulars, and the law does, in respect to various matters, regard and act upon it as valid. Objections to jurors may be waived; the Court may be substituted for triers to dispose of challenges to jurors; secondary, in place of primary evidence may be received; admissions of fact are allowed; and in similar particulars, as well as in relation to mere formal proceedings generally, consent will render valid what without it would be erroneous. A plea of guilty to any indictment, whatever may be the grade of the crime, will be received and acted upon if it be made clearly to appear that the nature and effect of it are clearly understood by the accused. In such a case the preliminary investigation of a Grand Jury, with the admission of the accusation in the indictment, is supposed to be a sufficient safeguard to the public interests. But when issue is joined upon an indictment, the trial must be by the tribunal, and in the mode which the constitution and laws provide, without any essential change. The public officer, prosecuting for the people, has no authority to consent to such a change, nor has the defendant.

Applying the above reasoning to the present case, the conclusion necessarily follows that the consent of the plaintiff in error to the withdrawal of one juror, and that the remaining eleven might render a verdict, could not lawfully be recognized by the court at the circuit, and was a nullity. If a deficiency of one juror might be waived, there appears to be no good reason why a deficiency of eleven might not be; and it is difficult to say why, upon the same principle, the entire panel might not be dispensed with, and the trial committed to the Court alone. It would be a highly dangerous innovation, in reference to criminal cases, upon the ancient and invaluable institution of trial by jury, and the Constitution and laws establishing and securing that mode of trial, for the Court to allow of any number short of the full panel of jurors; and we think it not to be tolerated.

The opinion of the Judges of the Court of King's Bench, in the case of *Lord Dacres*, tried in the reign Henry VIII. for treason, strongly fortifies the conclusion above expressed. One question in that case was, whether the prisoner might waive a trial by his peers and be tried by the country; and the judges agreed that he could not, for the statute of Magna Charta was in the negative and the prosecution was at the King's suit. (*Keeling's Reports, 59.*) Woodson, in the *Lectures*, vol. 1, 346, says, the same was again resolved on the arraignment of *Lord Audley*, in the seventh year of the reign of Charles I. and that the reason was that the mode of trial was not so properly a privilege of the nobility as part of the indispensable law of the land, like the trial of commoners by commoners, enacted, or rather declared by Magna Charta. In 3 Inst. 30, the doctrine is stated that a "noblemen cannot waive his trial by his peers and put himself upon the trial of the country, that is, of twelve freeholders; for the statute of Magna Charta is that he must be tried *per pares*, and so it was resolved in *Lord Dacres's case*. It is unnecessary to pursue this discussion further; and it remains only to add, as the result of the foregoing views, that in the opinion of the Court the judgment below should be reversed and a new trial ordered. —[From the Boston Daily Courier, Oct. 25.]

## Teaching the Prince Religion.

The notion of 'teaching' religion, in the way of drill exercise, which is a very strange notion, though not a common one, and not peculiar to *Nietzsche* and *Friedrich Wilhelm*. Piety to God, the nobleness that inspires a human soul to struggle heavenward, cannot be taught by the most exquisite catechisms, or the most industrious preachings and drillings. No; alas, no. Only by far other methods—chiefly by silent, continual example, silently waiting for the favorable mood and moment, and aided them by a kind of miracle, well enough armed 'the grace of God,' can that sacred contagion pass from soul into soul. How much beyond whole libraries of orthodox theology is, sometimes, the mute action, the unconscious look of a father, of a mother, who had in them 'Devoutness, pious nobleness!' In whom the young, not observant, though not consciously observing, came at length, to recognize it; to read it, in this irrefragable manner: a seed planted thenceforth in the centre of his holiest affections for evermore.

## A Courageous Girl.

On Saturday, the 21st ult., as the pupils of Mrs. Well's school at Richmond were walking near Lord Russell's residence in Rich-

mond park, a ruffian having thrown one of the young ladies on the ground attempted to steal her watch and chain; the fair one however, held it fast; and whilst the other girls together with the governess accompanying them, ran for assistance, Miss Jesse, flying to her school-fellow's rescue, attacked the man with such determination that he left the field without booty. From the description given of him by the ladies he was afterwards captured by the police, and at the Richmond Petty Sessions on Tuesday was committed for trial.

## From Fraser River.

The *Sea Bird* and *Wilson's* *Ox* Hunt arrived on Saturday at Victoria from Fraser River, brought no news of special interest. The river still continued high, and the miners were still waiting for the waters to fall. Nothing has been heard of Gov. Douglas's proceedings.

The depression still continues in Victoria. Merchandise is selling at very low prices. Merchants can be seen in all the streets, in front of their stores, wearing very gloomy faces, and watching in vain for customers. There is nevertheless a considerable degree of confidence that the mines will ultimately prove rich, though many doubt whether they will be able to sustain themselves until the day of prosperity.

The steamer *Sea Bird*, which had been aground on a bar in Fraser River, twelve miles below Fort Hope, since the 24th of June, was successfully launched on the 21st inst., and arrived safely at Victoria. She will now run regularly between Victoria and Fort Langley. She will connect with the *Enterprise*, under command of Capt. John Wright, which will run between Fort Langley and Fort Yale.

## Steam-Carriage in London.

On Thursday, July 29, an experiment was made on the Westminster road, and witnessed by thousands of spectators, who seemed much interested and astonished on seeing a steam-engine traversing the streets of London. The machine was steered by a person who handled a wheel about the size and appearance of those used on our river steamboats, but made of metal. Two other men were at the end of the engine, one acting as stoker, and his companion assisting as a kind of brake when it was necessary to turn. This was all the manual aid required for its progress. Attached was a truck or platform on wheels loaded with packages of several tons weight. It proceeded from the manufactory of Maudslay & Field, along the Westminster road to their wharf, close to the Westminster bridge and here it was guided round with the utmost ease, and without a moment's delay. The engine is the invention of a Mr. Bray who has obtained a patent. It is adapted to travel up hills or down, and its speed may be increased at pleasure. On this occasion it went through the throng of carriages and people at walking pace, and it was several times stopped and then got in motion, showing it to be perfectly safe and easy of control.

(The extent to which this new application of steam power may be made available, cannot at present be determined; but in the case of the engineers who have matured its construction, its use has been practically demonstrated. These immense masses of iron work produced at the workshop of Maudslay & Field, gigantic boilers and other machinery, weighing many tons, when removed, had to be drawn by ten, twelve, and sometimes sixteen horses. Now here is a motive power occupying no more room than a van, or an omnibus, performing the same work with an economy of space most desirable in crowded thoroughfares, and doubtless with a great saving.)

The time may soon arrive when the invention may be used for carrying passengers in our streets, for drawing heavily laden carts or waggons, on the highway, or dragging ploughs in the field, or for performing other necessary and important services which no animal force could accomplish. —[London Illustrated News.]

## ARRIVAL OF THE PERIA AT NEW YORK.

NEW YORK, Oct. 26.  
Persia, from Liverpool, 16th, arrived.  
Consols 98½ a 98½. Money Market easier.  
Breadstuffs and provisions at Liverpool continue dull, with little change in quotation Coffee and sugar firm. Common Congo Tea, 11d.

Pannic at Vienna, caused by intended specie payment by Bank.

Duke of Malakoff married on the 12th. Prospectus issued to establish Galway Steamship Line with capital of half million sterling.

France accepted mediation of a friendly power in dispute with Portugal, and pacific solution considered certain.

Great decrease in specie in Bank of France.

Bombay advices to Sept. 24th. Disarmed troops at Moultan had multiplied, and been nearly exterminated.

British destroyed forts at Narin n, China, but spared the town.

Priores beaten for Caezarowitch handycap by half a head. Rocket was winner.—34 horses ran.

## MASSANIELLO.

Massaniello, or properly, Thomas Aniello, the Neapolitan patriot, was born at Amalfi, and gained a living in Naples as a fisherman, and dealer in fish and fruit. He was very poor, but possessed a proud and enterprising spirit. His love of freedom, and the bold manner in which he expressed himself on that subject, and respecting the oppressor which he declared Naples had long endured from Spain, procured him a large number of followers among the people of Naples, who admired him for his boldness and the principles which he preached. He was quite eloquent, and he soon stirred up the populace to such a pitch of excitement, that nothing but a good opportunity was wanting for him to appear at their head in an attitude of defiance against the Government. The opportunity came in the year 1647. Massaniello had brought a basket of fruit to the city, for which the collectors demanded a tax.

He refused, and they, using force he threw himself on the earth and implored the populace to aid him against the violence of the tax-collectors. The multitude at his call immediately assembled, and with him at their head, they advanced to the tax office crying, 'Long live the King but down with the bad Government.' They then repaired to the castle of the viceroy the Duke of Arcos, and demanded that he should receive Massaniello as a colleague. In vain did the Archbishop of Naples seek to appease their fury, in vain did John of Austria, a natural son of Philip IV of Spain, appear in the harbour of Naples with twenty-two galleys; the rage and power of the populace only increased the more, and was directed against the nobility as its chief object. The revolution succeeded, the nobility was overcome and Massaniello was made governor of this city. Seven days passed, and the people began to talk of capitulation. It was agreed that the tax on fruit should be abolished and the ancient liberties restored. The King of Spain gave the promise of his assent within a certain time. Massaniello, on this assurance, laid down his arms, and returned to his former occupation of fisherman, without demanding any distinction for what he had done. But the viceroy determined to get rid of him, knowing that he still possessed great influence over the populace. He invited him to his house, and it is said mingled poison with his wine. The poison did not kill him, but made him delirious; and in this state he ran through the streets of Naples, shooting his best friends and committing the greatest excesses. The people now believing that he had turned against them, poured forth in crowds upon him, shouted for the viceroy, and demanded Massaniello's death. He fled before their fury to a Carmelite convent, but four persons who had formerly been his friends shot him dead with several balls. This occurred on July 16, 1647. Soon after this the true sentiments of the viceroy becoming manifest, the people again gave signs of tumult. They now remembered Massaniello, considered him a martyr to liberty, and buried his body with every mark of respect.

## A WARNING TO YOUNG MEN.

Those who have never been brought into close contact with parties committed to Newgate can have little idea of the dreadful scenes of distress witnessed, when charges of embezzlement, or forgery or breaches of trust, are alleged against members of respectable families.

I often think that if a young man could, on a visiting day, see a heart-broken father have his first interview with his criminal child—or if he could behold an agonised widow sinking to the earth with agitation at the sight of a boy in confinement—could he witness the shame and disgrace felt by near and dear relatives, who are involved in all the consequences though free from the guilt of his offence, he would surely pause before he appropriated his employer's money to his own purpose; and he would suffer any extremities of poverty rather than subject his dearest relatives to such heartrending sufferings. Our feelings are continually harrowed by such spectacles, and I wish that the guilty could see them in time to avert their repetition.

Most affecting circumstances are elicited by the correspondence of such persons with their friends. Some of the most distressing pictures of sorrow are exhibited in the affectionate letters of a sister or confiding wife—the desolation in the domestic circle

—the heart-stricken parent the manly and yet merciful reproof of a well-informed brother. But the most striking affliction of all is in the poor widowed mother. No crime can kill her feelings; they remain in the most deplorable cases of guilt, as a ruin in a desert, to show what has been in former days and what is now. The painful feelings ought to be dwelt upon. They contain almost the ray of hope that will effectually deter offenders from their crimes. Many painful instances transpire, some at every session, of vices separating a member from a family circle otherwise happy; of children looking to a father for bread, but finding him in gaol. Can words describe the distress of a virtuous wife thus surrounded, and worse than widowed by the dissolute conduct of her husband? And can any young man, read this exact picture of what is continually occurring, and yet be heartless enough to plunge his relatives into such wretchedness?

It would be happiness if these remarks could reach a guilty youth and induce him to abandon his associates his pleasures, and his criminalities, before they involve himself and his friends in the fearful severities of penal inflictions. —[Rev. Mr. Davis's Newgate Report.]

## A Dream at Sea.

"The aforesaid Sir Henry Digby, in the command of a frigate, had shaped his course, for Cape St. Vincent, and was running to the southward in the latitude of Cape Finis-terre. He rang his bell at eleven o'clock for the officer of the watch, and asked him—

"How are we standing?"  
"South-west, sir."  
"What sort of weather?"  
"The same, sir, as when you left the deck; fine strong breeze; starlight night."  
"The same sail?"  
"Yes, the same; double reefed topsails and foresails."  
"Has there been anybody in my cabin?"  
"I believe not, sir; I shall ask the sentry."

"Sentry," asked the officer of the watch, "has there been anybody in the Captain's cabin?"  
"No, sir," said the sentry, "nobody."  
"Very odd," rejoined the Captain, "I was perfectly convinced I had been spoken to." At two o'clock the bell was again rung, the same questions repeated, and the same answers given.

"Most extraordinary thing," said Captain Digby; "every time I dropped asleep I heard somebody shouting in my ear, 'Digby! Digby! go to the northward!' 'Digby! Digby! go to the northward!' 'Digby! Digby! go to the northward!' I shall certainly do so."

"Take another reef in your topsails," he continued to the officer of the watch; "haul your wind and tack every hour till daylight and then call me."

The officer of the middle watch did according as he was ordered, and when relieved at four o'clock his successor was greatly astonished at finding the ship on a wind and asked the meaning of it.

"Meaning, indeed," said the other; "the Captain has gone mad, that's all, and he then told his story, at which they laughed heartily."

There was, however, nothing to do but obey the orders; and the ship was tacked at four, at five, at six, and at seven. She had just come round for the last time, as the day was breaking, when the look-out man cried out.

"Large ship on the weather bow!"  
A musket was fired to bring her to, and she proved a Spanish vessel laden with dollars and a rich cargo, which gave the fortunate dreamer a large portion of the great fortune which he amassed in the naval service. The story was told to my friend the late Sir Jahleel Brenton, and by him repeated to me; the high character of him and Sir Henry Digby forbidding the possibility of fabrication. —[From Seadrift, by Rear Admiral Sir H. Robinson.]

## Business in England.

Letters from Liverpool say the firmness of the English cotton market is owing to the limited arrivals and the moderate quantity of American known to be at sea. The supply of East India on the way to arrive during the year, is estimated at only 79,000 bales, against 166,000 bales last year.

The Manchester spinners continue to show great sympathy in giving orders for cotton from the United States, and those which are given are at very moderate limits. Business in the manufacturing districts had become quiet and the transactions small, although no concession in prices was offered. The last year's crop had not given any further impulse to the India trade.

The grain crops through Great Britain and Ireland fully secured; wheat full average.











## SHERIFF'S SALES.

to take place at the Court House.

Real estate John Cunningham March 12  
Do Edward Seelye March 13

TO BE SOLD at Public Auction, on Saturday the 12th day of March next, at 12 o'clock, noon, at the Court House in St. Andrews:

All the right, title, interest, and claim whatsoever of JOHN CUNNINGHAM, to the Lots numbered 3, 8 and 9 situated at Chamcoo, in the Parish of St. Andrews, being a portion of Minister's Lot, so called, and formerly owned by Dr. DeWolfe, with the buildings and improvements thereon. The same having been seized, to satisfy an execution in favour of William Cunningham, endorsed to levy \$55, &c.

THOS. JONES,  
Sheriff of Charlotte.

Sheriff's Office, St. Andrews,  
Sep. 6, 1858.

TO BE SOLD at Public Auction, on Saturday the 12th day of March next, at 12 o'clock, noon, at the Court House in St. Andrews:

All the right, title, interest, and claim whatsoever of EDWARD SEELYE to all that certain piece or parcel of Land, situate in the Parish of St. George, in the County of Charlotte, in the Philip Bailey grant, bounded as follows: beginning on the West bank of the Maguadavie River, at the boundary line between lands formerly owned by the late Orange Seelye and Edward Seelye, thence West along the old Stewart Seelye's South West corner, thence North twenty-nine rods, thence West to Jeremiah Fowler's eastern line, thence South along said Fowler's line to the Maguadavie River at Harrow's eddy, thence easterly following the several courses of the River to the place of beginning, containing Twenty Acres more or less, with the privileges and appurtenances.

The same having been seized and taken to satisfy executions out of the Supreme Court, at the suit of A. J. Seelye and Patrick Callaghan, to levy \$219 15, and \$223 19, &c. respectively, besides Sheriff's fees, &c.

THOS. JONES,  
Sheriff of Charlotte.

Sheriff's Office St. Andrews,  
7th Sep. 1858.

## NOTICE.

THE Subscriber respectfully intimates to his friends and the public generally that he is in the shop recently occupied by Mr. E. Stenford, where he will be prepared to execute work in his line with fidelity and dispatch. From experience in business, derived in some of the best establishments in the United States, he trusts by strict attention, to receive a share of public patronage.

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## Notice to Ship Owners.

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Sept. 9, 1858.  
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ROBERT G. ROBB,  
Commanding U.S. Ship Cyclops.

Capt JAMES CLARK,  
Off Machias, Seal Island.

I have again employed Capt. James Clark, of St. Andrews, as Pilot in the Bay of Fundy, and in the coast of Nova Scotia to Halifax, and find in every thing that can be desired.

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A new, speedy, and most successful mode of treating Spermatorrhoea, Nervous Debility, and all Urino-Genital Diseases.

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THE MEDICAL ADVISER on decay both mental and physical, arising from excesses, infection, climate, &c. speaks on the use of the Microscope, and the devices of certain quacks to alarm the too sensitive invalid observations on Marriage, the prevention and removal of certain disqualifications rules for self-treatment, &c. By WALTER DE KOOS, M.D., of the Ecole de Medicine, Paris; Member of the Royal College of Surgeons, London; Licentiate in Midwifery, &c. &c. &c. 10, Berners-street, Oxford-street, London. Hours for personal consultation daily from 1 till 3 on Sunday excepted.

Sold in Dublin by Berry, 162, Great Britain-street; Edinburgh, Robinson, 11, Green-side-street; Glasgow, Love, Bookseller, and by all the Agents.

From long practical observation of the treatment pursued in the various Institutions of London and Paris for these diseases referred to in the above work, the Author has had some of the most successful results, which have been characterized by his practice for so many years in this country, in which the lamentable neglect of these diseases by medical men generally, and their futile attempts to cure by mercury, suppositories, &c. have produced most distressing results. Lasting benefit in such cases can only be reasonably expected at the hands of the legally qualified medical man who devotes his chief attention to their removal; and to him only who can show some reasonableness of the necessary qualifications, can confidence be safely extended. Dr. De Koos refers with pride to the numbers he has been instrumental in restoring to health and happiness; and to those who may be in need of such aid, he offers every assurance of speedy restoration.

Persons residing abroad can be successfully treated by correspondence, on sending a full detail of their case, with a Bank note, or Bill on a London house for £5, in order to have a packet of medicines sufficient to meet the exigencies of the case, sent out by next mail; thus avoiding unnecessary loss of valuable time, and much suffering which might otherwise occur.

The Great European Remedy for Nervous Debility, and all Urino-Genital Diseases, is sold by all the great Continental Colleges of Medicine.

DR. DE KOOS' GUITE VITE, or LIFE DIOPHOS, are the great remedy for Spermatorrhoea, Exhaustion, Nervous Debility, Aversion to and incapacity for Society, Study or Business, Shaking of the Hands and Limbs, Indigestion, Flatulence, Shortness of Breath, Asthma, Consumptive Habits, Dimness of Sight, Dizziness, Pains in the Head, Eruptions, Sores, Throat, Pains in the Throat, and all those diseases for which mercury, suppositories, &c. are too often employed, to the utter destruction of health. Their almost marvellous powers must be felt to be believed. Hundreds of apparently hopeless cases have been cured, and thousands almost miraculously relieved, when every thing else had failed; and they must sooner or later supersede all these questionable remedies which have hitherto been the sole reliance of English medical men.

Price 15s. and four times the quantity at 32s. per bottle, of the Agents below. The £5 packages containing twelve 11s. quantities, (by which £12 12s. are saved.) will be sent from the Establishment only, on receipt of the amount per draft on a London house or otherwise.

CAUTION.—Sufferers must guard against the recommendation of spurious or other medicines by unprincipled vendors, who thereby obtain a larger profit. The words "WALTER DE KOOS, LONDON," are printed in White letters on the Stamp affixed to the bottle, by order of Her Majesty's Honourable Commissioners, to protect the public against fraud, as without this none can be genuine, and to imitate which is a felony.

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BOSTON.

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THE Proprietor of the above Establishment gives notice to the Public, that he has engaged into Partnership with his Brother under the firm of

J. & R. MILLIGAN,  
and they have added largely to their stock of different Stone and Marble, and are prepared to supply at the shortest notice—Monuments, Headstones, Tombs, Vanities, Font, Nettle fires, and Table Tops, &c. &c. of all designs and patterns, and all kinds of custom for Buildings.

They also beg to intimate that they are not under the necessity of importing stone from United States to execute their work, but have lower prices than any other workmen may be found in this City, without sending for foreigners, and thereby throwing out people out of employment. Our motto is "Protection to our own Mechanics."

JAMES MILLIGAN,  
ROBERT MILLIGAN.

We have always on hand, a great variety of—

Finished Monuments, Tombstones, and Head Stones.

Also—Grindstones, and Stove Pipe Stones, all sizes, sold cheap.

AGENTS.

St. Andrews, Mr. I. Snodgrass, saddler.

Bucabec—Mr. R. Purvis.

St. George—F. Hubbard, Esq.

Fredericton—Mr. G. Hat, merchant.

Penfield—Mr. Josiah Prescott.

St. Davids—Mr. Wm. Hyslop.

REFERENCE.

St. Andrews—Capt. James.

St. John's—Rev. Mr. Turnbull.

Do. Rev. Mr. Milten.

Harvey, York—The Rev. Mr. Smith.

Prince William, York—Rev. Mr. Glas.

October 31, 1856.

## INK, INK.

A NEW IMPERIAL CHEMICAL WRITING INK.

Warranted not to Injure by Freezing.

THE want of a good description, of Black Writing Ink has been long and severely felt in this Province; one great difficulty is, that Ink now in use is completely useless after freezing; another is, that it corrodes any pen except gold, destroying pens very fast; it will also become thick after being exposed to the air, it cannot be avoided on account of the ingredients most Ink is composed of.

The subscriber begs leave to inform his customers and the public generally, that he has manufactured in Canada, a fine Chemical Ink, which is warranted not to injure by freezing—in fact, after freezing some five or six times, it becomes thicker—making it the best Ink for this climate; it is also warranted not to corrode, making a saving in Pens of 50 per cent. It being a Chemical Ink, it is free from the annoyance of sediment, causing no trouble in cleaning bottles.

In writing, you can perceive a slight shade of blue, causing it to flow free and easy—Government Offices, Banks, and Merchants in Canada have pronounced it superior and cheaper by 25 per cent. than any ink they can import. Merchants in different parts of the Province will find it much to their advantage to buy this Ink instead of importing, as it will insure them a larger profit, quicker sales, and they can recommend it to be so well adapted to this climate. It is put up in bottles, and retailed in—Pyramid 4d., Pints 1s. 6d., Quarts 2s. 6d., or by the Gallon. A large discount made to wholesale purchasers.

Orders received from any part of the Province previous to 1st September next, can be supplied this Fall. The subscriber warrants it as above described, or the money will be returned.

R. S. MILLAR,  
Agent for New Brunswick.

Fredericton, Aug. 12, 1857.

## SUGAR MOLASSES & PORK.

Ex Utica from Boston.

5 Hhds. Bright Muscovado SUGAR,

10 do do MOLASSES,

10 Hhds. Extra Mess PORK,

For sale low.

April 6, 1858.

JAMES W. STREET.

## FLOUR, SUGAR, TEA, &c.

Ex Utica from Boston now landing.

200 Bbls. Philadelphia superfine and extra flour.

20 Hhds. prime Muscovado Sugar.

10 Hhds. of Congou Tea.

71 Hhds. Duff Gordon Old Sherry Wine.

4 Cr Casks 10 Cr Casks Superior Brown Sherry.

Port Wine.

46 Baskets "Heidsieck" Champagne &c. &c.

J. W. STREET.

May 26, 1857.

## MORSE'S INDIAN ROOT PILLS.

CAUTION.

Merchants and Traders will be on their guard, and not be imposed upon by a Counterfeit of Morse's Indian Root Pills signed A. B. Moore. All genuine Indian Root Pills have the name and signature of A. J. White & Co. on each box.

MORSE'S INDIAN ROOT PILLS, has spent the greater part of his life in travelling, having visited Europe, Asia and Africa, as well as North America—has spent three years among the Indians of our Western country—it was in this way that the Indian Root Pills were first discovered. Dr. Morse was the first man to establish the fact that all diseases arise from impurity of the blood—that strength, health and life depend upon this vital fluid.

A. J. WHITE & CO.,  
50 Leonard Street, New York.

## DR. MORSE'S INDIAN ROOT PILLS.

DR. MORSE, the inventor of MORSE'S INDIAN ROOT PILLS, has spent the greater part of his life in travelling, having visited Europe, Asia, and Africa, as well as North America—has spent three years among the Indians of our Western country—it was in this way that the Indian Root Pills were first discovered. Dr. Morse was the first man to establish the fact that all diseases arise from impurity of the blood—that strength, health and life depend upon this vital fluid.

When the various passages become clogged, and do not act in perfect harmony with the different functions of the body, the blood loses its action, becomes thick, corrupted and diseased; thus causing all pains, sickness and distress of every name; our strength is exhausted, our health we are deprived of, and we are not assisted in throwing off the stagnant humors, the blood will become thick and cease to act, and thus our life of life will be forever blown out. How important then that we should keep the various passages of the body free and open. And how pleasant to us that we have it in our power to put a medicine in your reach, namely Morse's Indian Root Pills, manufactured from Plants and Roots which grow around the mountainous cliffs in Nature's garden, for the health and recovery of diseased man. One of the roots from which these Pills are made is a Sudorific, which opens the pores of the skin, and assists nature in throwing out the filthier parts corruption with it.

The second is a plant which is an Expectorant, that opens and unclogs the passages to the lungs and thus, in a soothing manner, performs its duty by throwing off phlegm and other humors from the lungs by copious spitting. The third is a Diuretic which gives ease and double strength to the kidneys; thus encouraged they draw large amounts of impurity from the blood which is then thrown out by urinary or water passage, and which could not be discharged in any other way. The fourth is a Cathartic and accompanies the other properties of the Pills while engaged in purifying the blood; the corse particles of impurity which cannot pass by the other outlets are thus taken up and conveyed off in granularities by the bowels.

From the above, it is shown that Dr. Morse's Indian Root Pills not only enter the stomach, but become united with the blood for they find way to every part, and completely route out and cleanse the system from all impurity and the life of the body, which is the blood; becomes perfectly healthy; consequently all sickness and pain is driven from the system for they cannot remain when the body becomes so pure and clean.

The reason why people are so distressed when sick, and why so many die, is because they do not get a medicine which will pass to the afflicted parts and which will open the natural passages for the disease to be cast out; hence, a large quantity of food and other matter is lodged and the stomach and intestines are literally overflowing with the corrupted mass; thus undergoing disagreeable fermentation, constantly mixing the blood, which throws the corrupted matter through every vein artery, until life is taken from the body by disease. Dr. Morse's Pills have added to themselves victory upon victory, by restoring millions of the sick to blooming health and happiness. Yea, thousands who have been racked and tormented with sickness, pain, anguish, and whose feeble frame has been scorched by the burning elements of raging fever and who have been brought, as it were within a step of the silent grave, now stand ready to testify that they would have been numbered with the dead, had it not been for this good and wonderful medicine. Morse's Indian Root Pills. After one or two doses had been taken, they were astonished and absolutely surprised, in witnessing their charming effects! Not only do they give immediate ease and strength, and take away all sickness, pain and anguish, but they at once go to work at the foundation of the disease which is the blood. Therefore, it will be shown, specially by those who use these Pills, that they will so cleanse and purify the blood, that the deadly enemy will take its flight and the flush of youth and beauty will again return, and the prospect of a long and happy life will cherish and brighten your days.

CAUTION.—Beware of a counterfeit signed A. R. Moore. All genuine have the name of A. J. White & Co. on each box. Also the signature of A. J. White & Co. all other are spurious.

A. J. WHITE & CO.,  
Sole Proprietors,  
50 Leonard Street, New York.

Dr. Morse's Indian Root Pills are sold by all dealers in Medicines.

Agents wanted in every town, village and hamlet in the land. Parties desiring the agency will address as above for terms.

Price 25 cents per box. Five boxes will be sent on receipt of \$1, postage paid.

## AYER'S Cathartic Pills

(SUGAR COATED)

CLEANSE THE BLOOD AND CURE THE SKIN. Eruptions, Pimples, Moth, Physicians, Philanthropists, read their Kibbets, and Judge of their Virtues.

FOR THE CURE OF

Headache, Sick Headache, Foul Stomach.

Dr. J. C. Ayer, No. 1, has been repeatedly cured of the worst headache any body can have by a dose or two of your Pills. I have used your Pills in my general and hospital practice ever since you made them, and cannot hesitate to say they are the best cathartic we employ. Their regulating action on the liver is quick and decided, consequently they are an admirable remedy for derangements of that organ. Indeed, I have seldom found a case of bilious disease so obstinate that it did not readily yield to them. Sincerely yours, Dr. J. C. AYER, Boston, Mass.

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