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to six minutes, placing it on mow or scaffold of any height and on either side of wagon. the Patent Laws. MURCH & MCFARLANE, STEPHEN Y. MITCHELL.

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D. G. SMITH, EDITOR & PROPRIETOR. FOR TERMS-See Business Notice.

GENERAL BUSINESS.

VOL. 6---No. 2.

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Charlotte St., (OPPOSITE KING SQUARE.)

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WALNUT BEDROOM SETS with French Bureaus and Dressing Cases. We call special attention to these Sets, as their equal cannot be found elsewhere in the City. A large assortment of OFFICE DESKS, TABLES and CHAIRS. Besides these we are showing WARDROBES, BOOKCASES, SIDEBOARDS, WALNUT BUREAUS,

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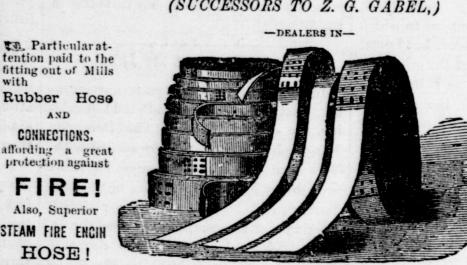
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Received per S.S., "Sarmation," from Liverpool,

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Law, etc.

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NEWCASTLE, N.B. NOTICE,

A LL persons indebted to the Subscriber, are requested to call and pay their accounts immediately, failing which they will be placed at once the hands of a Magistrate for Collection. MRS. JOHN WALLS,

Sheriff's Sale. TO be sold at Public Auction, on Thursday the 15th day of January, next, in front of the Post office, in Chatham, between the hours of 12, neon, and 5 c'clock, p. m.: All the right, title, and interest of Thomas Towhie in and to all that certain piece or parcel of land situate, lying and being in the Parish of Glenelg, and County of Northumberland, abutted and bounded as follows, to wit: In front or northerly, by the Napan Bay, or Miramichi River; Easterly by lands owned by Francis, John and David Loggie, Westerly by lands

owned and occupied by George Taylor; Southerly or in the rear, by lands owned by Alexender Mc Donald, containing 200 acres more or less, being the lands and premises owned and occupied by the late Peter Towhie, deceased, and bequeathed to the said Thomas Towhie, by his father the said Peter Towhie, deceased, by will. bearing date the 8th day of November, A. D., 1875. as will appear by the Records of the said County— The same having beeen seized by me under and by virtue of an execution issued out of the Northumberland County Court, against the said Thomas Towhie at the suit of James Tallon. Sheriff's Office, ) JOHN SHIRREFF,

Sheriff of North umberland.

Newcastle.

CHATHAM.

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FOR SUMMER,

——IS—— Unsurpassed for Variety and

cheapness. by any in the trade.

A call will convince the closest buyer that bargains are being offered for the

W. B. HOWARD. July 5th, 1879. Photograph Albums, Photograph Frames,

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To be sold by Private Contract.—The House and premises situated on the easterly side of Queen St., now occupied by the Subscriber. Also 3 acres of Grass Land on the westerly side of the Old Napan Road. For terms apply to DUNCAN DAVIDSON.

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THE Subscriber begs to inform the public that he has opened a new Tin Shop, on Cunard Street, adjoining Carmichael Bros., store, where he is prepared to attend promptly to all orders for Sheet-Iron. TEAS. SUGARS, MOLASSES &c. Tin-work. HEAD OF CENTRAL WHARF,

and Gas-Fitting.

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200 Tons Old Mines

SYDNEY COAL Mines Certificate can be seen at our Office. Will be sold very low for Cash while landing. GUY, BEVAN & CO.

Chatham, N. B., September 10th '79.

Now landing ex-Schr. " Horton,"

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Scrofulous Humor. VEGETINE will eradicate from the system every taint of Scrofula and Scrofulous Humor, It has permanently cured thousands in Boston and vicinity who had been long and painful sufferers. Cancer, Cancerous Humor. The marvelous effect of VEGETINE in cases of Cancer and Cancerous Humor challenges the most

Canker. VEGETINE has never failed to cure the most in-

Mercurial Diseases The VEEETINE meets with wonderful success in the cure of this class of diseases. Salt Rheume. Tetter, Salt Rheume, Scald Head, &c., will cer-

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VEGETINE has never failed to cure the most in veterate case of Erysipelas. Pimples and Humors on the Face. Reason should teach us that a blotchy, rough or

pimpled skin depends entirely upon an internal cause, and no outward application can ever cure the defect. VEGETINE is the great blood purifier. Catarrh. For this complaint the only substantial benefit

Constipation. VEGETINE does not act as a cathartic to debilitate the bowels, but cleanses all the organs, enabling each to perform the functions devolbing upon

Vegetine has restored thousands to health who have been long and painful sufferers. Dyspepsia. If VEGETINE is taken regularly, according to directions, a certain and speedy cure will follow its

Piles.

Faintness at the Stomach. VEGETINE is not a stimulating bitters which reates a fictitious appetite, but a gentle tonic, which assists nature to restore the stomach to a

Vegetine acts directly upon the cause of these complaints. It invigorates and strengthens the whole system, acts upon the secretive organs and General Debility.

In this complaint the good effects of the Vege-

tine are realized immediately after commencing to

Female Weakness.

take it; as debility denotes degciency of the blood, and Vegetine acts directly upon the blood. VEGETINE

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Vegetine, Carboline, &c., &c. AYER'S Sarsaparilla, Cherry Pectoral and Pille RADWAY'S Resolvent, Relief and Pills, &c.

WILSON'S Sarsaparilla, Balsam, &c. HOLLOWAY'S Pills and Ointment (Genuine LYMAN'S Quinine Wine and Emulsion of Cod BEEF, IRON and WINE, Iron and Quinine Syrup of Iron. FELLOW'S Compound, Peruvian Syrup, San-ALLEN'S Lung Balsam, August Flower, Hoar-NORWAY COD LIVER OIL (Shrei Brand) Newfoundland Cod Liver Oil.
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PURSES in Variety and good value, at the

Miramichi Advance

Gloucester County Court.

BATHURST, 5th Nov. '79. The November Term of the Gloucester County Court opened here on Tuesday the fourth inst., Hon. Edward Williston

There being no criminal business there was no Grand Jury summoned. There was a Petit Jury of twelve summoned and in full attendance.

profound attention of the medical faculty, many The following is the Docket :whom are prescribing VEGETINE to their Kennedy F. Burns vs James Moody-Adams and Lawlor file record. Mary Duguay vs Philip Gallichan-Mr

> should not be set aside. Charles Boss and Richard D. Southwood vs Thomas Miller and Francis J. Gatain. Dominique Gallien vs Fabien LeBoutillier. Appeal.

Queen on complaint of Peter Hachey vs E. D. Chase. tainly yield to the great alterative effect of VEGE-Queen on complaint of Overseers of Poor of the Parish of Bathurst vs William P. Eady-Bastardy.

The first cause taken up was Mary Duguay vs Philip Gallichan. This was an action of Replevin tried at the last on motion of Mr. DesBrisay. Mr. Lawlor, Counsel for Plaintiff, moved for and obtained a rule nisi calling on Defendant to shew cause why nonsuit should not be set aside. The facts of the case were as Complainant to pay costs. can be obtained through the blood. VEGETINE is follows-Plaintiff had lived with Defendant's father for some time. The father died leaving a will by which he devised to the Plaintiff the property in dispute. The Executor appointed by the will renounced the Executorship and John James Vibert, agent of Charles Robin and Company at Caraquet, took out letters of administration cum testamento annexo, as principal creditor. The Plaintiff continued in possession of the property for a short time after the father's death, when the Defendant who had not been living with his father, came and took the property in dispute out of the Plaintiff's possession, and hence the action. The administrator afterwards took the property from the Defendant. The pleas were non cepit, property in Executor and, property in

> alleged property in plaintiff. The chief ground of nonsuit was that Plaintiff by putting in evidence, as part of her case, the letters of administration cum testamento annexo, had proved the property not in kerself, but in the ad

Mr. DesBrisay now showed cause con-

ministrator.

The plaintiff took issue on these pleas and

tending that a man if indebted cannot give away his property by legacies, nor as against the right of the Executor or Administrator. The title and right to personal property vests in the Executor named in the will or the Administrator, and the Legatee has no legal right to mantain any action and has no locus standi in any court of law to shew any title in the property, All legacies pass to the Executor and the Legatee has only an inchoate right which must be perfected by obtaining the Executor's assent. The Legatee has no authority to take possession of a legacy without the assent of the Executor, even if the devisor so directs, and if he the Legatee, does so, the Executor may maintain trespass against him. The Legatee here had shown no such assent, nor had she proved property in herself, therefore nonsuit must be confirmed. Cites, 5 Bacon Abr. last Eng. Ed. page 118 Title, Legacies; 1st Saunders Reports page 280 D.E. note; Coke upon Littleton, page 111, section 167, Tomlins Law Dict. Tit. Legacy, Williams on Executors 3rd Ed. 2nd Vol. pages 1084 and 1085.

Mr. Wilkinson, Q. C. was heard contra The Defendant mistakes entirely the ground on which Plaintiff relies. Plaintiff does not claim as devisee. Plaintiff relies altogether on the ground that she the next 43 in Richmond. The largest was in the actual possession of the goods, and possession is good and sufficient title against all parties until a better title is shewn. Plaintiff could not claim against Executor or Administrator, but as against the Defendant here who is a wrongdoer, her possession is sufficient to maintain an action. Defendant has no right to plead property in a third party. A person claiming through a third party must shew authority of such third party. No such authority is shewn here .-- Ergo 2nd and 3rd pleadings demurrable, being insufficient as setting up a dies testit. For these reasons nonsuit must be set aside and verdict entered for Plaintiff, cites Bullen and Leake 3rd Ed. pages 801, 802, note B, 292,

417, 717, 9., Williams on Executors, pages 166, 664. Mr. DesBrisay, in reply, cited Roscoe N. P. Evid. -856-999.

Kennedy F. Burns vs. James Moodysettled by Defendant giving a cognovit. Adams and Lawlor for Plaintiff, DesBrisay for Defendant.

Dominique Gallien vs. Fabien LeBoutillier. This was a Review from the Parish of Caraquet Civil Court, on a judgment given in favor of the Plaintiff, On R. H. ARNOLD, hearing Mr. DesBrisay on behalf of the Defendant and Mr. E. P. Williston on behalf of the Plaintiff, His Honor remitted it to the Commissioner to be tried de novo each party to pay his own costs. The Queen on complaint of Overseers of

Poor, Parish of Bathurst vs. William P,

Eady. The Complainant not having sufficiently recovered to enable her to appear in Court, this cause was put off till next Term. Charles Boss and Richard D. Southwoodvs. Thomas Miller and Francis J. Gatain. This was a review from the Parish of Bathurst Civil Court on a judgment given in favour of Plaintiffs for \$17,65. The

COMMISSION MERCHANT, action was brought on an open account of \$125.12 which the Plaintiffs claimed was reduced by payments to \$27.32 the amount claimed. The principal item in the account was, one "Boss" Freezer \$90. The defence was that Freezer was not built according to contract and also the Freezer was useless and would not freeze fish as represented by Plaintiffs. An objection that the Commissioner had no jurisdiction in the matter was taken on the trial but over-ruled.

It was elicited in evidence on the trial that there was a special contract between the parties in regard to the freezer by Plaintiffs and some by Defendants and one Ont., Proprietors for the Dominion. MIRAMICH BOOKSTORE. portance. The evidence for the Defence trized.

went to shew that freezer was not completed at the time stipulated, by which the Defendants lost heavily in having no place to keep their fish and that the freezer when completed would not freeze by which they lost on their fish in the American markets; also bad construction. The evidence all though was very contradictory. The Jury returned a verdict as stated alone for \$17.65 in favour of Plaintiffs.

On the Review, Mr. DesBrisay on behalf of the Defendants contended that there being a special contract between the parties, the action did not come under the head of Debt as contained in Section 2, chap. 59, Consolidated Statutes, and, therefore, the Commissioner had no jurisdiction in the matter. He cited the case of Rideout vs. Stevens, 1st Hannay's Report page 28.

Mr. Wilkinson, Q. C. was heard contra. He contended that all contracts were more or less special. This action could be maintained under an indebitatus assumpsit count, and therefore sounded in debt and laid within the meaning of the section above mentioned, cites Bullen and Leake pages 35, 36, 39, 40, and 41. He also argued that the commissioner was wrong in admitting evidence of loss on fish in American markets and otherwise. as that must form the subject of a cross action. Roscoe Evid. 560. He thought commissioner had complete jurisdiction

DesBrisay to shew cause why nonsuit and, therefore, verdict should be sustained. His Honor reserved the judgment with costs of reversal and ordered commissioner to enter judgment of nonsuit in favor of

Queen on complaint of Peter Hachey vs. E. D. Chase. This was an appeal from an order made by D. G. MacLauchlan, Esq., Stipendary Magistrate of Bathurst, whereby the Defendant was acquitted and the Complainant ordered to pay \$4.85 cts. costs. The complaint was for assault and battery. The Stipendary Magistrate July Term, a nonsuit having been granted not having filed his order according to law, the appeal stands over till next Term, and, in the meantime, the order to be filed. The question will arise whether the Complainant can appeal from an order acquitting the Defendant and ordering the Court adjourned sine die on Wednesday

The Church in New Brunswick. The Church Guardian of last week gives the following interesting statistics of the Church of England in the Diocese of

Whole number of Clergy in the Diocese-Bishop, 1; Clergy, 73; total 74. Of the Clergy, 69 are engaged in active parochial The changes in the Diocese, from July, 1878, to October 1879, have been as fol-

Clergy deceased-Revs. A. Wood, N. A. Coster, Canon Harrison, and C. G. Clergy removed-Revs. F. A. Hosfield, Administrator cum testamento annexo.

Clergy Ordained-Revs. E. P. Flewel-

ling, W. J. Wilkinson, W. Greer, F.

Towers, A. Hoadley. Clergy Received-Revs. O. S. Newnham, from Nova Scotia; R. M. Edwards, from Maine; W. M. Groton, from Massachusetts: Geo. Love, from New York; T. N. Jones, from Massachusetts; C. P. Mulvaney, from The total amount of bequests and trusts held by the Society is \$108,945.27, of which \$77,120.00 are invested for the

such as the Widows' and Orphans' Fund, \$12,530.84; Incapacitated Clergy \$5467,75; Divinity Scholarship 1251,84; Education of Children of the Clergy \$1425,79, and some others. The yearly income from these investments was \$5,590.80.

General Missionary Fund, and the bal-

ance is limited to various special trusts,

Only two clergy on the old S. P. G. list There are four S. P. G. pensions to widows of the clergy on the S. P. G. list. A legacy of \$100.00 was received last year from the late John Inch, of New Jerusalem, Queens Co. The whole number of Churches is 90. Chapels 27; Stations 120; Parsonages 39;

349. Communicants about 5000. Marriages 245. Burials 569. Teachers in S. S. 469; Scholars 4007. This list is incomplete, as several parishes did not report. The largest number of Baptisms was 82 Infants and 7 adults from St. George's, Carleton; the next 74 Infants from St. Mark's, St. John; the third 31 Infants and 14 adults from St. George. The largest number Confirmed was 65 in Fredericton;

number of funerals was 32 in Kingston; the

Baptisms-Infants 1172, Adults 55;

several parishes not reporting. Confirmed

smallest number 2 in Wicklow. The following parishes report income from Glebe or Church Lands drawn from land or investments from sale of lands: Andover \$24; Cambridge \$90; Carleton \$304.30; Chatham \$60; Derby \$36; Gagetown \$107.40; Grand Manan \$65; Lancaster \$6; Maugerville \$40; Norton \$90; Petersville \$70; Prince Williams \$78.16; Queensbury \$114; Sackville \$211; St. David \$40; Shediac \$465; Springfield \$209; Stanley \$34.84; Sussex \$294.26; Westmorland \$260.40; Woodstock \$162. The greatest amount of contributions for all church purposes was from Moncton, \$2,135; the next Rothesay, \$2,014; the third Richmond, \$1,480. The city parishes did not report theirs. The missions were never so completely filled up before, new work has been undertaken in various places, and the Judgment was reserved till next Society's report shows a large amount of earnest, successful labour. And we understand from many of the clergy that numbers from other bodies during the past year have come into the old Church which their fathers or ancestors left. We thank God, and take courage. - Guardian.

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