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AND TEMPERANCE JOURNAL.

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HERMAN H. PITTS,
Publisher and Proprietor

New Brunswick Reporter.

SATURDAY, JUNE 2nd 1888.

The St. John Globe favors the sale of the Intercolonial to private parties, when the Short Line is completed. Very naturally the Northern counties which the road traverses object to such a project. It would undoubtedly be exceedingly bad for them.

It is reported that the Maritime Provinces will receive a visit this summer from Hon. Mr. Chapleau, who has been invited here by the Conservative members of Parliament. Mr. Chapleau is acknowledged as a fine speaker, in fact when speaking in his own language, a born orator.

An exchange in referring to the difficulties between the landlords and tenants in Ireland says that the Irish landlords are in a worse fix than the tenants. The late Lord Cavan's estate, consisting of 2068 acres on the Island of Achill, was sold recently and after slight competition purchased by a lady at the modest figure of £630, or about six shillings an acre. The trouble in Ireland appears to be that the agriculturists cannot compete with the products of the west.

The General conference of the Methodist church of the United States has decided upon an important change in connection with the limit of pastorates which has been three years. It will now be increased to five years. An exchange says of it that there is a great deal to be said in favor of the move, especially from the minister's point of view. The triennial movement to which he has been subject at the will of the conference has made him a wanderer on the face of the earth, but continuous with its enforcement there has been an unparalleled development of the denomination. Ministers and people have agreed that a change is advisable. The Canadian branch of the church has had the same matter under consideration and it would not be surprising if its policy were affected by the example of its United States sister.

Mr. Blaine has unconditionally and pre-emptorily refused the nomination by the Republican party to the presidency. It would appear that the party have been looking to him as the most available person, and that his refusal will be a matter of deep regret. Several names are mentioned in connection with the nomination but with Blaine out of the field it is impossible to conjecture who will be the coming man. Some "dark horse" who has never been particularly prominent will doubtless be decided upon. In the meantime the Democrats appear almost as a unit in favor of Mr. Cleveland, who will undoubtedly be the strongest man and be likely to lead their forces to victory. On this side of the line the administration of Mr. Cleveland has been viewed with general satisfaction and his fair and honest dealings on the Fishery question have given universal favor.

Modus Vivendi.

The United States Congress not having accepted the report of the Fishery conference before fishery season set in, the Dominion Government have passed an order-in-council which brings into operation the modus vivende agreed to by the conference, at Washington, and which, if no other action is taken previously, will terminate in two years. Collectors of customs have been instructed to issue licenses to all American fishermen who shall apply and pay the condition fee of \$1.50 per ton on their vessel's tonnage. These licenses include the rights to purchase bait, ice, seines, lines, and all other supplies and outfits, also transhipment of catch and crews. The privileges accorded by the license do not include any right to fish, or prepare to fish, in Canada's waters. The licenses are issued subject to a due observance of all customs and other laws of Canada. The governments of Canada and Newfoundland have arranged that licenses issued by either government shall be recognized in the territorial waters of the other, thus obviating the necessity for procuring licenses from both governments.

Mr. C. H. Tupper, son of Sir Charles Tupper has been appointed to the portfolio of Minister of Marine and Fisheries. It was pretty generally conceded that the vacant office would be given to him, and the appointment meets with general favor. Even the *Toronto Globe* has very little disparagingly to say of him. He brings to the office, for a young man, a thorough knowledge of politics, is well versed in law, is a good speaker and has that ability of making friends easily and of retaining them.

The Short Line.

The St. John *Globe* is considerably exercised over the probability that the portion of the Short Line between Harvey and Salisbury, will be pushed on this year and completed within the time specified in the contract.

The *Globe* says "that no more foolish expenditure of public money could be imagined than is involved in the building of this line." We can assume our contemporary that this is not the sentiment expressed by the people in this vicinity, in fact it is with the liveliest satisfaction we see the *Globe* begin deprecating this expenditure, taking from experience that this is fair evidence that it will be pushed through rapidly. Of course it will be disadvantageous to St. John. We are perfectly aware that the trade that would go through St. John will be diverted and go through Fredericton, in fact this was one of the reasons why we advocated the building of the Short Line over this territory. The *Globe's* argument that it will hurt the Intercolonial railway, is not good, when in a previous issue it advocated strongly the sale of that road to a syndicate as the short line would do away with the necessity of an interprovincial road, going around by the way of the North Shore.

Then too, we can see how Nova Scotia would receive a great gain from the Short Line passing through this city, instead of dropping a large part of the traffic at St. John it will now go through to the eastern port, direct. This seems to be an off year for St. John, but of course it is but natural for every locality to be anxious for all it can get, only let us all be satisfied with our fair share, not degenerating into the hog species, as some of our St. John contemporaries would appear to be.

An Important Case.

The case tried before Judge King in St. John this week, the Bank of Nova Scotia vs. Harrison, is one in which our business men have been deeply interested and it has been watched closely throughout. Judgment has been given for the defendant. In reading over the questions which the jury were called upon to answer, and upon the replies to which the jury were called upon to give a verdict, it would seem that the learned judge in framing question 11, pre-supposes, and lays it down as law that it is necessary for a third party in purchasing a note, to take precautions as to whether there has been any fraud in connection with the making of the same. The question given to the jury which we refer to reads:—Did or did not the Bank of Nova Scotia take the note under circumstances which ought to have excited the suspicions of a reasonable man of business and, did or did not their agent wilfully or fraudulently abstain from inquiry from a belief or suspicion that inquiry would disclose a defect in the note which would invalidate it?

We do not profess to be specially learned in the law, but taken from a business stand-point, it seems strange to us that the third party has any right, or that the law should require him to make inquiries into the circumstance of business transactions under which a note may be given.

If a merchant has goods for sale a purchaser does not make inquiries as to whether they came from the United States, and whether the duties were paid, or is the inquiry made as to whether in some previous transaction there was any fraud perpetrated in the getting of the goods. In the same way an agent goes out into the country and arranges with a farmer for the sale of some agricultural implement, and gets his note or notes. The machine is never delivered, but the agent sells the note to a bank or broker, and if we mistake not it has been decided by law—whether good law or not, that the farmer must pay the notes and the banker or broker is not expected to ask any questions, or to make any inquiries before purchasing them. We think that the general view of the law has always been that a note when it passes from a second to a third party, become an article of commerce the same as flour, sugar, or any other commodity, and that the third party, whether bank manager, broker or private individual has no business or is he required to make inquiries into the transaction, that preceded the giving of the note. If the third party is aware at the time of

the purchase of the note that there has been any fraud in connection with the making of the same, then there would be evidence of collusion, and fraud on the part of the third party, and with all respect to the court, we doubt whether it is incumbent upon a bank manager, or any third party to go outside of his office, or go poking around trying to ferret out people's business matters or private transaction. If this is law there have been very few banks that have been doing business on legal principles in the past.

British Rule in South Africa.

What is best to do in South Africa is evidently one of the most difficult questions now perplexing British statesmen. Scarcely two prominent statesmen concur on the subject. At the time of the war with the Boers and frequently since, Mr. Gladstone showed conclusively that he was opposed to any extension whatever of either British territory or British influence in South Africa, and that he would not much regret if what already existed was very much diminished. The Hon. JOSEPH CHAMBERLAIN openly confesses to-day that in the past he has done all in his power to weaken British authority and influence in South Africa. A somewhat similar spirit seems to actuate the members of the present Government. They perceive that through the force of circumstances, and without any desire on her part, Britain has extended her authority and influence far beyond what she had any desire to do, and she would like to draw back if she feebly can.

And it must be confessed that British statesmen have no lack of good reason on their side for their conduct. Already Britain has all the territory she is likely to need for emigration purposes for thousands of years to come, without any additional territory in South Africa, and it does seem absurd that for mere problematical contingencies of thousands of years hence—and which may never even then arise—Britain should involve herself in endless trouble and expense now, just to perform the friendly act of keeping some other nation out of the turmoil. But there are still weightier reasons why Britain should not involve herself in perpetual wars with the Boers and native tribes in thus needlessly attempting to extend territories. The whites, even in Natal, are a mere handful in proportion to the native black population, and of that handful the Dutch form a large part. Even the most favourable calculation estimates the whites there at 30,000, while the black natives number over 400,000, and it does not seem either right or wise to place the latter absolutely in the hands of the former. No doubt the whites say that a small corner of the country would suffice to meet the needs of these natives, but the white marauders (for they are really nothing else) should require a very much smaller corner still. The British experience in the Transvaal cannot fail to satisfy all disinterested parties how very unpopular any attempt would be to establish a British Government there in these circumstances.

It is not to be wondered at that the policy of the Transvaal now is opposed to whatever is considered British. In their eyes Britain is eternally grasping and needlessly officious, and therefore they resent all encroachments or overtures on her part. There is not an open warfare between the British and Boers in Bechuanaland, but it approaches very near it—an armed watchfulness to resist the perpetual stealing of farm after farm. But despite British influence and opposition the Boers have got a good foothold in Zululand, and one scarcely less secure in Swaziland. Their President is doing all he can to oppose British commerce, and to encourage that of other nations. The British officials there are getting tired of this kind of silent warfare, and wish the Home Government either to order a retreat or the adoption of active opposing measures. The opinion of the local British authorities evidently is rather in favour of retreating than advancing. Sir HERCULES ROBINSON is not only in favour of handing over Swaziland to the care of the Transvaal, but would also withdraw the British Protectorate which was extended over the Khamas country four years ago, regardless whether Boers, Germans or Portuguese stepped in. Of course a section of the British public are displeased at this; but it is dictated by common sense. Britain can perceive no prospect however distant of ever needing that Khamas country, and wisely thinks it is not worth fighting for now. She already has all she wants in South Africa.—*Scottish American.*

A number of anarchists invaded the office of Intransigent, Paris, Wednesday, and threatened Henri Rochefort, its editor, with violence unless he apologized for an offensive article which had appeared in his paper. Rochefort drew a revolver and defended himself until the arrival of the police, when the anarchists were driven from the office.

Verdict for the Defendant.

THE CELEBRATED CASE OF THE BANK OF NOVA SCOTIA VERSUS HARRISON.

The morning session of the circuit court yesterday, was occupied in the reading of the very voluminous evidence in the case of the Bank of Nova Scotia v. Harrison. The charge to the jury, which is a very exhaustive one as regarded the facts of the case, occupied till 5 p. m., when the jury retired, and after considering the matter for some three hours gave the following answers to the questions submitted to them:

1. Did or did not Harrison ask Sterling why he intended to sell out, and did or did not Sterling reply that he could not attend the meetings, and was tired of it?

Ans.—Harrison did and Sterling replied as stated.

2. Did or did not Sterling tell Harrison that a dividend of 2 per cent. was then earned and would be declared at the proper time, and that it was then four months—i. e., that four months had elapsed since last dividend was earned?

Ans.—We believe he did.

3. Did or did not Sterling tell Harrison that the bank was then in a fine financial position?

Ans.—He did.

4. If the above statements or any of them were made were they severally correct in point of fact?

Ans.—The matters referred to in second and third questions were not correct in point of fact.

5. If the statements (or any of them) were made, were they severally made with the intention of inducing Harrison to buy?

Ans.—They were.

6. Did or did not each of the statements so made (if you find they were made) materially induce Harrison to buy?

Ans.—They did.

7. In case you find that Sterling made any of the above statements and that they were incorrect in fact, state whether all or any of which of such statements were untrue to the knowledge of Sterling?

Ans.—Statements Nos. 2 and 3.

8.—In case you find that Sterling made any of the above statements and that they were incorrect in fact, state whether he had any reasonable ground to believe all or any, or which of them to be true?

Ans.—No reasonable grounds to believe the 2nd and 3rd.

9. Had or had not Harrison any reasonable means of learning of the true condition of the bank?

Ans.—He had not.

10. Did or did not Sterling know of facts from which a reasonable man of business would believe the failure of the bank was reasonably to be apprehended as imminent or its stock practically valueless?

Ans.—He did.

11. Did or did not the Bank of Nova Scotia take the note under circumstances which ought to have excited the suspicions of a reasonable man of business and, did or did not their agent wilfully or fraudulently abstain from inquiry from a belief or suspicion that inquiry would disclose a defect in the note which would invalidate it?

He did wilfully.

His honor then directed the jury to find for the defendant, leave being reserved to court above to enter verdict for plaintiff if findings not in accord with evidence both on the defendants case and the evidence in rebuttal.

Hon. Dr. Pugsley appeared for Mr. Harrison, Hon. A. G. Blair and C. A. Stockton for the plaintiff.—*Friday's Sun.*

Harper for June.

The initial article in HARPER'S for June is Mr R R Bowker's second paper on London as a Literary Centre, with the novelists as his especial subjects. They are all marshalled in line for the gentle reader's benefit, from Wilkie Collins to F. Anstey. Eighteen excellent portraits are given. The opinions of these novelists as to how deeply an author must feel what he writes are most opposite at this time. A portrait of Mrs. Craik serves as a frontispiece for this Number.

Sketches of Capri, by Miss Mary E Vandyne, gives many charming glimpses of life and scenery in that beautiful island, where one obtains a typical view of Vesuvius and Naples, and where the wonderful Blue Grotto is to be seen. The article is finely illustrated, and its style is agreeable.

In The Central State, Robert Hay, U S G S, gives a full description, including valuable statistics, of Kansas. A more fertile spot could hardly be found in the Union. Moreover, the civilization, which is of a good kind, is well advanced. To the higher class of settlers looking for new homes this paper will be of great value. It is fully illustrated, and the map of the State is particularly good.

—Twenty-nine social democrats of Berlin, have been sentenced to imprisonment for terms varying from two to six months, for circulating seditious prints.

April 30, '88

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