

DECREASE OF LITIGATION IN THE WEST.

IF the proverb is true, that it is an ill wind that blows nobody good, it is equally true that the prosperity of some is adversity to others. The ill-wind of disaster and depression that blew over Upper Canada in such a stormy style for many years after the preposterous inflation of 1851, '5, and '6, brought about a rich harvest of litigation, to the great benefit of those classes of the community who thrive by the various stages of that pleasant process. The law was then the most lucrative occupation a man could follow, and the office of sheriff, if one could only secure it, was as good as the possession of a considerable fortune. Even Deputy Sheriffs were important personages in those days, and the intrigues and rascalities connected with the bestowal of various shrievalties form one of the most irritating chapters in our political history. The income for several years was something enormous, and various splendid mansions in the Province of Ontario (notably one which is very conspicuous from a station of the Grand Trunk Railway,) attest the large ideas entertained at that time, by the holders of shrievalties, of the style of expenditure which they calculated on being able to afford.

The profession of the law, one may be sure, as a natural consequence, became crowded, while mercantile, farming or manufacturing pursuits were disregarded by the clever and enterprising, and despised by many who ought to have known better.

We may be thankful to a bountiful Providence that such times of depression as those we have spoken of are fast passing away. Several good harvests in succession have set the West on its feet again. The mercantile community, after being nearly crushed to the earth, by a long succession of years in which bad debts swallowed up almost every particle of profit, is now beginning to accumulate solid and substantial wealth. We say solid and substantial, to distinguish it from that fictitious wealth, the notion of which has deceived and ruined so many, consisting as it did of book debts which could never be collected, or real estate which could neither be rented nor sold. Manufacturing interests are prosperous also, and the cultivation of the land, that oldest and most honorable occupation in which a man can engage, is again proving lucrative and remunerative.

The banks of Western Canada, as may be expected, are doing a good business and making excellent profits, and a more cheerful and hopeful tone pervades almost the whole community.

But there is an exception to every rule, and this saying holds true in the present instance. The income of sheriffs has fallen off to such an extent that the office is now hardly worth holding. Of suits pressed to judgment and execution there are now, alas so few, that the fees do not much more than suffice to pay disbursements. If this goes on for a few years longer, it is evident that unless sheriffs have some other sources of income, the splendid mansions will have to be vacated in favor of some other occupants, while the deputy must content himself with lodgings. As to lawyers, there is a universal chorus of complaint among them of hard times. Many tracts of land, instead of producing crops of mortgages, as they did in the good old days of ten years ago, are now waving with crops of grain. People who were so dreadfully bitten in those days, would now at most as soon expend their money in the purchase of a wolf, as tempt fortune by entangling themselves in the meshes of mortgages, bonds, suits and judgments, which are the certain concomitants of real estate speculation. The community have taken to counting the cost of what they buy to a much larger extent than ever they did before, the consequence being, that their creditors can obtain payment without calling in the assistance of professional gentlemen and Her Majesty's writs. A very significant indication of the altered state of things came under our notice a few days ago. In a certain division court office in the West the number of suits, up to the present month of the year, was a little over three hundred. Ten years ago, up to the same month, the number of suits was more than eighteen hundred. A decrease so enormous as this speaks volumes, and requires no further comment.

Now what are we to say to this terrible falling off in the incomes of the professional and official class? Are we to grieve over it? Nothing of the kind. A certain amount of legal and professional business there must always be, and the charges of that business are a legitimate deduction from the profits of the rest of the community. But by far the larger part of the legal and professional business of the times we refer to was

of an unnatural and unhealthy sort, and every dollar paid for it came in the shape of an extra burden and an exaction. In many instances the burden was crushing. By so much as lawyers and sheriffs were enriched, by so much were merchants, farmers, and manufacturers made poor. And now that the opposite is taking place, who can but rejoice? For the profits of the merchant and the farmer are not made at the expense of the rest of the community. Occupations of that character are reproductive in their nature, and contain within themselves the seeds of future development and wealth. Nothing could be a greater evil than the continuance of an undue diversion of talent and enterprise into channels of an unproductive character and it is a happy thing for the country that professional incomes are now falling off to such an extent that it is better worth the while of able and well educated young men to enter the ranks of the mercantile community or even take up that fundamentally important occupation, the cultivation of the land.

MR. J. STUART MILL AND THE MARITIME LAWS OF WAR.

MR. John Stuart Mill's late speech in the British Parliament on the subject of the Maritime Law of Nations, and the effects of the Resolutions adopted by the Paris conference of 1864 on that code has taken the world somewhat by surprise. Mr. Mill is generally considered so ultra-liberal in his views on matters of religion, morals and politics that the very conservative sentiments uttered by him on this occasion seem out of character when proceeding from his lips. We do not think so, on the contrary, they are exactly such as we might expect from the author of his celebrated work on the Principles of Political Economy. Mr. Mill is more a Political Economist than a statesman, and he is a logician more than either. Consequently his severe criticisms on the Paris Resolutions, and his exposure of the evils which must arise from them are natural in a man of his cast of mind, in which the reasoning faculty so largely preponderates. In our estimation, Mr. Mill does not rank with the highest order of original thinkers, he is neither an Adam Smith nor a Bentham, but he can interpret those great writers' views better than they could themselves. In the clearness, the lucidity of his style and language, his writings have seldom or never been surpassed in our country, and perhaps in France only by Voltaire, to whom in the soberer phases of his intellect, he bears a strong resemblance. But this is not the time nor the place to discuss that question.

Some months ago, when Mr. Field of Birmingham visited Montreal on a mission from the Birmingham Board of Trade, the object of which was to persuade our merchants to join in a request to the United States Government to abolish the practice of privateering, and also to bring their influence to bear on the British and American Governments in inducing them to go a step farther and declare in favor of securing from capture at sea all belligerent property not contraband of war, including of course ships and their cargoes belonging to private persons, although enemies. On that occasion we took nearly the same view of the matter as Mr. Mill does, though not quite agreeing with him on some points. Mr. Mill is entirely opposed to these views, and denounces the Paris Resolutions, as equally foolish and mischievous. We cannot, however see that those connected with privateering are liable to the objections urged by the member for Westminster. On the contrary, we are convinced, as we formerly said, that the effect of the change will simply be to convert privateers into national vessels, and that these guerrillas of the sea will henceforth become regular men-of-war, under the immediate supervision of the Government of the country to which they belong—certainly a manifest improvement of the old condition of things. We think, too, Mr. Mill goes too far when he condemns the exemption from seizure of belligerent property under a neutral flag. It is indeed true, that while a war continues, this provision will have the effect of injuring the carrying trade of the belligerents, which would, in a large measure, have to be carried on in neutral ships, but this we suspect, is a loss which the combatants will have to submit to, as one of the many evils incidental to a state of warfare. Yet when we consider the vexatious character of the right to interfere with the legitimate commerce of the nations who have nothing to do with the quarrel, the delays, the damage, the irritation to which its enforcement gives rise, and the pertinacity with which its abrogation has been demanded—when we consider

these and other circumstances, we imagine it can no longer be maintained as one of the principles of the Maritime laws of war. It is different with the project of rendering all private property at sea exempt from seizure in the event of hostilities, and which appears to us one of these "devout imaginations," which cannot be realized until that period arrives when war shall wholly cease upon earth. For ourselves, all the arguments of Mr. Mill and others on the subject appear to us of less force and importance than the fact that the vast and increasing value of the property on the ocean is the best security for the peace of the world, and the most powerful preventive of war, either by land or sea. That property is owned, to a larger or smaller extent, by every civilized people, and the greater the nation the greater is its interest in it is likely to be, and is, as a matter of fact. England, the United States and France will not be in a hurry to go to war when the consequence would be the destruction of their large commercial navies and the immense property with which they are always laden. To bring the subject home to us in this country, we would say that 10,000 men would be less serviceable to the safety of Canada than is the power of destroying American ships and their cargoes during war. The question is of the utmost moment to all countries, and it is well that it was brought before the Imperial Parliament by a person so entitled as Mr. Mill to speak authoritatively in the matter.

THE FISHERIES OF NEW BRUNSWICK.

(To the Editor of the Trade Review.)

IN the last number of the *Trade Review*, you reprinted some remarks from a Boston paper with reference to the condition of the salmon fisheries in New Brunswick, your purpose being to illustrate the necessity of the Maritime Provinces being more careful of what may justly be regarded as their most valuable resource. That this is very desirable, of course, no one will question, but the end to be derived is not to be secured by giving credit to the nostrums which are so liberally offered, when it is a fish question that is in hand. In that connection, the commonly recognised necessity for establishing the true relation of cause and effect, is too often disregarded, and a loose imagination takes the place of an honest regard for facts. The extract you quoted from the Boston paper was, I think, one of the most amusing illustrations of the prevailing looseness of statement, and, in consequence of reasoning on fish questions, that I have ever come across. Every sentence of the paragraph might be shown to be a complication of mis-statements and misapprehensions, if it was worth while. As an instance of the great falling off mourned over by the writer, it is mentioned that "in consequence of a resort to nets and seines for collecting salmon, the Miramichi, one of the best salmon rivers of the Province, has become nearly valueless as a fishing stream. Pray, where did this writer get the information that the Miramichi has been destroyed by nets and seines? The Miramichi, so far from being valueless, is at present the most productive river in America without exception. From data obtained by me from the best sources in the locality, with reference to the catch of last year, my estimate was that it amounted to about 60,000 fish, which, in point of numbers at least,—for the fish are not large,—is greater than the produce of all the Canadian salmon rivers put together, as reported by Commander Fortin.

This imaginary falling off the writer accounts for by an equally imaginary cause, namely, the use of nets and seines, as if a seine was not a net. That the use of seines can have been the cause of the alleged destruction of a salmon river, will somewhat shock our fish protection friends in Canada, who, in their enthusiasm, so much greater than their judgment, have maintained that the seine is the only implement with which salmon should be caught, unless it be for sport. In New Brunswick, however, where they have had better opportunities of judging on this particular point, they have decided against the seine, and prohibited its use by law several years ago. Seines, therefore, have not recently been destroying the Miramichi. The other nets that have been used from time immemorial—"fixed engines" they are, though not, by any means, the terrible instruments of destruction that haunt the minds of those who are under the anti-stake-net mania—have not yet, it would seem, quite exterminated the brood of salmon. Productive as the fishing was last year, it has been surpassed by the season just ended, which has been the most successful