

THE LUMLEY CASE IN NEW YORK.

A FEW weeks ago a report of the decision of the Court of Appeals in Montreal in this case, appeared in these columns. By this judgment Lumley's arrest was held illegal, on the ground that the cause of action arose in England, which was, within the meaning of our statute, a "foreign country." Mr. Lumley was subsequently arrested in New York on the same cause of action; and the arrest was, by the Court of Common Pleas, held good. We subjoin a summary of the decision of the Court reversing the judgment of the Court of Special Term, ordering the discharge of the defendant Lumley on technical grounds as to the sufficiency of the affidavits on which the *capias* issued.

The facts of the case are briefly these. Lumley, in the fall of 1882, represented himself to be doing a profitable business, and bought largely in England and Canada; and in January, 1883, closed his places of business in Canada, having previously fraudulently removed his stock to New York. The judgment of the Court of Common Pleas in New York held:

1st. That a defendant may be arrested in a civil action for a fraudulent purchase in a foreign country, if he brings the proceeds of his fraud into this State; and this, whether he could have been arrested there for the fraud or not.

2d. That a sudden failure in the midst of a business represented by the debtor shortly before to be profitable and safe, followed by flight from creditors and from home, and the causes of which he persists in refusing to explain, is strong, if not conclusive, evidence of fraud. A mere denial of any fraudulent intention will be disregarded.

Judge Brady, in delivering the judgment of the Court, said, "That the Court had been referred to a case, by the defendant's counsel, as a precedent for the discharge of the defendant; but in that case it was held, not that our statute does not apply to frauds committed by foreigners without our jurisdiction, but that the removal or the fraudulent disposition of the property contemplated by that statute must be within the limits of this State. Judge Ingraham stated distinctly that a different rule exists where the defendant obtains the property fraudulently in a foreign land, and brings it here. This case is therefore not an authority for the doctrine asserted by defendant's counsel. We find, too, that, in all the earlier cases, the remedy is governed by the *lex fori*, notwithstanding that, by the law of the country where the transaction arose, and of which the parties were resident, the defendant could not be arrested. This rule is too well established to be disturbed. The Court is satisfied, viewing all the facts of the case, that the credit which the defendant enjoyed was used fraudulently to obtain a large amount of property, the fruits of which he might enjoy to the detriment of his creditors. The Court concurs with Judge Cardozo in saying that the defendant was guilty of a huge fraud, and with Judge Monk of Montreal, that the defendant was guilty of a fraud on a scale quite unusual, and thinks that the order discharging the defendant should be reversed."

It will be seen from the above judgment that the law of arrest in force in the State of New York is much more equitable than that of Lower Canada."

A GREAT FALLING OFF.

THE total value of dutiable goods received at the Port of Montreal, during the first three months of the present year, viz: up to the 31st ult., amounted to \$2,316,884, against \$3,984,096 for the same period of 1884, being a decrease this year of \$1,667,212. The decrease in the imports of free goods is even greater. The quantity received during this year, up to the 31st ult., was \$210,752, against \$328,780, for same period last year, being a decrease of \$617,978. Of course, the duty received at the Custom House shows a corresponding falling off. The amount received this year, up to the 31st ult., was \$648,916 68, against \$800,128 86 for same period last year; decrease \$251,212 18.

Should a corresponding decline have taken place in the imports of the whole province, which we believe is the case, and if it continues during the whole of the year, the provincial import and export account will show a different balance in 1885 from what it presents in 1884, or indeed for a considerable number of years. The imports of 1884 are estimated at \$52,000,000, and judging by the last three months, we may deduct at least one-third from this amount for the imports of the present year. The exports of 1884 are estimated at \$40,000,000, which we think will be rather enhanced than decreased during the present year. We are of opinion, therefore, that the balance of the provincial import and export account will be on the right side at the end of 1885.

OIL.

It may be important to manufacturers of cloth, &c., in this country to know that, in the absence of Lard Oil, which is so scarce and high, Olive Oil will suit their purpose better. We have the fact from a large manufacturer, who has tested the matter thoroughly, that Olive Oil is at all times the most economical. Olive Oil will go fifty per cent. further in manufacturing than lard oil. The average price of Lard Oil is \$116 to \$120; that of Olive Oil \$140 to \$150. Adding fifty per cent. to the price of the former, will show the profit. The matter may be worth looking into, and we, therefore, beg to call the attention of manufacturers to the same.

Quebec and Lake Superior Mining Stock.

We are given to understand that this stock is in a very poor position just now. After spending nearly \$200,000 in working their locations, the Company have ceased all active operations, and even sold their old machinery. About 15,000 shares of the concern were lately sold in Quebec for a quarter dollar a share—the amount of the last call, which the shareholders refused to pay. The locations of the Company have lately been offered for sale in New York, but without success.

THE DRY GOODS TRADE.

Baukhage, Beak & Co.
Wm. Benjamin & Co.
John Dougall & Co.
Gilmour, White & Co.
Lewis, Kay & Co.
Thomas May & Co.
Munderloh & Stoencken.

Ogilvy & Co.
Ringland, Ewart & Co.
A. Robertson & Co.
Stirling, McCall & Co.
William Stephen & Co.
Thomson, Claxton & Co.
Alexander Walker.

THIS week opens quietly in the Dry Goods business, the activity of the past week or two having in a measure ceased. This sort of lull in the trade is not at all unusual, a break always occurring in the trade at this particular season. The buyers from the extreme West are at all times first in the market, and fully a fortnight elapses between the date of their purchases and those of the buyers from a more easterly direction. It is quite possible that next week will find our market again quite active, and the prospects of the early opening of navigation gives promise of a steady business from this time forward to the close of the Spring season.

Purchases generally have not been large, indeed the opposite is the case. Some of the larger buyers avoided all inducements to purchase beyond the actual requirements of their trade; several of them state that they will re-visit our market again in the course of a month. All this had been anticipated, consequently no one is disappointed—our importations this season were not made with the prospect of large sales in view. Small as a number of the purchases have been, the market is rapidly thinning in certain classes of goods, and we understand that there are duplicates of some lots coming forward by first steamers on opening of navigation. It is gratifying to know that all classes of men in this business, honest men, are doing their utmost to bridge over the present hard times, and are trimming their sails to meet the exigencies of the coming six months. After that date, so far, things promise favorably, but between that time and the present, there is a hard "hill to row." Retail men are getting some pretty severe lessons—lessons which should last them for all time. In such moments as the present, there is a strong disposition to shift the blame from one to the other—the buyer when hard pressed complaining of the seller for having urged him to buy, and the seller in turn blaming the buyer for having purchased beyond his requirements. The easy credit system is undoubtedly at the bottom of all the mischief. Of the two, the former is most to be pitied. Too often, as a class they are but made to play the puppet to some larger ambition; and when pinching times come, numbers of them, possessing neither business capacity nor moral courage, either go to the wall or abscond. We have had several such instances during the past winter. Calm consideration will reveal the fact that all parties concerned are more or less to blame. Experience is a hard schoolmaster, but the teachings are at times salutary, and the lessons taught are likely to leave a lasting impression.

In former issues we have drawn attention to this market, as being the best in Canada for the purchase of dry goods. The past twelve months have severely tested the capacities of the various commercial centres, in this country, none of which have stood their ground successfully against us. While in Western markets, stocks have not been, nor will they be fully complete this season, buyers visiting this market have found our stock—if not so heavy—yet quite as complete in all its branches as ever. It is, to say the least, gratifying to know that in spite of the hard times, we stand unrivalled, in this branch of business, in Canada. To say that we have escaped without severe losses, would be stating what is not true; but we do say, that taking into account the amount of business transacted in this city, we have not suffered in the same ratio as some of our sister cities of the West. There is no gainsaying that we are living in difficult times—times which will severely test the judgment of the wisest among us, yet a firm resolve will conquer all. A firm determination to remedy the errors we have already committed will no doubt carry us through, and guard us for some time against the possibility of falling into them again.

Since our last, quite a change has taken place in matters in the United States. In this issue it would be imprudent to speculate on possibilities as to price, or decline in goods, when information of present state of things reach England. Speculation on same is wild at present, and ideas of shrewd business men differ materially. We think, for the present, our duty is quietly to watch the times without adding our mite either to depress things, or to inspire confidence, when none for the moment exists. Another week or two will place us in positive possession of facts, which, when received, shall be given for the benefit of our readers.

BRITISH MARKETS.

NEWS per S.S. Moravian, Liverpool, 30th, reports an impression was afloat that the war was near a termination, and there had been an active demand for American securities. Illinois advanced 56 to 61, and Government 5-20 Bonds to 68 to 69. The fall in the price of wool in London was proving disastrous. One of the largest shippers in wool failed for about £100,000 stg.

News to the 25th March report a continuation of the favourable money market. The line of gold in the Bank of England statement has reached the excessive sum of £15,308,638. Continental advices also report favourably of money and a decline in interest is noted. The leading rates are Paris 3½, Vienna 5, Berlin 3½, Frankfurt 3½, Hamburg 2½, Madrid 9, St. Petersburg 8 per cent.

American 5-20 Bonds had advanced 1 per cent. The withdrawal of the notice respecting the armament of the lakes had an assuring influence upon the money market.

THE HARDWARE TRADE.

A. A. Barber & Co.
Crathern & Caverhill.
W. & F. P. Currie & Co.
Elliot & Co.
Ferrier & Co.
Forbes, E.
Evans & Evans.

Frothingham & Workman.
Hall, Joseph N.
Hall, Kay & Co.
Ireland, W. H.
Morland, Watson & Co.
Mullholland & Baker.
Simms, Robert.

WE have no change to note since last week. There is a considerable number of country buyers in town at present, but notwithstanding this, operations in Hardware Goods are unusually limited; nor do we expect much improvement until navigation opens, which is expected about the 26th or 28th inst.

Pig Iron.—There is a fair supply of Garthrie and Blair's Brands of No. 1, which is held firmly at last quotations.

Bar Iron.—Is firm, and there is no disposition to force sales, unless at full prices.

Hoops and Band Iron.—In good supply. Prices unaltered.

Cut Nails and Spikes.—Prices unchanged. We do not expect many operations of consequence will take place until navigation opens.

Tin and Canada Plates.—Prices firm. Holders not over anxious to sell.

Boiler Plates.—The assortment is not complete. Prices firm, with an upward tendency.

Window Glass.—Best qualities scarce. Common Brands of German in good supply. No change in prices.

THE LEATHER MARKET.

NOTHING very remarkable has transpired in the Leather Market since the date of our last Review. Sales go on quietly without animation. Although buyers appear to be convinced that prices must rule higher at no very distant date. Yesterday a sale of No. 1 Spanish Sole at 17c. and another of No. 2 at 15c. was made which is about the present ruling rates. By the latest advices from Boston "good" (which is equivalent to our No. 1) Spanish Sole could be placed there at 28c. cash, at which rate it would not pay to send from this market.

Upper Leather continues at very low and unremunerative rates and would leave a good margin to export to Britain and the United States. It is to be hoped that tanners will avail themselves of the opportunity and invitation offered forward samples of Canadian Leather (free of charge) to the Dublin Exhibition if sent to the Secretary of Arts and Manufactures, Mechanics Institute here, by the 16th instant. The notice given has been rather limited to prepare samples; however we feel assured that the samples sent will compare favourably with all competitors, so rapidly has the science of Tanning and the art of Currying progressed in this new country. We are glad to observe that the Governor General has appointed our talented countryman the Hon. T. D'Arcy McGee, Commissioner to represent the interests of Canada at the Exhibition, a gentleman who takes an active interest in everything tending to develop the production and manufacturing interests of this country. We feel our interests safe in his hands.

OUR MARKET.

DURING the last week the leading houses have been busy. A good many Western buyers are in town and more arriving every day. Transactions, however, are in general light, and country merchants confine their purchases to the supply of absolute demands. The ideas of Upper Canadians in regard to cottons are not justified by the state of the British markets. Events taking place in the South may prospectively affect the cotton market, but certainly not by immediate shipments, since the cotton is not there.

It must be admitted that large quantities of cotton are accumulating at Liverpool, but the character of the staple is short and coarse; and as it does not work to advantage, a considerable per centage of it is lost in the manufacture. It must take some time before the American long staple can be brought into the market in sufficient quantities to cause a permanent decline in the price of manufactures. Labour in the South has to be re-organized, and the change is not likely to be effected in one year, so that ideas respecting the rapid decline of cotton may possibly not be realized; but there can be no question of the fact that a gradual settling down in prices will take place until the trade in cottons and cotton manufactures reaches its normal condition. The rise in raw silk noticed in our last report ought to have been stated at from 50 to 100 per cent.; so that a very material advance may also be looked for in manufactured silks. The fact of last year's crop being considerably short is now fully realized, and the extent of indebtedness having to be carried over to another season is a settled point. Reliable men have all reasonable aid afforded them. The long continued sleighing in the west commencing in December and continuing to the middle of March, has had the effect in some cases of changing the current of trade. Farmers taking advantage of good roads in many instances sold their grain at the larger towns and cities, giving their country friends the go-by. Purchases of dry goods, groceries, and other necessities were of course made in the city to the great disadvantage of the country merchant who had probably credited them. The consequence has been that accounts which ought to have been paid were left over, and goods left on the shelves of the country merchant unsold. Wholesale men being aware of these facts, have, we need not say, met the difficulty with their usual generosity.

Ashes.

Receipts, 1st Jan. to 1st April, 1885.... 7,896
" " " " 1884.... 7,964

Decrease..... 569