

In *Kennedy v. Burness et al.* (15 U. C. R. 487) Sir *John Robinson*, in giving judgment, and discussing the question whether trespass would lie against the arbitrators in that case, says: "It would not lie, I think, if the arbitrators had jurisdiction in the matter in which they acted, because then their making the award in favor of the teacher in a matter within their jurisdiction would be a legal act, and the issuing of the warrant to enforce the award is enjoined upon them by the legislature. If they took an erroneous view of the merits, and mistook the law, or came to an unsound conclusion upon the evidence, when the matter referred to them was within their jurisdiction, that would not make them trespassers. They would be protected, as justices would be protected who are authorized by statute to determine differences between masters and servants"—referring to *Lowther v. Earl of Radnor*, 8 East 113.

Upon the whole case I am of opinion that our judgment should be in favor of the defendants, and that the rules be made absolute to enter a nonsuit.

Draper, C.J.—If this question were *res integra*, I should have taken further time to consider before adopting any conclusion. But agreeing in the general views expressed by my brother *Morrison* as to our giving a liberal interpretation to the act in favor of those called upon to give effect to its provisions, I am prepared to adhere to the opinion already expressed in this court, and cited in the judgment just delivered. I treat that opinion as deciding the point until it shall be overruled by a higher authority, and therefore concur in making the rules absolute to enter a nonsuit.

Hagarty, J., concurred, saying that he thought the point settled by the case referred to. Rule absolute.

2. SCHOOL SECTION AUDITORS.

A correspondent, whose letter we publish in another place, asks us whether he, having been elected auditor by the ratepayers of his school section, can claim payment for his services as such auditor?

To answer this question, we must turn to the Common School Law. But this, it will be noticed, does not provide for the payment of rural school section auditors, any more than for the payment of rural school section trustees. The act does provide for the payment of arbitrators, the reason apparently being, that these arbitrators chiefly refer to disputes between individuals, with which the general public has only a remote interest.

The case of the rural sections accounts is different, for the correctness of the accounts is a matter of general interest to each ratepayer in a small rural community; they are in fact auditing their own accounts. Formerly, the accounts were only audited (when a dispute arose in regard to them) by persons specially selected at the annual meeting; but the difficulties experienced in an impromptu audit of this kind were so many, that the law was amended. Trustees and the annual meeting are, therefore, now required to appoint school auditors at the preceding annual meeting. For the same reason the powers and duties of the Auditors are defined and fixed by law, and the whole proceedings have been greatly simplified. As the audit was intended merely to afford a guarantee to the ratepayers of the correctness of the school accounts, it was thought inadvisable, unnecessarily to add to the expenses of the school section for such an audit, when the labour performed was often a mere matter of form, and the auditors themselves were as much interested in the correctness of the accounts as any of the ratepayers. The whole scope of the act would seem to shew, that their position is an honorary one, and that it was not the intention of the Legislature that their services, which cost but little labour and in most cases are merely nominal, should be paid for.—*The Local Courts' and Municipal Gazette.*

II. Papers on British North America.

1. BRITISH NORTH AMERICA AS A MARITIME STATE.

No branch of industry has grown up in the Provinces to greater dimensions in the course of a comparatively short period of time than the Maritime interest. When British North America is elevated into a Confederation, it will be entitled to the proud position of the third Maritime State in the world. Great Britain and the United States will alone exceed it in maritime influence. In 1863 no less than 628 vessels were built in British America, of which the aggregate tonnage was 230,312. The industry represented by these figures shows an export value of nearly nine million dollars. On the 31st December, 1863, the figures were as follows:

	Vessels.	Tons.
Canada	2,311	287,187
Nova Scotia	3,539	309,554
New Brunswick	891	211,680
Prince Edward Island.....	360	34,222
Newfoundland	1,429	89,693
	8,530	932,336

Great Britain and the United States largely exceed this number, but France, the next greatest commercial State,—with thirty-five millions of population, an immense foreign trade, and an extensive sea-coast,—owns only 60,000 tons of shipping more than British America. In 1860 the aggregate commercial navy of France was 996,124.

Another important statement is the return of shipping entering and leaving the ports of British America:—

	Inwards.	Outwards.	Total Tons.
Canada	1,061,307	1,091,895	2,133,204
Nova Scotia	712,959	719,915	1,452,854
New Brunswick ...	659,258	727,727	1,386,985
P. E. Island	69,080	81,200	150,288
Newfoundland.....	156,578	148,610	305,188
	2,659,182	2,769,347	5,428,519
And for Inland Navigation,			
Canada	3,530,701	3,368,432	6,907,133
	6,189,883	6,137,779	12,335,652

The United States at the same period only exceeded us by 4,000,000 tons, and our excess over France in one year was 4,000,000 tons.

It will also be interesting in connection with this subject, to see what will be the strength of the United Provinces in sea-faring men.

By the census of 1860, it appears that the number of those engaged in maritime pursuits were as follows:—

Canada ..	5,958
Nova Scotia	19,637
New Brunswick	2,765
Prince Edward Island	2,318
Newfoundland.....	38,578
Total	69,256

Here we see that five years ago the Provinces unitedly had no less than 70,000 able-bodied men engaged at sea, either in manning their commercial shipping or their fishing vessels.—In case of war this force would be the most valuable element of strength British America would possess. Facts like these must have great weight when placed before the world. They give an idea of the importance of British North America that other statistics could hardly afford. It must be remembered that this maritime interest is not stationary but progressive. It must increase with the progress of the Provinces in population, and the other elements of wealth. A half century hence—it is not hoping too much—British America will stand side by side with the mother-country,—the foremost maritime State in the world.—*Montreal Witness.*

2. THE FISHERIES OF BRITISH AMERICA.

At the present moment when so much interest is felt in the fishery question, and such grave and important results may possibly arise therefrom, a brief history of these rich "sea farms" of the Atlantic so long ploughed and reaped of their hidden treasures by our hardy fishermen, will not be uninteresting.

In the golden days of "good Queen Bess," when the anarchy and confusion engendered of long years of civil strife and turmoil began to pass away, Englishmen first seem to have assumed those habits of industry and to have become possessed with that spirit of enterprise which have since done so much to place the nation in its present position of wealth and power. Then it was that Sir Humphrey Gilbert received at the hands of his Sovereign a grant of two hundred acres of land round any spot he might choose to select, on the Island of Newfoundland. He at once started with a squadron of five vessels and a force of 500 men, and made an attempt to establish a colony near St. John's; but, after battling against the severities of the climate for some months, he returned disheartened, after losing several of his men. This was the first attempt made by England to found the fishing system, which has now become so large and important an interest. Numbers of Frenchmen settled soon afterwards and engaged in the fishing business with more success, paying a tribute of five per cent. to England for all fish taken in the waters of Newfoundland. In the reign of Charles II., the right to tax the French fishermen was given up, and the fisheries