

## WHY WE DON'T SUCCEED.

THE average yield of Wheat per acre in Great Britain continues to improve, while that of Canada, on the contrary, is as certainly declining.

It is very doubtful indeed, whether last year's crop of Wheat here will be over ten or twelve bushels to the acre. The surplus crop is known to come from the latest settlements. Newly cleared lands, other conditions being equal, produce excellent crops; proving that there is nothing in the climate or soil naturally that is inimical to a successful wheat crop. It is admitted by those who are good judges, that the lands of this country in general bear a great deal of bad treatment, and still yield wonderfully; but bad farming will tell, and the laws of nature cannot be systematically set aside without the most disastrous results ultimately following. It is to be remarked also that the exhaustion has taken place only in old settled districts, where the owners of the soil, especially in the West, are the most intelligent of their class; and while the lands were new these same farmers met with all the success that could reasonably be expected; but now they toil in vain to produce desirable results. It must also be borne in mind that in energy, industry, and in skilfulness in applying either manual or mechanical agency, for the accomplishment of any useful purpose, the farmer of Canada West is not to be beat by the rural population of any country; yet the soil is becoming less and less able to yield a paying return for labor expended; and this great source of natural prosperity is fast drying up. Undoubtedly there must be a reason for it, and also a remedy.

Our attention has been forced to the consideration of this important subject, by the very general embarrassing condition of mercantile interests throughout the country. Our exportations, as per last half-yearly statement, fall short of the imports at least 50 per cent, or nearly \$10,000,000, and this is due to the deficiency in the productions of the soil, since the exports of timber and potash have lately been upon the increase. Further, it is certain that the country has need of all the goods in the hands of the merchant; but the consumer wisely refrains from purchasing what he cannot well pay for, and business in general suffers in consequence. Whatever may be said to the contrary, it is a fact that the Canadian farmer persists in cropping his land too much. He cannot afford either to manure, drain, or rest it, hence the result. It requires capital to carry on farming successfully, as well as manufacturing or mercantile business; and a proof of the small amount of money so employed, may be found in the consideration, that one half of all the grain and products brought to market is raised through the personal exertions of the proprietors of the soil.

The same thing cannot be said of the farmer of England, nor perhaps of the proprietors of any other country in Europe. And what does this argue but a scarcity of capital or money, at too high a rate of interest, to be employed profitably in this pursuit?

If the soil of England is made to produce, on an average, 30 bushels of wheat per acre, it results largely from money being cheap, as is proved by the fact that the value of land there bears a reasonable proportion to the value of money, and to that also of other products and manufactures. A hundred acres of land here will with difficulty sell for one-tenth the amount of money that it would bring in England; so that it is an easy matter for a proprietor there to raise enough of money at a low interest, by mortgage, to improve and bring the soil up to a condition that pays well for the outlay of capital. If the owner of land here, say of 100 acres, were to borrow the sum necessary to do his land justice by cultivation, he would embarrass himself by the annual payment of an interest equal to a rental for such a farm. He would thereby run the risk also of losing it altogether, a risk which a man with a family dependent upon him does not like to run. He prefers therefore to work along in the old way, and at best realizing a bare subsistence. It is a fact that the mortgages now upon the lands of this country have been given to raise money to pay debts formerly incurred,—that is, from necessity, and not with the view of improving and making the property more valuable; another thing that must be told is, that these same mortgages are rarely paid off and the result is that the property must change hands.

The only true solution of the difficulty then is a large addition to the capital of the country. Some sanguine dreamers hope to accomplish this by overturning the present system of money, and the introduction of currency based on some standard other than gold. Others believe that with a currency based

upon the credit of the Government, relief to our mercantile and agricultural difficulties would follow. But it is hard to see, first, how these changes are to be effected; and when effected, much more difficult to see that they will accomplish any good in the long run. We hope for the introduction of a better and wealthier class of emigrants, with capital and experience, to take the place of those farmers who have been unable to do more than subsist and pay the interest on money which they borrowed at high rates for improvements that in no way increased the productiveness of the soil. With the restoration of peace upon our borders, and a continuance of the commercial relations with our neighbors, the return to our normal condition of trade, with our imports and exports equalized, efforts should be made to induce hither a better class of British agriculturists. There will be plenty of improved farms for sale at reasonable rates, which, with some capital and experience, can soon be recovered from bad treatment, and will need only to be "tickled with the hoe, to blossom with harvest."

## A MARKED CHANGE.

THE total amount of duties received during the months of January and February at the six principal ports of the Province, shows a very marked decrease as compared with the corresponding months of last year. The figures stand thus:—

|           |           |
|-----------|-----------|
| 1864..... | \$665,062 |
| 1865..... | 458,774   |

Decrease.....\$206,278

Showing a decline of thirty-one per cent. during the first two months of this year.

The port of Quebec gives \$39,288 against \$61,288 for corresponding months of 1864, being a decrease of thirty-six per cent.

Montreal yields \$332,250 against \$476,666 for corresponding months of 1864, being a decrease of thirty-two per cent.

Kingston shows a decrease of only twenty per cent., the amounts being \$6,393 for the first two months of this year, against \$7,946 for same period of 1864.

Toronto shows a falling off of forty-four per cent., the figures being \$41,830 this year, against \$74,582 for same period last year.

Hamilton very nearly holds its own, the decline being only about two per cent. The figures stand, for first two months of present year, \$33,862 against \$34,479 for corresponding period of 1864.

London, on the other hand, shows an increase equal to fifty per cent., the amounts standing thus: For first two months of the present year \$15,161, against \$10,095 for same period of 1864, the difference being \$5,066, representing about twenty-five thousand dollars worth of goods. We fear, however, that this increase in the imports of London is attributable in a large degree to the extensive losses by fire which have occurred in that city.

The total amount of duties collected at the above mentioned five ports during the past two months, falls four per cent. short of the amount received at the port of Montreal alone, during the first two months of 1864.

The following Tables show the Imports, Exports, and Shipping of the Port of Gaspé for the year 1864:—

| Imports, 1864.  |              | Value.    |
|---|--------------|-----------|
| Goods imported from Foreign Countries.....                                |              | \$491,708 |
| Coastwise.....  |              | 351,791   |
| Grand Total of Imports.....   |              | \$843,494 |
| Exports to Foreign Countries, 1864.                                       |              |           |
| Articles.....   | Quantity.    | Value.    |
| Fish, Dried.....  | 153,074 cwt. | \$590,011 |
| " Pickled.....  | 41,965 brls. | 29,856    |
| " Oil.....  | 88,247 gals. | 56,408    |
| Fur Skins, number.....  | 13,446       | 7,989     |
| Whalebone.....  |              | 220       |
| Minerals.....   |              | 125       |
| Timber and Lumber.....  |              | 18,681    |
| Agricultural Products.....  |              | 6517      |
| Manufactures.....   |              | 617       |
| Miscellaneous Articles not the growth or manufacture of the Province..... |              | 26,760    |
| Total.....  |              | \$787,184 |
| Exports to Coastwise.....   |              | 194,663   |

Grand Total of Exports.....\$871,847

Return of Vessels Entered and Cleared, 1864.

| Entered from Foreign Ports..... |  | No. | Tons.  | Men.  |
|---------------------------------|--|-----|--------|-------|
| " Coastwise.....                |  | 281 | 23,741 | 1,667 |
| " ".....                        |  | 267 | 17,472 | 1,682 |
| Total.....                      |  | 518 | 41,213 | 3,339 |
| Cleared for Foreign Ports.....  |  |     |        |       |
| " ".....                        |  | 210 | 17,404 | 1,261 |
| " Coastwise.....                |  | 324 | 20,945 | 2,060 |
| Total.....                      |  | 534 | 38,349 | 3,311 |

## COMMERCIAL LAW.

## UPPER CANADA SUMMARY.

BY the Insolvent Act of 1864 provision is made in sec. 5, sub-sec. 5, for creditors, who hold security from the estate of the insolvent, putting a specified value upon their security, which may be retained by the creditor at that value if the assignee is so instructed; or may be bought in by the assignee for the benefit of the estate. In case of the assignee buying it in, he must do so at an advance of ten per cent. upon the specified value, to be paid by him out of the estate as soon as the security is realized by him. And in either case the creditor shall only rank upon the estate for the amount of the difference between this specified value and the full amount of his claim. Suppose a bankrupt had made a mortgage of part of his estate to a certain creditor for a thousand dollars, and the creditor did not consider the property mortgaged worth more than five hundred dollars, the latter might put that value upon it on oath, and leave to the other creditors the alternative of letting him keep it at that value or paying him for it and assuming the security. But although the Act says that a creditor holding security shall conform to the above practice, it seemed hard that a mortgagee, who was perfectly satisfied with the security he held, and did not wish to put in any further claim against the estate for his debt, should not be at liberty to proceed upon his mortgage without any interference from the other creditors. It has been decided by the Court of Chancery in Toronto that this clause of the Act only refers to creditors who claim against the estate something beyond the value of their security, and does not interfere with the right of a mortgagee to sell the mortgaged property of a bankrupt under a power of sale contained in the mortgage, when no claim is made against the estate for any portion of the debt. In other words, the creditors cannot claim as a right the privilege of redeeming all securities given by the insolvent.

The test whether a person who is not an ostensible partner in a trade, is nevertheless in contemplation of law a partner, is—not whether he is entitled to participate in the profits, although that is very good evidence of it—but whether the trade has been carried on by persons acting in his behalf.

Smith induced Jones to enter into partnership with him upon representations which the latter alleged to have been fraudulent. Jones afterwards found that Smith adulterated the article of food the firm dealt in, but continued the partnership for two months longer. The business did not, however, turn out to be successful, and Jones filed his bill to have the partnership set aside on the ground of fraud, and the capital which he had advanced returned. The Court held that from his own conduct he was disentitled to the relief sought.

## MERCANTILE FRAUDS.

TWO cases of interest to the mercantile community were disposed of at the last Quarter Sessions. The first was that of Pothier, of Three Rivers, who was convicted, after a tedious trial, of obtaining goods with intent to defraud, and sentenced to six months imprisonment.

This punishment carries with it a wholesome warning to other traders of a like stamp. There have hitherto been but few convictions for this offence; but it is to be hoped that the merchants of Montreal in all similar cases will not fail to prosecute, so as to teach these rascals that, with all their cleverness, they may "be sure their sins will find them out." It is high time for the trader to learn that the creditor in Lower Canada has some say in the manner in which their debtors dispose of their assets.

Previous to the Insolvency Act, all the dishonest trader had to do was to get his wife to sue out a separation of property, which was allowed to go by default, and the stock was sold out to realize enough to pay the lawyer urging the separation suit. The creditors in time obtained judgment, issued execution, and found their debtor carrying on business as agent of his wife, by which manœuvre he was able to set all their efforts at defiance to collect their claims. But in a great measure this has since been remedied by the Insolvency Act.

The other case to which we refer was that of De la Mar, who was found guilty of counterfeiting a trademark; but as this gentleman decamped previous to conviction, the punishment will fall on the securities.