

ALABAMA QUESTION.—PROFESSIONAL ETHICS, &c.

If the claim to navigate the canals of Canada be admitted, on the same principle the Erie and the Whitehall canals should also be thrown open to Canadian vessels.

But the impossibility, which may be urged so far as the Cedars, Cascades and Lachine Rapids are concerned, of the United States making canals on their own territory by which those rapids may be avoided, cannot be pleaded in favour of the claim to the navigation of the Cornwall and Welland Canals. The south banks of the St. Lawrence and the Niagara belonging to the United States, canals might be built thereon, affording to American citizens the same facilities now presented by the Cornwall and Welland Canals to British subjects. If then canals are not in existence on those banks, the United States cannot turn their want of enterprise to advantage by claiming a portion of the benefits secured to British subjects by the enterprise and expenditure of the Canadian government, and insist upon a right to navigate the Welland and Cornwall Canals.

A great deal of ridicule was wasted upon the President's desire, as it was said, to navigate the Falls of Niagara, but it is perfectly clear that the claim advanced was merely to the navigation of the St. Lawrence between St. Regis and the sea.

The President endeavours to fortify his position by referring to the treaties regulating the navigation of the Rhine, Danube, and other rivers in Europe and America. Such treaties, he pretends, show the judgment of jurists and statesmen on the subject; so far as regards the expediency of throwing open the rivers in question to navigation he is correct in his pretensions, but with regard to the rights of other nations to navigate a river or part of a river, exclusively the property of one State, he is wrong. Principles of international law are not created by treaties. That law in its entirety was in existence ere men had banded into tribes; it has ever been and shall ever be immutable. Man sees but dimly in this world and has discovered but few of its principles, whereof still fewer are universally admitted, but as well deny that the laws of gravitation had existence before Newton, as affirm that God, ere nations were known, had not framed a perfect code of laws for their government.

But the treaties referred to have really no bearing on the pretensions advanced: 1st. because none of them apply to a river similar in its nature to the St. Lawrence; 2nd. because they all apply to rivers, only from the points where they first become navigable to the sea.—*La Revue Critique*.

An opinion given by law officers of the Crown at the request of Mr. Canning nearly fifty years ago, concerning the question of the liability of the British Government for damages in cases analogous to that of the *Alabama*, is interesting in connection with the

Washington Treaty. It runs thus:—"The strongest suspicion that a vessel building in a port of this country or about to proceed to sea, is destined to be armed elsewhere, and to become a vessel of war in the service of a belligerent—the strongest suspicion that a particular cargo of arms, sailing from a port of this country, is destined for the purpose of arming that very vessel in a foreign port, would not justify the Government either in detaining the vessel or in seizing the arms, the vessel herself sailing unarmed, and the cargo of arms being entered at the custom-house as merchandise. The law applies only to what can be proved, and the attempt to execute it without proof would expose the officers of Government to heavy pecuniary damages.—(Signed), CHR. ROBINSON, D.C.L., King's Advocate; J. S. COPLEY, Attorney-General; CHARLES WETHERELL, Solicitor-General."—*Law Times*.

PROFESSIONAL ETHICS.—The following is now so old, that it may be given to some few perhaps as new, and it is quite good enough to be read a second time. A contemporary, in re-publishing it, calls it "Legal Ethics in one easy Lesson:"—

I asked him whether, as a moralist, he did not think that the practice of the law in some degree hurt the nice feeling of honesty.

Johnson: You no, sir, if you act properly; you are not to deceive your clients with false representations of your opinion; you are not to tell lies to a judge.

Boswell: But what do you think of supporting a cause which you know to be bad?

Johnson: Sir, you do not know it to be good or bad till the judge determines it. I have said that you are to state facts fairly, so that your thinking, or what you call knowing, a cause to be bad, must be from reasoning, must be from your supposing your arguments to be weak and inconclusive. But, sir, that is not enough. An argument which does not convince yourself may convince the judge to whom you urge it, and if it does convince him, why, then, sir, you are wrong and he is right. It is his business to judge, and you are not to be confident in your own opinion that a cause is bad, but to say all you can for your client, and then hear the judge's opinion.

Boswell: But, sir, does not affecting a warmth when you have no warmth, and appearing to be clearly of one opinion when you are in reality of another opinion, does not such dissimulation impair one's honesty? Is there not some danger that a lawyer may put on the same mask in common life in the intercourse with his friends?

Johnson: Why no, sir, every body knows you are paid for affecting warmth for your client, and it is, therefore, properly no dissimulation; the moment you come from the bar you resume your usual behaviour. Sir, a man will no more carry the artifice of the bar into the common intercourse of society than a man who is paid for tumbling upon his hands will continue to tumble upon his hands when he should walk on his feet.—*Boswell's Life of Johnson*.