

AN ADMIRALTY COURT.

DIARY FOR SEPTEMBER.

1. Friday. Paper Day Queen's Bench. New Trial Day C. P.
 2. Sat. Paper Day Com. Pleas. New Trial Day Queen's B.
 3. SUN ... 12th Sunday after Trinity. (Court sits.)
 4. Mon ... Paper Day Q. B. New Trial Day, Com. Pleas, Rec.
 5. Tues ... Paper Day Com. Pleas. New Trial Day Queen's B.
 6. Wed ... Paper Day Queen's B. New Trial Day Com. Pl.
 7. Thurs. Paper Day Common Pleas.
 8. Friday ... New Trial Day Queen's Bench.
 9. Sat. Trinity Term ends.
 10. SUN ... 13th Sunday after Trinity.
 11. Thurs. Quarter Sessions & Co. Court sittings in each Co.
 Last day for services for York and Peel.
 12. SUN ... 14th Sunday after Trinity.
 13. Thurs. St. Matheo.
 14. Friday. Declare for York and Peel.
 15. SUN ... 15th Sunday after Trinity.
 16. Friday. St. Michael. Michaelmas Day.
 17. Sat. Last day for notices of trial for York and Peel.

NOTICE.

Owing to the very large demand for the Law Journal and Local Courts' Gazette, subscribers not desiring to take both publications are particularly requested at once to return the best numbers of that one for which they do not wish to subscribe.

THE

Upper Canada Law Journal.

SEPTEMBER, 1865.

AN ADMIRALTY COURT.

And why not an Admiralty Court or a Vice-Admiralty Court in Upper Canada, as well as in any other country upon the border of a sea! For are not our lakes, as we modestly call them, in point of fact, great inland seas—not salt water, certainly, but none the worse for that as far as all practical purposes which water as a carrying medium can be put to. The commerce of our lakes is probably much greater than was that of the British seas when admiralty courts were first heard of in England. And if the mercantile marine required a court for its own exclusive use and necessities then and there, why not also now and here.

Again, these lakes are, in fact, what are termed "high seas." They are the common highway for the use of two nations—nations pre-eminent as the greatest maritime powers of the world. It is true that there are at present but two nations upon the borders of these seas, but just as important points of international law may arise between two as between twenty, and the events of the last few years tend to show how quickly a third or even a fourth power may start into

existence and become interested in the questions of international and maritime law that have arisen and will yet and more frequently arise between us and our neighbours.

The use and operation of admiralty law, as we understand it, are twofold. In the first place in determining matters of difference arising upon our "high seas" between subjects of different nations (principally at present between the United States of America and Upper Canada as an integral part of the British empire), upon the generally well-understood principles of admiralty law, as founded upon the customs and practice which are received and prevail between nations in general for the mutual benefit and protection of their subjects, with a due regard to the rights and liberties of all, and upon treaties which two or more nations enter into to determine some particular question or dispute, or to provide for some reciprocal rights or immunities. In the second place they have a municipal jurisdiction to decide maritime questions as between the people of the country in which the courts are established.

As regards the former, statute law would avail nothing, as one country cannot make a statute which can bind another. Nothing but "international" law could be resorted to in such cases; but as to the latter it is of course competent for a nation to make any regulations for its own governance which may be considered expedient.

Admiralty law is as well understood where there is any court to administer it as any other law. If such a court were organized here, there would, we apprehend, be no practical difficulties that a little care and research could not surmount; being new to us it might not work very smoothly at first, but that is the case with all kinds of new machinery. It is not law we want provided, but a court to administer the law already made to our hands. The position in this respect seems very similar to that of equity in this country before the Court of Chancery was established; the principles of equity were acknowledged and understood, but there was no machinery to put those principles into practice.

Admiralty courts are two-fold, the Prize Court and the Instance Court—the former for trying what is or is not lawful prize, and for adjudicating upon all matters of prize, whether civil or criminal; prize being understood to