

## WAREHOUSE RECEIPTS.

THE system of making advances on warehouse receipts issued under the Act of our legislature on the subject, has now become so general that it is very desirable to have a perfect understanding of the scope of the act and the position in which the holder of a receipt stands with regard to other claimants.

The Act itself was a most beneficial one, and has facilitated the operations both of bankers and merchants to a very considerable extent. Its provisions, however, like those of other acts of parliament, are liable to be misinterpreted and misunderstood.

It is not any person who can give a warehouse receipt which will vest the property represented by it in the holder or assignee. The persons mentioned in the Act as having that power are five classes, viz.:

1. Warehousemen; 2. Millers; 3. Wharfingers; 4. Masters of Vessels; 5. Carriers; to which have been added by a subsequent Act of Parliament, owners of coves for timber, who are in fact, warehousemen, though the warehouse is on water instead of on terra firma.

On looking over the above list, the intention of the Act is pretty clearly evident. There are certain persons whose business consists in taking charge of the property of others, either for safe keeping or for conveying to its destination. For such charge, they are remunerated, and they have no interest in the property other than the lien which the law gives them for their own costs in connection with it. All persons depositing property with another will, as a matter of course, get a receipt for it. Receipts for property stored in a fixed place, are denominated warehouse receipts, those given by a master of a vessel are called bills of lading. Both show that there is property of a merchantable character in existence, and ready to be delivered to the person having a claim thereon.

The intention of the Act then, is this: presuming that mercantile property has been stored for safe keeping, or despatched to a particular destination, and a receipt given therefor, it facilitates the borrowing money on the security of the property, by enabling the owner to pass the receipts by endorsement to a lender—which endorsement is endowed with the very remarkable power of vesting the absolute ownership of the property in the endorsee. No sheriff can therefore take it in execution, no attachment against it will lie, no other creditor can claim it as part of his debtor's estate.

A power so sweeping as this, changing the ownership of property by so summary a process, is obviously liable to abuse, and the Legislature has therefore limited the operation of the act to the classes of persons above named, all of whom, except one, are alike in having no interest in the property.

Obviously no man's rights can be affected if a receipt given by such a person is bona-fide, and if the advance is bona-fide, for the warehouseman does not own the property stored with him, and it would be contrary to equity for an execution against him, to take it. It would be equally contrary to equity for an execution against the original owner to take it, for he has obtained the value or thereabouts from the lender. This principle applies equally to the case of a warehouseman, a carrier, a cove-owner, or a master of a vessel, for all alike are mere trustees for another.

The case of a miller, however, is completely different, and it is here that we arrive at another view of the intention of the act, the miller is the owner of his grain in his mill, or at all events, of the greater portion of it, for the trifling amount that might be with a miller for gisting can be left out of account. But then from the nature of his business, his stock in trade is not bought on credit. The persons who have sold him the grain, are not in the position of a wholesale merchant with a storekeeper. The miller is presumed to have paid the farmer or dealer for the wheat in his mill; and no creditor has that sort of moral claim on his goods, which every creditor has on those of a debtor, until he has been paid. The property, therefore, is free, and can properly and reasonably be used for the purpose of giving security. A miller therefore is allowed to give a receipt which transfers ownership, but this is the only instance of the kind in the act. But in the complicated transactions of modern commerce, there are persons who have charge of goods which are not strictly speaking, their own, who yet are not warehousemen, in the strict and simple sense of the word. They have stores, but they do not obtain a livelihood by receiving and taking charge of property, having no interest therein, and being simply

bound to deliver it up in good order. They receive goods for the purpose of sale, and they do sell and make delivery, not to the owner, as a warehouseman does, but to the buyer. They account to the owner in fact not in goods, but in money. This is the essential difference between a warehouseman and a commission agent; and the difference becomes more marked still in case the commission agent accepts the draft of the owner. This practice is almost universal, and it places the commission agent, as respects the goods, almost in the position of a merchant. On the strength of the goods in his possession he has contracted liabilities, and it is out of the sale of the goods that those liabilities must be discharged.

The question now arises can a commission agent give such a warehouse receipt, as will pass the ownership to the lender of money. Our limits forbid the discussion of this question at present, but we shall resume the subject in our next number.

## NEW YORK AND CANADA.

THERE is no part of this Continent superior to Western Canada as an agricultural country. This is abundantly borne out by statistics. These prove not only our Western lands to be unexcelled in fertility, but that our system of husbandry is of the most satisfactory kind. We have no later Canadian statistics than those of the census of 1861, but even these—and we have made great progress since that time—compare favourably with any of the adjoining American States. Take New York for example. That State is regarded as one of the best agricultural districts in the Union, and as regards climate occupies pretty much the same position as the Western Province. Its latest agricultural statistics are for the year 1864—three years after ours were taken—and yet in many particulars we completely take the lead. The following are the principal agricultural returns of each country—those of Canada, it should be remembered, being for the year 1861, and those of New York for 1864:

	C. W.	N. Y.
Population .....	1,396,691	4,664,204
Acres of improved land .....	6,051,819	14,828,216
Acres unimproved .....	7,349,288	10,412,534
Cash value of farms .....	\$25,162,316	\$923,881,331
Value of implements .....	\$11,249,317	\$1,181,324
Acres of fall wheat .....	341,729	406,691
Bushels do .....	7,537,651	5,432,282
Acres spring wheat .....	351,634	104,996
Bushels do .....	17,082,774	189,035
Acres of barley .....	118,910	3,075,170
Bushels do .....	2,821,932	2,321,9
Acres of rye .....	973,181	2,076,438
Bushels do .....	469,695	36,491
Acres peas .....	9,601,396	680,827
Bushels do .....	678,337	1,169,665
Acres of oats .....	21,220,874	19,622,833
Bushels do .....	79,918	622,235
Acres of corn .....	2,255,290	17,953,888
Bushels do .....	137,266	235,073
Acres potatoes .....	15,355,320	23,267,762
Bushels do .....	73,460	8,124
Acres turnips .....	15,206,950	1,282,388

The contrast between New York State and Canada, as afforded by these statistics, is very favourable to us. With far less population, less improved land, and less value of implements; our farmers turn out far more fall wheat, spring wheat, peas, oats, turnips, &c. Of Indian corn, rye and potatoes, the New Yorkers rather take the lead, and they are also set down as doing so in barley in the above table. But the barley crop has had an immense increase in Upper Canada since 1861, and we have little doubt that our next census will show that we now raise more barley than New York does. As to quality, it is freely admitted by the Americans themselves that we raise the best barley to be had on the Continent. The higher price paid for our barley fully attests this fact.

One of the most gratifying features of the above comparison, is the fact that our lands yield more per acre than those of New York State. Of fall wheat New York sowed within some 28,000 acres of the breadth sown in Canada West, but we reaped over 2,000,000 bushels more than they did. The average quantity of oats raised by us in 1861 was fully more than 31 bushels per acre—but New York only averaged 17 bushels per acre! As will be seen by reference to the table, New York reaped 19,622,833 bushels of oats from 1,109,665 acres sown, whilst our Western farmers, from 678,337 acres, took off no less than 21,220,874 bushels! This fact, of itself, speaks volumes for the fertility of Canadian soil. The small quantity of turnips raised in New York appears singular—our returns being 18,206,950 bushels as against 1,282,388. Taking the returns all in all, they indicate pretty clearly that our farmers have nothing to envy in the Empire State, and that either as regards excellent soil or good farming, we can compare favourably with our neighbours.

## STEAM LINE TO GERMANY.

A CONTEMPORARY calls attention to the fact that the movement which was on foot here last fall to get up a steam line between Montreal and some one of the North German ports, seems to have fallen through. This is to be regretted. The recent commercial policy of Prussia indicates that she would give the promoters of such a line a welcome reception, and probably extend them unusual facilities and a subsidy. The capitalists of Canada have nearly doubled their resources within the last ten years, and having had a good opportunity to witness the profit which attends the working of properly managed steam lines, should not hesitate to enter on the enterprise now indicated, instead of relying, as heretofore, on the wealth and energy of the foreign investor, to open up and extend their own markets.

## THE SOUTHERN RAILWAY.

THE Upper Canada "Southern Railway" scheme, which occupied such a considerable share of attention in the Upper Province a few years ago, will likely soon be brought up again for discussion, as we see that the County Council of Elgin, resolved to apply for a new charter for the road at its last session, and refuses to rely any longer on the delusive promises of the Great Western Railway. When the whole scheme was being discussed at the time in question, and it seemed likely to be converted into a reality, the Great Western Railway Company stepped in and buried it, by promising to build it as an adjunct to its own line. The Company was probably actuated by no improper motives, and in fact, likely laboured under the belief—so common under the high pressure times which were then prevalent—that its own line would not be able to accommodate the traffic between the East and the West. At all events, we may take it for granted, that it was disabused and soon came to see that the "Southern" being probably on the shortest route between Buffalo and Chicago, would prove a very formidable competitor to the "Great Western," and as such was entitled to no assistance from that company. The wealthy, fertile, and populous counties on the North shore of Lake Erie, in the meanwhile remain without direct railway communication with the East or West, especially in winter, and according to present appearances must continue so, unless they apply their own shoulders to the wheel.

## BEETROOT SUGAR.

WE laid before our readers not long ago an explanation in brief of the ordinary process of making sugar from beetroot, and also calculations as to the probable cost of manufacturing in this country. We have recently been placed in possession of information, received from an extensive German manufacturer, which enables us to state that by a new process lately discovered and patented by an Austrian, a large portion of the expensive machinery now in use, and very much of the manual labour now needed, can be dispensed with, and more and better sugar be obtained from the same weight of beets. By this process, the grinding, crushing and pressing of the root is done away with, the saccharine matter being extracted without altering the form of the beet other than by paring away the outside. The inventor—himself a manufacturer—states that he is now prepared to treat 200 tons of the raw material every twenty-four hours with only fifteen men, and that he could just as well manage twice or thrice the quantity.

We further notice that M. Kessler Desvignes has communicated to the Paris Academy of Science the results of experiments in the employment of acids in the manufacture of sugar, and several sugar houses have been specially arranged for working under this process. The use of acids had previously been given up in France and Germany, in consequence of their injurious effects in preventing crystallization. It, however, seems that at ordinarily low temperatures acids have not this effect, but that in making use of them, they should be neutralized before the application of heat. These acids serve to arrest viscous fermentation, the loss from which M. Desvignes has proven by experiments with non-acidified gummy juice; and from the results thereof, he draws the conclusion that, contrary to generally received opinion, the use of acids in cold juice, instead of having an injurious effect on the sugar, actually tends to preserve it from the loss sustained through fermentation.

One of the advantages claimed for the system in question is that of effecting very complete defecation