

essentially due to the peculiar conditions which surrounded them, though with rare good sense, the great majority of the people have endeavored to adapt themselves to the new conditions, just as the people of certain states and territories of the American Republic entered heartily into the new order of things which had been evolved by the rapid march of events.

The didactic and conscientious Cooney, (whose work bears the imprint of Joseph Howe, printer), however, presents another phase of New Brunswick human nature, which is in such strong contrast to the other authorities, that it is here given with the explanation that it could possibly apply only to a very limited class, which, it may generously be inferred, has long since disappeared. Certainly, it was not then by any means, nor is it now, a characteristic of the New Brunswick people. Cooney says:

"The merchants having imported largely, had, as a matter of course, to credit rather liberally. Hence the timber trade of New Brunswick became an exclusive pursuit, and consequently the only means by which our commerce could be sustained.

"The lumberers in many instances were men of little property, and less integrity. All the capital the lumberman required was the faculty of lying. Could he unblushingly tell a plausible story, assuring the merchant that he had found a capital chance or a fine grove, taking care at the same time to calculate the number of large trees, on the strength of this extensive credit was obtained without further ceremony. But that is not all; so exceedingly fascinating had lumbering become that I have known some instances where the report of a discovered chance or grove created so brisk a canvass among the merchants that it placed the unfortunate discoverer in the same situation as a voter at a contested election.

"It being thus easy to obtain not only all the necessities of life, but even some of its luxuries, master lumbermen multiplied with astonishing fecundity, and hence the woods became swarmed with a variety of men whose habits and profession essentially disqualified them for the pursuit in which they engaged.

"The farmer abandoned the plow, the cobbler parted with his lapstone, the tailor left the shopboard, and the fisherman flung away his net. All joined in a crusade against the forest."

Amongst the various authors who have given much attention to the commerce of New Brunswick, Gesner, Cooney, Monro, Grey, and Martin, decidedly the latter is the most methodical. His work will be found to contain the most exact information on the subject, though some acquaintance with the more modern commerce of the province will be found a valuable aid.

Partial and insulated statistics of the trade will be found more or less in all these works, but Martin is the only one who seems to have possessed a just appreciation of presenting his figures in a compact form, so that the imports and the articles of tonnage of the shipping and the articles which make up the bulk of the trade, are presented with bird's-eye clearness, and, to use a magazine phrase, with "clear-cut compactness." Gesner, who was fond of presenting reasons for certain changes in the state of trade, remarks in one of his comments:—

"The safety and prosperity of all the provinces mainly depend on the policy pursued by the parent country or the perfection of the colonial system. The history of the North American colonies is remarkable for sudden and ruinous depression in trade and for speedy revivals, according as the Acts of the British Parliament have been favorable or unfavorable

to their commerce. Instead of bounties and prohibitions, protecting duties are now sufficient to encourage colonial industry, which, with enterprise and frugality, is capable of extending the national power, civilization and happiness.

"The shipping between Great Britain and her colonies in British America, at present, exceeds the aggregate of foreign shipping of Great Britain and the whole of Europe.

"The population of Canada, New Brunswick, and Nova Scotia, in 1841, was about 1,300,000, and the immigration into the colonies in 1842 was 54,123 souls.

"The united population may now (1864) be estimated at nearly 2,000,000. The total value of imports as equal to £4,000,000, and the exports to £6,000,000.

"In the vast trade between Great Britain and her possessions abroad, New Brunswick holds a conspicuous position. The navigation of the Atlantic by steam and the increased facilities of communication have already effected a change favorable to the colonies."

Thus wrote a man who, in addition to high literary qualifications, was an eminent geologist; and one who understood business and business ways, and who as an authority, whether on Nova Scotia or New Brunswick resources and affairs at the time in which he wrote, was unquestioned. The first few articles of this series of papers will therefore deal with New Brunswick.

#### DECISIONS IN COMMERCIAL LAW.

UNITED STATES V. EDWARD W. PERRY.—Pieces of variously colored glass cut into irregular shapes and fastened together by strips of lead, the paintings thereon executed by artists of superior merit, and representing biblical subjects and characters, imported in fragments to be put together in the form of windows for the use of a convent, are dutiable, according to the United States Supreme Court, at 45 per cent. under the Tariff Act of October 1st, 1890, as stained or painted window glass, and are not exempt from duty as paintings imported for the use of a religious society and not intended for sale.

CHARLES FOSTER V. THE MANSFIELD, COLDWATER & LAKE MICHIGAN RAILROAD CO.—Where the alleged fraudulent sale which constitutes the gravamen of the suit took place, August 28th, 1877, and the bill was not filed until August 30, 1887, more than ten years thereafter, there is a presumption of *laches* which it is incumbent upon the plaintiff to rebut. The defence and want of knowledge on the part of one charged with *laches* is one easily made easy to prove by his own oath and hard to disprove; hence the tendency of courts is to hold the plaintiff to a rigid compliance with the law, which demands not only that he should have been ignorant of the fraud, but that he should have used reasonable diligence to have informed himself of all the facts. If a person be ignorant of his interest in a certain transaction, no negligence is imputable to him for failing to inform himself of his rights; but if he is aware of his interest and knows that proceedings are pending, the result of which may be prejudicial to such interests, he is bound to look into such proceedings so far as to see that no action is taken to his detriment. Where the plaintiff has permitted a foreclosure sale of a railroad to take place and the road to pass into the hands of a new corporation which has operated it for ten years without objection, and in the meantime the principal witnesses to the alleged fraud, which constitutes the gravamen of the suit, are dead, the United States Supreme Court held that the plaintiff has not exercised that diligence which the law

exacts in condonation of such long delay. Where the plaintiff seeks to annul a long standing decree, it is a circumstance against him that he does not show a probability of a personal advantage to himself by its being done. A court of equity will not entertain a bill simply to vindicate an abstract principle of justice or to compel the defendants to buy their peace, and if it appear that the party really in interest are content that the decree shall stand, it should not be set aside at the suit of one who could not possibly obtain a benefit from such action.

#### WHAT MR. VAN HORNE DID SAY.

The story was set afloat some days ago by a Boston reporter that Mr. Van Horne, president of the Canadian Pacific Railway, had made a speech "behind closed doors" in that city, in which he foreshadowed making Boston the Atlantic terminus of his road. That this story was all moonshine is shown by the report of what he really did say, furnished by Mr. Van Horne last week to the *Boston Globe*. He complained of the excessive delay to the cars of Western railways which carried freight to the New England States. Then he explained that, contrary to the views entertained by certain Americans, the C. P. R. is not kept alive by subsidies from the British Government. "Excepting a comparatively small mail subsidy from the Imperial Government to its steamships on the Pacific, it is in receipt of no subsidy of any description from any government, and it is sustained entirely by its legitimate earnings, more than 90 per cent. of which are from its local traffic." In denial of another charge often made against his road, the president explained that, as a matter of fact, every item of traffic handled by the Canadian lines in competition with the railways of the United States is subject to the Interstate Commerce Law.

Another thing Mr. Van Horne shrewdly brought to the attention of the Boston merchants was this geographical argument, of special interest to his auditory: "The source of the export trade of this continent is moving northward year by year, and every mile that it moves northward increases Boston's advantage as compared with New York. It is a fact little known here, I imagine, that the great agricultural development of the future must be in the extreme Northwest, and that reaching hundreds of miles north of the international boundary, away north towards the Peace River, 2,800 miles or more from Chicago, is a region equal in agricultural value and favorable climatic conditions to the Western country which has built up Chicago and added so enormously to the wealth of the United States."

—The salmon packing companies of British Columbia have not put up as many goods this year as last. The total for the year, 221,797 cases, shows a decrease of 80,414 cases as compared with 1891, according to official returns just completed by the fisheries department. Various causes are assigned for the decrease: 1892 was an "off year" for the Fraser river, and the canners' combine restricted the pack on the Skeena river. Besides, a large quantity of fresh salmon is exported. The Fraser river pack is 68,132 cases, Skeena river 90,000, River Inlet 19,123, Naas river 26,250, Gardner's Inlet 6,000, Alert Bay 4,297, Lowe Inlet 8,000. Only 18 out of 22 Fraser canneries were working during the season of 1892, it appears.