

## GENERAL CORRESPONDENCE.

tured to say something on the subject, should you deem it worthy a place in your *Journal*.

The commercial marine is so thoroughly mixed up with trade that without this branch, ordinary commerce would be of little account, but so striking are the peculiarities of the former that it requires special laws to meet the various questions that arise out of it.

Navigation, according to history, is of very ancient date. Old Captain Noah, I suppose, takes rank as the first navigator. The Greeks at the siege of Troy had a pretty large navy of war vessels; and Solomon, about one thousand years before the Christian era, had a fleet of ships capable of making a voyage of three years duration, manned principally by Tyrian sailors. This shews that at that early day navigation must have been brought to great perfection. We find also, according to Eusebius, that these ancient Phenician navigators boldly passed the Pillars of Hercules and discovered Great Britain: and we find from other writers that tin from Great Britain was a very early article of commerce.

The Rhodians, perhaps, were the first who found it necessary to have marine laws to regulate their maritime affairs, and actually established a code, some parts of which are embodied in modern admiralty law at the present day. Among these are the laws of Jettison and General Average. It would be too tedious even to glance at the history of the ancient maritime laws of Tyre, Crete, Persia, Greece, Macedonia, Egypt, Carthage, Rome, and others, suffice it to say, that the necessity for such has been increasingly felt, and every maritime state in the present day has its Admiralty Court, owing to the fact that common law does not apply to maritime causes.

It was set forth very clearly in the leading article of your September number, that it is hopeless to get an intelligent verdict in a marine cause from a jury of landmen. I say this without any disparagement to them, because it is a subject with which they are not acquainted, and of which they can have no practical knowledge.

Suppose a case of collision: a lawyer fully determined to get a verdict for his client (the jury being composed of landmen), will tell them that two vessels meeting on the lakes are just the same as two teams meeting in the road, and each must "gee off" according to

law to pass in safety, that it is a simple case, it is quite clear, and they must give a verdict according to his directions. He will be careful not to remind the jury that there are no fences on each side of a ships' road, that vessels are crossing each other's track in all directions, or how far such large bodies should be apart when it is necessary to put them on their proper course to pass each other in safety; or that when a vessels lights are dim she will appear much farther off than she is, or be further off than she appears, if her lights are bright.

These are some of the points on which he will give the jury no information, and perhaps in some instances he cannot give them any, simply because he has not studied the subject. Thus the matter would be left in the dark.

I stated above that all modern maritime states have admiralty laws, I should have excepted Canada West and part of Canada East, for Montreal is as bad as ourselves. Although our lakes are fresh yet we have "great waters" in which to "do business," and a very extensive marine which requires the same laws for its regulations as does traffic by sea.

Our waters are now navigated by sea-going vessels, and thus we are connected with the outer world. For the last three years our ports have been regularly visited by vessels from Norway. There is also a regular line of vessels owned in Liverpool trading thence to the upper lakes, passing through our canals. Thus we become a maritime state in reality. Suppose a foreign vessel should collide with one of ours on these waters, our vessel with a valuable cargo being totally lost, the foreign vessel may proceed to sea, and although she may be altogether in fault, we have no law to stop her, nor has the owner of the lost vessel or cargo any means of getting redress in our courts by any existing law.

Another case presents itself to my mind. One of our most respectable shipbuilders stated to me, that on one occasion, a short time ago, he did some repairs to an American vessel owned in Chicago, when on her way to Ogdensburg. The captain promised to pay the bill on his way up, but when he returned he disputed the bill, said he could get the repairs done much cheaper in Chicago, and that he would not pay so large a sum. The shipbuilder knowing that he had no redress, and could not detain the vessel and enforce