

THE MARITIME COURT OF ONTARIO.

the Commission to the Governor, to the sea, public streams, rivers, creeks, and places overflowed whatsoever, within the ebbing and flowing of the sea or high water mark. It thus appears that the Vice-Admiralty jurisdiction has been regulated by the ebbing and flowing of the sea. I believe it has always been so in England. In England, between high and low water was, on all hands, held to be the sea when the tide was in. But in places where there was no flowing or ebbing of the sea or tide, the Admiralty Court, as a general thing, had no jurisdiction. The Vice-Admiralty Court of Quebec, or Lower Canada, in such jurisdiction, was regulated by the flux or reflux of the tide, and not beyond. As the tide of the sea never extended to the great lakes and inland seas and rivers of Ontario, the maritime commerce on the Lakes Ontario, Erie, Huron, Superior, and the portions of the Rivers St. Lawrence, Ottawa, and others belonging to Canada, was left without maritime or Admiralty laws, which existed with great advantages elsewhere. The maritime commerce of the inland seas of Ontario, Erie, Huron and Superior, and the great rivers of St. Lawrence and Ottawa and in the Welland and other Ontario canals, have so immensely increased that a delay of a tribunal to enforce the rights and duties in connection with matters arising out of the shipping and navigation, trade and commerce, in the rivers, lakes, canals, and inland waters of Ontario would operate unjustly to a large and meritorious class of men, seafaring men, and to maritime commerce, &c.

"Many well informed people have not realized the extent and magnitude of the maritime commerce of Ontario. While the Bill for the establishment of a Maritime Court of Ontario was in progress, I looked into the matter with some care, and I was astonished at the result myself. Looking at the tables annexed to the report of the Minister of Customs for 1875, it will appear that the number of vessels which entered the several ports of the Provinces of Quebec, New Brunswick, Nova Scotia, and Prince Edward Island during the fiscal year ending 30th June, 1875, was 7,881, that is to say:—From Great Britain, 1,522; from British Colonies, 1,226; from the United States, 4,238; from other countries, 895. The number of vessels that cleared out of these ports during said fiscal year was 7,724. Looking at the same tables, so far as they regard Ontario, it will be seen that during the same fiscal year ending on the 30th June, 1875, that 11,812 vessels entered the ports of Ontario, 3,931 vessels more than entered all the ports of the three Eastern Provinces of the Confederation. Canadian steam vessels then entering Canadian ports 2,896; Canadian sail vessels, 4,058; United States steam vessels, 2,227; United

States sail vessels, 2,581; make a total number of 11,812. On examining the report of the Minister of Inland Revenue for 1875, it will appear that 11,496 vessels passed through the St. Lawrence Canal during the season of navigation ending 31st December, 1874, I think it may be reasonably inferred that about the half of these vessels would go to the Province of Quebec, and the other half come into the Province of Ontario. Then giving half this number to Quebec and the other Eastern Provinces, about 16,290 vessels passed through the canals within Ontario. The Province of Quebec would, for the year 1874, nearly stand thus—5,748, being about half the number of vessels passing through the St. Lawrence Canal, 5,410 passed through the Ottawa Canal, and 3,285 through the Chambly Canal, in all, 14,433 vessels.

"Looking at these figures, which I think are substantially correct, and at this Province as the largest and richest of the Dominion, with great lakes, rivers, and canals, and with a water coast from Lake St. Francis to Thunder Bay, every reasonable mind must see that the rules and laws which protect and regulate the maritime commerce and trade in other Provinces and countries should be applicable to Ontario, and that the general rules and laws of the sea should be enforced on the great inland seas and rivers by a Court with a jurisdiction *in rem* on these inland waters so far as practicable. The propriety of establishing a Court with such jurisdiction has been discussed for several years, and urged on Government for a long time, and a respected citizen of Toronto, who is here present to-day, as one of the first assessors of the new Maritime Court of Ontario (I mean Captain Taylor), was among the first who saw the necessity of introducing the general rules and laws of the sea into this Province, and advocated the establishment of a Court among us with maritime jurisdiction, to protect the just rights of seafaring men and maritime commerce.

"The Imperial authorities could not see their way clear how to deal with this matter in the outset, but in 1876 the late Minister of Justice, Mr. Blake, visited England on behalf of the Dominion Government, to confer with her Majesty's Government regarding, among other things, the question of Maritime Jurisdiction upon the inland waters of this Province. He addressed the Secretary of State for the Colonies, the Earl of Carnarvon, reminding him that the Canadian Government had come to the conclusion that the proper course was to establish Courts of Maritime Jurisdiction on the great lakes and other inland waters of Canada by local legislation. After a conference with the Registrar of the High Court of Admiralty, and further correspondence with the Colonial Department, the Imperial