

James Muir, *Law, Debt, and Merchant Power: The Civil Courts of Eighteenth-Century Halifax* (Toronto: University of Toronto Press, 2016). 302 pp. Cloth \$72.00, Paperback \$34.95.

In *Law, Debt, and Merchant Power: The Civil Courts of Eighteenth-Century Halifax*, James Muir traces Halifax's transformation into a "merchantocracy" during the eighteenth century. Muir's exploration of the rise of the merchant class situates his work in a storied "tradition of economic analysis" that, among more recent analytical modes, encompasses Marxist, Weberian, and Schumpeterian traditions. As a legal historian, Muir concludes that civil courts assisted in the development of bourgeois "hegemony" during the Confederation period. Muir focuses in particular on the Inferior Court of Common Pleas during the 1750s and 1760s, finding that structural and procedural advantages for plaintiffs seeking to sue for debt played a larger role in shaping this "merchantocracy" than any substantive laws that directly favoured mercantile interests (7, 8, 25, 27, 188).

According to Muir, merchants rose to prominence in the social hierarchy not by linear progression and not through dialectical confrontations with other social classes. Instead, Muir interrogates how a range of social strata participated as litigants, juries, and judges in the bourgeois development of civil law. Dynamic legal interactions among merchants, artisans, and others produced greater acquiescence in a system that favoured merchant interests, since credit flowed downward from the economic actors most enmeshed in Atlantic trade networks. Particularly for a population of transient Haligonians that lacked other social bonds, acquiescence in merchantocracy emerged from the perception that the adjudicative process required consistent legal outcomes to resolve civil disputes effectively. Courts formed the social centre where all members of commercial society resolved disputes in relatively humdrum fashion. Resort to litigation, according to Muir, signified "continuation of market transactions in another forum," rather than rupture of business relations or evidence of class conflict. As a consequence, litigation soared to unprecedented rates in Halifax. Muir finds that Haligonians sued at higher rates in this period than both the English and the colonists of the Anglophone- and Francophone-speaking regions of North America (4, 12, 97, 126, 183–190).

Historians will find Muir's thorough analysis of two decades of civil litigation to be illuminating as a definitive study of civil court operations of the eighteenth-century, not just in Halifax but throughout the Anglo-Atlantic world. As Muir points out, *Law, Debt, and Merchant Power* marks "the first study that recreates the full breadth of the civil law procedures in any common law jurisdiction in the eighteenth century." For historians more concerned with other commercial centres of the Atlantic world, Muir's corpus of data on civil litigation should yield fascinating comparative insights. As a source base, Muir primarily relies on minute books

and case files. For non-specialists and specialists seeking a primer on eighteenth-century legal procedures, the monograph also includes a useful appendix that explains how Muir interpreted eighteenth-century legal records (11–12, 191–205).

The most wanting aspects of the book arise from self-imposed boundaries on scope and methodology as well as source limitations. Muir identifies *Law, Debt, and Merchant Power* as a work of legal and social history, scrupulously avoiding cultural analysis and devoting few pages to legal contestation rooted in colonial politics. While Muir achieves elegance by limiting this study to the demographics of litigants and descriptions of civil court operations, the author populates the civil courts of eighteenth-century Halifax with figures of instrumental value but little depth or agency in their own narratives. As Muir notes, this reliance on sometimes one-sided legal sources proved necessary as no personal papers surfaced to “supplement or test” the analysis. Because of these limitations, the historiographical stakes for Muir’s study also may be hidden at times (9, 202).

Legal historians have engaged in robust debates in recent decades about the ways in which contested legalities in North America transcend the courtroom to more vernacular encounters.¹ As this historiography raises important questions about the ways in which Muir’s merchantocracy shaped and was shaped by society, families, and marginalized figures, I hope that legal scholars seek in *Law, Debt, and Merchant Power* an empirical springboard to explore in further research the looming questions of vernacular legalities and cultural meaning.

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¹See Michael Grossberg and Christopher Tomlins, *The Cambridge History of Law in America* (Cambridge: Cambridge University Press, 2008); Laura F. Edwards, “Sarah Allingham’s Sheet and Other Lessons from Legal History,” *Journal of the Early Republic* 38, no. 1 (2018): 121-147