

appointed. Evidence of value, on such a question, can scarcely be taken in that way. The opinions of some judges were, with doubtful propriety, asked; for some question arising out of these boundaries might come before them in a judicial capacity. Besides, judges have no heaven-born qualities which enable them to pronounce upon a question of the most intricate nature, which they have not studied, and of which in effect they know nothing. The first report of the committee, as it is called, might have been made just as well if no evidence had been taken. It consists of little else than a reference to documents which were for the most part previously well known.

Practically the report narrows the enquiry to the single question, whether the Quebec Act is to be the sole guide, or whether the descriptions contained in commissions are to rule. The judges who appeared before the committee, we are told, "seemed to be strongly of opinion that the boundaries of Provinces could not be altered by commissions to governors or proclamations." But the Attorney-General of Ontario thought the prerogative could be exercised in this way. If the object be to get at the truth, and to arrive at a fair decision, as we must assume it to be, it seems quite clear that the evidence afforded by commissions and proclamations may sometimes be helpful. But this kind of evidence, like any other, is of varying value. When a commission or a proclamation follows the words of an Act of Parliament, as far as the description is clear, and goes on to add words which make good the defects of the Act, great reliance ought to be placed on it. And this is actually what occurred with regard to the Western Boundary. The Quebec Act, a proclamation and a commission can all be taken together. The Act by itself is obscure and uncertain; the commission and the proclamation make it intelligible and clear. Why not take all three together? If the whole truth be desired, this is the only way to get it.

There are other commissions the descriptions in which are not helpful, and which must be rejected for want of definiteness. Of this nature is the commission to Lord Durham, in 1838. It merely takes us "into" Lake Superior, where we get into deeper water than we were in before. Yet it suits the author of the committee's report to lay particular stress upon this commission, which contains a description that any candid man must pronounce bad for want of definiteness. A commission that draws a line "into" Lake Superior could never have intended to make a new boundary, and in fact, does not, at this point, give us any definite boundary at all.

The report of the committee takes the ground that we must be guided solely by the commissions or the Act. But this is not the correct view. The Quebec Act is explained by commissions and proclamations; by these its deficiencies are supplied and its ambiguity removed. What we have to do, to get at the whole truth, is to take them altogether. If the later commission to Lord Durham had been clear and definite in its description, we might have had to take it; but as it is neither one nor the other, it must be rejected, if for no other reason, because it is incomprehensible. A Province cannot be cut short, nearly the whole length of Lake Superior, by some words in a commission which are so vague that no one can pretend to say where they would set us down or whether we should ever get out again. To dwell on such an instrument is mere child's play.

We have a definite boundary on the west as far north, at least, as the source of the Mississippi. The Quebec Act takes us "northward" from the junction of the Ohio and the Mississippi, to the Hudson's Bay Territory. The difficulty arises upon the word "northward." Does it mean due north, or only in a north-ward direction? The question is answered by a commission and a proclamation, and the difficulty vanishes. These two instruments explain what is obscure in the Act. From them we learn that "northward" means along the eastern bank of the Mississippi to its source. When we get to the source of the Mississippi, it is true, we have not reached the international boundary line of 49°, and the only remaining question is, how are we to get there. To go due north would then not be unreasonable; and it would be no great harm if the general trend of the river were followed in producing the upward line.

The report is of doubtful accuracy in some of its facts, and if the facts were correctly stated, the conclusions they are intended to support would not be justified. For instance, we read "that the country west of the watershed was Indian Territory, was decided by the Court of Queen's Bench, Quebec, in the de Reinhardt trial." The Court decided, incidentally, that the line "northward" from the junction of the Ohio with the Mississippi was a due north line. But it did so by straining the obvious meaning of the word "northward," bullying the witnesses and from the first showing its determination to assert its own jurisdiction, which was the whole question a tissue. The decision, such as it was, was given in entire ignorance of all the leading facts by which it should have been governed. It is obvious that such a decision, given under such circumstances, is of no value whatever.

Of the award of the arbitrators, the committee's report says:—

"In reference to the award made by the arbitrators on the 3rd of August, 1878, a copy of which is appended, your Committee are of opinion that it does not describe the true boundaries of Ontario. It seems to your Committee to be inconsistent with any boundary line ever suggested or proposed subsequently to the Treaty of Utrecht, 1713. It makes the Provincial boundaries run into territory granted by Royal charter in 1670, to the merchant adventurers of England trading into Hudson's Bay, and it cuts through Indian territories which according to the Act 43rd, Geo. III., cap. 138, 12 Geo. IV, cap. 66, formed no part of the Provinces of Upper or Lower Canada, or either of them, and it carries the boundaries of Ontario within the limits of the former Colony of Assiniboine, which formed no part of Upper Canada.

To some extent, it is no doubt true, the northern boundary traced in the award is conventional. But the difficulty is that no human being can tell, in the present state of the evidence, precisely where the northern boundary should be.

We repeat, the author of the report could have written it just as well before the committee was struck as when it was written. He started with a theory, and he ends with the same theory. If the committee should make another report, it will probably be not unlike the sample we have got. We trust no more judges will be dragged before the committee to give opinions on a question which they might, in some form, be called upon judicially to decide.

CANADIAN EXPORTS, 1879.

The aggregate money value of the various articles sent out of the Dominion has not been at so low a point since 1869 as in the fiscal year closed last June. The Trade and Navigation returns for 1879 show that the total trade of the Dominion for last year amounted to \$153,455,000, as against \$172,404,000 the year before, a decline of \$18,949,000. The exports have declined in money value ten per cent. since 1878, being \$71,491,000 value, against \$79,323,000. The decline, as will be seen by the following comparison, is most largely in lumber and timber exports, which are over six millions less, partly in field products, and partly in manufactured goods.

Exports 1877-8 value.	1879 value.
Forest.....	\$20,054,829
Field	\$13,797,259
Animals	25,970,887
Fisheries ...	14,737,393
Minerals ...	6,929,366
M'd goods...	7,072,203
Ships	2,869,363
	3,187,722
	4,715,776
	1,236,145
	529,824

Total \$79,323,667 Total \$71,491,255

Values of fish, of minerals and of animals are thus the only items upon which our export figures of this year are greater than