

but, as Mr. McD. Dawson correctly stated, "on no earthly authority but themselves." In order to discover on what authority the clear language of a proclamation issued in accordance with an Act of the Imperial Parliament could be impugned, we naturally referred to the report in the Canadian Hansard, of the discussion during the last session on Mr. Dawson's motion for the award of the arbitrators. We found little in Mr. Dawson's own speech to aid us in our research. He commenced by referring to the importance of the question. He proceeded to state that Ontario would get a large extent of territory which she could not conveniently deal with, and that he (Mr. Dawson) had "always been of opinion" that a separate Province should be created. Mr. Dawson confined his criticism of the award chiefly to the Western boundary. In regard to the Northern, he committed a great error when he alleged that what he termed the Hudson's Bay Company's "rights" "were confirmed by treaties and acknowledged 'after the treaty of Utrecht by France as 'well as England.' Such assertions only prove that Mr. Dawson has not studied the subject. Mr. Dawson was followed by the Hon. Wm. McDougall, who commenced by assuring the House that he had for some years given attention to the subject, and he was satisfied that the boundary, as settled by the arbitrators, was made by themselves. He said that the arbitrators "assumed" that the Eastern boundary ran to Hudson's Bay, but he, Mr. McDougall, "did not think there was any authority for that." He then proceeded to declare that the arbitrators "had found in 'some communications between the Imperial Government and their officers in 'this country the words, to the boundary 'of Hudson's Bay.' He further stated that "he had taken occasion to look into "that point, and became satisfied that it "was a mere clerical error in the copies "of the original report of the Attorney-General," and he added that "no one "would use that word boundary in describing the shores of a bay." Now, it might be inferred from such language that Mr. McDougall was unaware that the expression to which he called attention, was used in the proclamation under the Statute of 1791, which certainly could not be properly described as "some communications between the Imperial Government and their officers." Again, when he became satisfied that this was a clerical error, could he have been aware that, in the commissions to the Earl of Durham in 1838, to Sir John Colborne in the same year, to Mr. Thomson in 1839, to Lord Sydenham in 1840, to Sir Charles Metcalfe

in 1843, to Lords Cathcart and Elgin in 1846, the words, "the shore of Hudson's Bay" are invariably used. Were all these commissions "clerical errors," or is this "a slight circumstance"? It is, however, of no practical importance under existing circumstances, what Mr. McDougall or Mr. Dawson may think of the award. The arbitrators were unanimously of opinion that the words in the proclamation of November, 1791, which we have quoted already, justified them in declaring the North Eastern boundary as they did declare it. With reference to Mr. McDougall's criticism of the term "boundary," it may be remarked that when the Hudson's Bay territories were meant, the invariable expression used was "boundary of the territory granted to the Merchant Adventurers, etc." The language of the earlier commissions was in strict accordance with that of the proclamation of 1791, but in Lord Durham's, in 1838, the words are, "by a line drawn due North from the head of the said lake, until it strikes the shore of Hudson's Bay." In Lord Sydenham's the expression is "until it reaches the shore of Hudson's Bay." No less than seven commissions to successive Governors contain the word "shore" instead of boundary. One more remark and we close this branch of the subject. As regards the South Western and North Eastern boundaries, the arbitrators found termini which they considered satisfactorily established as the true ones. From the South Western boundary, or the North Western angle of the Lake of the Woods, they had to find a line to that *terra incognita*, the Hudson's Bay territory, which was never defined in any instrument whatever. Again, they had to find a line from the North Eastern boundary, which would include all the territory to the southward and westward as far west as the Lake of the Woods, and which did not belong to the Hudson's Bay Company. The termini to the North East and South West being established, we should like Mr. McDougall or Mr. Dawson to define a more correct boundary line than the one awarded, but in truth, all the objections are founded on a difference of opinion as to the disputed points which the arbitrators were appointed to determine, and which they did determine according to strict justice.

CONCLUDING REMARKS.

The more the subject is discussed, the clearer will it be made to appear that the extreme pretensions of the Hudson's Bay Company, as was well said by Mr. McD. Dawson, never had any "earthly authority except themselves," and this was the unanimous opinion of Canadian statesmen and jurists in late years, until the Hudson's

Bay territory was acquired by the Dominion, when jealousy of Ontario was allowed to influence the opinions of our statesmen. When the negotiations between the Governments of the Dominion and Ontario commenced in 1872, the former at once adopted the very boundary which only three years before the same Government, represented by Sir George Cartier and Mr. Macdougall, had declared to be inadmissible, and, after a protracted correspondence, it was found necessary to resort to a conventional line. It was at one time proposed to refer the matter to the Judicial Committee of the Privy Council, and the opinion of Sir Richard Bethell and Sir Henry Keating was taken as to whether the Crown "could lawfully and constitutionally raise for legal decision" certain questions including the extent of the territorial claim. The opinion given was that the decision of the Committee of the Privy Council would not have any effect as a binding judicial determination, although the questions at issue might be made the subject of a quasi-judicial inquiry. It is hoped that the foregoing statement may at least aid those who take an interest in a question, which is deemed very perplexing in arriving at a satisfactory conclusion.

THE LATE HON. L. H. HOLTON, M.P.

No language that we could employ would convey the faintest idea of the gloom which pervaded the inhabitants of Montreal when they were startled with the announcement of the sudden death of their much-esteemed fellow-citizen, Luther Hamilton Holton. Having become a resident of Montreal at an early age, and having been thoroughly identified with it from long residence, from having been its representative in Parliament, and from having formed here the strongest domestic and social ties, our citizens cannot but feel the loss of Mr. Holton in a special manner, but it cannot be denied that the blow is one that has been inflicted on the whole Dominion. The tribute paid to the virtues of the deceased statesman by members of the House of Commons of all political parties affords conclusive proof of the high estimation in which he was held. To him, indeed, the well known description of the Roman poet is most applicable:—

Integer vitæ scelerisque purus.

A reference to Mr. Holton's public career would be a history of Canada from the period of its emancipation from the thralldom of irresponsible Government, up to the present day. Born in 1817 he had barely completed his twentieth year when