

ments, did not authorize any encroachment on the rights of the Indian. The great maritime powers colonizing in America, in the words of Wheaton, acted upon the principle "that discovery gave title to the government by whose subjects or by whose authority it was made against all European governments, which title might be consummated by possession." This was the political title. The Indian title had still to be extinguished. "The Indian nations," in the language used by Chief Justice Marshall in the celebrated Cherokee Case, "had always been considered as distinct, independent, political communities, retaining their original rights as the undisputed possessors of the soil from time immemorial, with the single exception of that imposed by irresistible power, which excluded them from intercourse with any other European potentate than the first discoverer of the coast of the particular region claimed." Theoretically the Indian title could only be extinguished by the free consent of the Indian, which he could give or withhold at pleasure. The real point in dispute in the present case seems to be narrowed down to two questions: What authority, as the representative of the Crown, has the right to acquire the Indian title? Does the fact of the lands lying within the limits of Ontario, under the Confederation Act, make them a part of the domain of that Province, subject to the extinction of the Indian title? These State questions are seldom regarded as finally settled till the opinion of the Judicial Committee of the Privy Council upon them has been obtained; and this case will probably not form an exception.

For the succession to the Conservative leadership of Quebec, which Sir George Cartier held with undisputed sway, the fight still goes on. The visible combatants are subaltern politicians, most of whom have some connection with the press. They fight vicariously, and it is difficult to understand on what authority their assaults are made; whether the two competing chiefs against whom and for whom the warfare is respectively carried on secretly give the *mot d'ordre* or furnish the ammunition. M. Chapleau has been charged with interfering to defeat the candidates of his own party in elections, and it has been admitted on his part that he demanded guarantees from candidates, the nature of which have not been explained, and that when the pledges required were not forthcoming he let slip the dogs of war. This is the most direct proof that M. Chapleau is playing his own game against his colleague, Sir Hector Langevin that has been made public; but there is an air of mystery about the transaction which leaves its real nature in some doubt. The principal attacks in the press are directed against M. Chapleau: his friends seldom retort by a direct assault upon Sir Hector Langevin. That the two politicians in behalf of whom the warfare is carried on are rival candidates for the leadership does not admit of doubt. Strictly speaking, Sir George Cartier has left no direct successor. Two men of about equal talents, if not equal pretensions, dispute the succession; neither of them has the single-mindedness that marked his career. Neither pretends, nor is there any occasion that he should, to be an English-speaking Frenchman. Sir George Cartier would not allow Bishop Bourget to ignore the civil law in dividing the parish of Montreal on the sole authority of instructions from Rome; Sir Hector Langevin felt himself unable to vote for the appointment of a judge to hear a divorce case in New Brunswick till he sent to Rome to learn what his duty in the premises was. The charges of latitudinarianism made against M. Chapleau are probably made in bad faith. The charges of corruption generally seek to connect him with the financial schemes of M. Senecal: they are stated in detail, maintained with persistence, and daily repeated. If M. Chapleau has the misfortune to be pursued by malignant detractors, it is at least significant that he has not called them to account in a Court of Justice, where an innocent man might hope to make his guiltlessness clear. The division of the Bleus is the only hope of the Liberals, and to the Liberals the most pronounced of the ultramontane journals, *L'Etendard*, is the most effective ally. But this aid is incidental and altogether foreign to the main purpose of *L'Etendard*; there is no reason to believe that it is intentional, for about the last thing the five hundred priests whose names are on its subscription list would desire is the triumph of the Liberals. But their organ is, more than anything else, making that triumph possible. In the struggle of life there are two candidates for the chieftainship where there can be but one chief; in the press there are two journals where is room for but one: it is possible that the struggle for supremacy between the journals, which is at the same time a struggle for existence, not infrequently assumes the appearance of a contest between rival leaders. The rival leaders find a place in the same cabinet, and on most public questions they are constrained to present an uniformity of opinion; but the rivalry, with many exaggerated concomitants, exists. This contention is *In Memoriam* to Sir George Cartier, at whose death it had its birth.

As an alternative to the additional loan of \$5,000,000 to the Canadian Pacific Railway Company, the proposal that the Government should give back that amount of the guarantee fund is not available. Stock was subscribed in Europe on the strength of the guarantee of interest. The Government had accepted a trust in virtue of which these distant subscribers were assured a given rate of interest on their investment for a number of years, and that trust the Government could not violate. The objection to large dividends secured on stock allotted to themselves by directors at a heavy discount was legitimate, and if they alone had been in question the proposal to loan part of the guarantee fund to the Company would have worn a different aspect. The two classes of stockholders were inextricably mixed up, and a withdrawal of the guarantee fund would have been unjust to one of them. The Government would have made itself morally responsible for the consequences of the withdrawal to this class of stockholders, and in the opinion of financial Europe the exigency of the situation could not have relieved it from the obligations of the trust. As before, consent to the new loan by the Quebec members involves a large aggregate amount of railway appropriations in other directions. The theory of the loan is that it is recoverable; the grants made to the other railways, instead of being secured by a lien on the roads, are absolute; the money once paid is gone for ever. This loan, if as it seems to have been a dire necessity, was the natural outcome of the antecedent policy; and the only things about which there is a doubt, and which may not have been inevitable, are the alteration in the form of security and the nature of the remedies held by the Government.

A FREE Navigation League has been formed in Montreal, a leading object of which is to procure the abolition of canal tolls. Abolition of tolls means that the revenue derived from these public works is to be sacrificed and the cost of the maintenance of the canals thrown upon the public at large. Circumstances are conceivable under which such a policy might be justifiable. It would be justifiable if a removal of the tolls were necessary to enable our surplus products to compete in the markets to which they ultimately go for consumption. But this sacrifice cannot be required when the question is of moving foreign produce which comes into competition with our own. Free canals for ourselves is an intelligible proposition; free canals for our competitors, to enable them to get the better of our producers, is neither intelligible nor reasonable. In pursuit of the grain-carrying trade of the Western States, Canada has been following a phantom which is gaining on her at every step in the race. Her first aim, in lavishing on the canals an expenditure which her own trade did not warrant, was to make herself the carrier of Western produce to New England, an enterprise which political segregation foredoomed to failure. The holder of grain in New York has, up to a certain point, a choice of markets; he can export, or he can sell in New England to the extent of supplying the local demand; but the holder of grain in Montreal has no such alternative, he can only export to Europe. After Canada had failed to secure the carrying trade between the Western States and New England, she hugged the illusion that the natural advantages of her great river would enable her to secure the internal carrying trade of the grain of those States which is destined for consumption in Europe. On this object she lavished an enormous expenditure in a purely speculative spirit, and the success of the venture is measured by the fact that of all the Western grain which seeks the Atlantic seaboard at different points between the Gulf of St. Lawrence and Baltimore, she gets less than eight per cent., and the percentage is a diminishing proportion. The dream that vessels which bring imports to New York will go back in ballast to enable vessels which come out in ballast to Montreal to take back cargoes of grain has ended as, from its extravagant nature, it was foredoomed to end. An abolition of canal tolls would not turn the tide of the traffic in our favour. Besides the experience of free canals in the State of New York has proved disappointing, and we find ourselves face to face with a new competition; the railways carry the great bulk of the grain traffic between the West and the Atlantic seaboard, and on railway rates, in these times of railway war, the abolition of canal tolls has no effect. Beginning with the year 1860, Canada tried the suspension of the canal tolls for three years. The public derived no benefit from the change, the forwarders having exacted in extra freight charges what the taxpayers sacrificed in the shape of tolls. It is at least a suspicious circumstance that the forwarders are foremost in demanding the abolition of tolls now. But are forwarders on our water route the only men of their class who deserve consideration? Is it in accordance with the rules of equity that railway companies which have spent enormous amounts of capital to enable them to obtain a share of the freight for which the canals compete, should be subjected to a destructive competition at the cost of the State? If we abolish the canal tolls, should we not give just