

THE PROVINCIAL ARBITRATION.

We have already ventured to express the opinion that in so far as the British North America Act is concerned, the majority of the arbitrators were wrong in their judgment that the said act gave them no "power" to take into account the assets and liabilities of Upper and Lower Canada at the time of the Union in 1841. The question involved is not one of law, but of fact, and of the meaning of words; and by reference to our article, printed two weeks ago, it will be clearly seen that the framers of the act had no intention of limiting the arbitrators within the narrow bounds in which Messrs. Macpherson and Gray have judged it their duty to confine their investigations. On this particular point our opinion is strongly with Judge Day; but we cannot say that his resignation was altogether defensible, and we can say, without hesitation, that the recusation of Col. Gray, after judgment had been delivered, was an unworthy and indefensible act on the part of the Province of Quebec.

It was hardly to have been expected that the two arbitrators would have gone on with their work in the absence of the third; hence we said on a former occasion that the arbitration was suspended for a time, if not broken up altogether. In this, however, we were somewhat mistaken. Messrs. Macpherson and Gray still persist in going on with the arbitration, notwithstanding the resignation of Judge Day. We venture to say that they are wrong again. Neither the letter nor the spirit of the law authorizes the arbitrator for one Province and the Dominion to decide anything; and we feel pretty confident that the legal advisers of the Crown both in Canada and England, will refuse to sanction the course which Messrs. Macpherson and Gray are now pursuing. As for Mr. Gray's judgment delivered last week on the exceptions taken by Quebec, it would perhaps be presumptuous in any mere layman to pronounce an opinion. But if it is true that law is but the embodiment of the highest forms of justice and common sense, then we think it will be found pretty clear that he has reasoned all along upon entirely false premises. He has, in fact, assumed that Quebec had a representative at the board of arbitrators when she has none. His decision is therefore vitiated. The authorities he cites all imply that the whole board of arbitration should hear the case, before the ruling of the majority can be accepted as the verdict of the whole. But here there is not a full board; one of the parties to the case is entirely unrepresented, and we confess to some astonishment that either Col. Gray or Hon. D. Macpherson would have given concurrence to the judgment published in the morning papers on Monday last. When the law says, in express terms, that the points upon which they are called upon to adjudicate, "shall be referred to the arbitrament of three arbitrators," we think it rather odd that anybody should come to the conclusion that the business can be done by two. But the worst feature of the case is that one of the two present represents a party presumed to be indifferent, while the other represents one which is notoriously interested, and a decision under such circumstances, besides being illegal, as we firmly believe it will be held to be, when tested in the proper quarter, is exposed to the risk of not being fair. How can the case of Quebec be properly represented to the two arbitrators with her counsel withdrawn and her own representative not upon the judgment seat? We do not wish to imply that either Col. Gray or Mr. Macpherson would knowingly wrong Quebec; but it appears already that they have taken the lawyer's instead of the judge's view of the act under which their arbitration is constituted; and we now think they have gone to such a length that even the "lawyer" would hardly sustain them, for how can they two do what the law has expressly imposed upon three?

It would appear that there is some room to impeach the wisdom of the decision that a majority judgment should be binding as the judgment of the whole board; but this is unnecessary, since there is no whole board to hear the case; all the authorities cited in Col. Gray's judgment go to show that it is primarily necessary that the whole shall hear the case before the judgment of the majority can be held to be valid, and this condition, in the present state of the arbitration board, is simply impossible. Nor is there anything in the single clause of the British North America Act investing Col. Gray with the character of Umpire. On the contrary, it seems that the intention was that there should be concurrent judgment by the three arbitrators. This is the ground taken by Quebec, and without saying absolutely that it is tenable, we must confess that it seems that which best accords with the letter and the supposed intention of the law. One thing is clear, that an arbitrator on the part of Ontario, and an arbitrator on the part of the Dominion cannot, by themselves, discharge the duties imposed by the 142nd clause of the Union Act. Unless Quebec reappoints an arbitrator and the full bench agree to seek another basis of settlement than that upon which the majority has agreed, we see nothing for it but the aban-

donment of arbitration altogether and a resort to fresh legislation to settle the proportions of the assets and liabilities between the Provinces.

THE NORTH-WEST TERRITORY.

No. 11.—BRITISH COLUMBIA.—THE MAINLAND.—Continued.

By the Rev. *Æn. McD. Dawson, Ottawa.*

THE CHILCOTIN.

The CHILCOTIN, so celebrated for the rich and beautiful plains which it traverses, is a tributary of the Fraser. The far-famed Chilcotin plains extend from the vicinity of the Blue Mountains, as far to the westwards as the Pacific range, or Cascade Mountains. Arrangements of the most liberal kind have been made, in order to encourage settlement on these fertile plains. A right of preemption is established, in virtue of which one hundred and sixty acres of the best land can be purchased for two dollars. There is, also, a homestead law, which protects the settler, to the extent of two thousand five hundred dollars.

THE QUESNEL, LILLOOET, HARRISON, BEAR, SALMON.

The QUESNEL, LILLOOET, HARRISON, BEAR and SALMON RIVERS are among the more important tributaries of the FRASER. They are almost all auriferous. The Quesnel and Lillooet in particular, are celebrated by travellers.

SKENA, SIMPSON, FRANCES and DEASE Rivers are also important streams of British Columbia; farther north, indeed, than the Fraser and its tributaries; but not beyond the limits of fertility and cultivation.

MOUNTAIN RIVER.

MOUNTAIN RIVER, or, the River of the Mountains, which is also called *La Rivière aux Liards*, may be classed among the rivers of British Columbia. It has its source, and about the half of its course of seven hundred and fifty miles, within the colony. It traverses the Rocky Mountains (the boundary of British Columbia) nearly four hundred miles from the sources of its two branches, and seventy miles below their confluence; in order to convey an idea of the fertility, which existed at the northern limit of the colony, it may be mentioned that, at Fort Liard, a post of the Hudson's Bay Company, and where Mountain River reaches the sixtieth parallel of north latitude, all the cereals, not excepting wheat, are easily raised. Sir John Richardson says that, "although this post is more elevated than Fort Simpson, (where Mountain River joins the McKenzie), by, at least, one hundred and fifty feet, and is only two degrees of latitude to the southward of Fort Simpson, its climate is said to be very superior, and its vegetable productions of better growth and quality. Barley and oats yield good crops, and, in favourable seasons, wheat ripens well." Mr. Ishister also testifies that "large crops" are raised on Mountain River. Farther north, the cultivation of wheat would not be sufficiently remunerative to encourage agricultural settlement. These facts are of great importance, inasmuch as they shew the ground on which Government has determined on the sixtieth parallel of N. latitude, as the northern boundary of the newly constituted colony of British Columbia.

PEACE RIVER.

The PEACE RIVER, which is the principal branch of the great UNJIGA, now known as the McKenzie, belongs to British Columbia, in so far as it has its source in this colony, about two hundred miles only from the Pacific Ocean, in latitude 56° 30' N., longitude 126° W. Its longest branch, called the *Fendlay River*, is, thus, 300 miles in length, from this point to its junction with the south branch, a little eastward of the pass, where the united stream pierces the Rocky Mountains, and takes leave of British Columbia. The course of the south branch is nearly 200 miles, thus giving 500 miles of this beautiful and interesting river to the new colony. Sir Alexander McKenzie, the first great explorer who traversed the Rocky Mountains, by the valley of Peace River, writing from Fort Dunvegan, not far from the Columbian boundary, says: "Opposite our present situation are beautiful meadows, with various animals grazing on them, and groves of poplar irregularly scattered over them." Higher up the country, and still nearer the Columbian frontier, the same celebrated explorer beheld a richer and more beautiful country. Writing under the date of 10th May, 1793, he says: "From the place which we quitted this morning, the west side of the river displayed a succession of the most beautiful scenery I had ever beheld. The ground rises at intervals to a considerable height, and stretches inwards to a considerable distance. At every interval or pause in the rise, there is a gently ascending space or lawn, which is alternate with abrupt precipices, to the summit of the whole, or, at least, as far as the eye could distinguish. This magnificent theatre of nature has all the decorations which the trees and animals of the country can afford it; groves of poplars, in every shape, enliven the scene; and their intervals are enlivened by vast herds of Elks and Buffaloes; the former choosing the steep uplands, and the latter preferring the plains. At this time the Buffaloes were attended with their young ones, and it appeared that the Elks would soon exhibit the same enlivening circumstance. The whole country exhibited an exuberant verdure; the trees that bear a blossom were advancing fast to that delightful appearance."

If this very elevated land, on the eastern declivity of the mountains, offered such pleasing appearances so early as the

10th of May, how early must not Spring put forth its powers of vegetation on the western side—in British Columbia—where climatic influences are so much more in its favour?

Over 100 miles farther up, the country was equally beautiful and enlivened by the presence of Elk and Buffalo. Proceeding onwards, Sir A. McKenzie found the country so crowded with animals, as to have the appearance, in some places, of a stall-yard, from the state of the ground and the quantity of dung that is scattered over it. The soil, there, was black and light. The country still improved as he proceeded westward, in other words, as he advanced into British Columbia. Hitherto he had described only groves of poplar. He now speaks of travelling through heavy woods of spruce, red pine, cypress, poplar, white birch and willow. In the same neighbourhood he traversed tall pine woods. Here the mountains were bare of wood towards their summits, but well wooded at the base. Near the confluence of the north and south branches of the Peace River, which is quite in the interior of British Columbia, he speaks of the mountains being covered with wood. In the valleys of this mountainous region, so early as the 27th of May, the trees were putting forth their leaves. Spring is earlier, therefore, in those elevated countries than it generally is in Central Canada. The distinguished explorer's journey along the Peace River towards its Columbian source, shews that the climate is more genial, and vegetation more vigorous on the western or Pacific declivities of the great mountain ranges than on the eastern slopes, down which flow, through such finely varied landscapes, the augmented waters of the Peace River, the Athabaska, and the famed Saskatchewan. This circumstance, so favourable to British Columbia, has been remarked by other eminent travellers when traversing the Rocky Mountain range through the more southern passes. The Peace River connects the new colony with the far-extending plains of the Saskatchewan and the McKenzie, as the Fraser and the Columbia afford easy communication with the fertile plains of Columbia and Oregon, as well as with Vancouver's Island and the Pacific Ocean. The valley of Peace River may yet be adopted as the great intercolonial, nay, international route from ocean to ocean—the route which will one day bind together by the ties of commerce—it may be, also, of lasting amity—four great divisions of the globe, Europe, America, Asia, and Oceanica. Meanwhile, we must be satisfied to contemplate the Peace River as an object of admiration. This chief branch of the great UNJIGA, flows 1000 miles from its Columbian source, till it commingles with the mighty system of waters, which, in their course of 2,500 miles, spread over half a continent, at one time rushing with all the impetuosity of mountain torrents, now expanding into immense lakes, and finally, flowing with all the majesty of a noble and navigable river till they lose themselves, after having traversed fifteen degrees of latitude, in the vast Arctic Ocean. The Peace River is great and exceptional in yet another point of view. It flows from its tra-montane birthplace, charged with gold. It is the only river, descending eastward from the Rocky Mountains, which bears the precious metal—a circumstance which seems to denote that the western or Columbian side of those Mountains only is auriferous.

THE RED RIVER EXPEDITION.

The last of the troops to leave Thunder Bay for Lake Shebandowan were the Engineers and Artillery and a company of the Quebec battalion under Capt. de Bellefeuille, and by the middle of July these had moved up as far as the Matawin, half-way between Prince Arthur's Landing and the Shebandowan. At this time the head-quarters were at the Matawin, but camps of troops and Mr. Dawson's men were posted along between the latter point and the place of embarkation, in order to forward the work of transportation as speedily as possible. It may appear that the last half of the work was performed in much less time than the first half, but it must be borne in mind that the difficulties to be overcome were very great, and the greater obstacles presented themselves in the first half of the journey. Again much of the work on the roads was undone by the heavy storm at Thunder Bay, which delayed very considerably the progress of the expedition. As it was, the traffic over the wet road and the unexpected manner in which the horses fell sick, rendered it impossible to transport the expedition to Shebandowan by land alone. It appears to be thought, and with some reason, that a different treatment of the horses at first would have obviated a great deal of the sickness. The teams employed throughout the winter stood the work better than those sent up for military transport, and this fact is attributed to their food being unlimited, their drivers better acquainted with their business, and the artillery horses being unaccustomed to such heavy work. But even with all the horses available, the second half of the road could not have stood the transport of all the boats and provisions. Indeed, the increased number would have only aggravated the evil, which at one time threatened very serious consequences. When the wet weather came on, and the prospect of reaching Shebandowan in anything like the time calculated became so gloomy, it was exceedingly fortunate that Colonel Wolseley determined to try the passage of the Kaminstiquia. Difficult and toilsome as the route has been, it has enabled the expedition to make its present progress, and, as an auxiliary, has been of great value. But, on the other hand, the Kaminstiquia, without the road, would have been a severe trial. The boats merely carrying provisions for the crews detailed to work them up, owe their safe passage to great care and very laborious work. Some of these have been seriously damaged and three lost. Whether they could have been taken up laden with the stores of the expedition and their proper complement of men, must remain a matter of doubt. Thus while either route would have been of itself insufficient for the desired end, the two together have enabled the expedition to pass over what is described as being the most difficult part of the journey.

On the 13th inst. Colonel Wolseley and his staff moved up