

tion might have aroused the attention of the Judicial Committee to the importance and delicacy of the operation they were called upon to perform. One member, at any rate, of that body, was competent to understand what he was about. It is, in some sort, distressing to discover that our idols have feet of clay, and that European and Metropolitan superiority is principally an illusion of distance. One regrets to learn that Lamar-tine manufactured his books by the intervention of scribes, just as a Manchester cotton-spinner fabricates his goods with a generous compound of sour flour,—that the sculptor's art is frequently confined to the skilful guidance of a stonemason, and that the opinions of great lawyers are frequently those of their registrars or clerks.

To form a correct idea of what must be the reasoning on which their Lordships' decision is founded; or, rather which is implied in the opinion they have consented to have put into their mouths, we must recapitulate the essential points of the discussion.

The story is this,—the Act of 1774 laid down the boundaries of the old Province of Quebec, and legislatively they have never been changed. Now that Act indisputably made the western boundary of the Province a due north line from the confluence of the Mississippi and Ohio till it struck the Hudson Bay Territory. No other construction of the sentence would make it a boundary at all. But it is said, granting that, the boundary was changed by the effect of the Act of 1791, in this way. When the Act of 1791 was before Parliament, the King sent a representation to Parliament as to what the division of the Provinces of Upper and Lower Canada was to be. Parliament authorized the King to divide the Province by Proclamation, without in any way recognizing the correctness of the King's description, and thereupon the King did divide what he called Canada into two Provinces.

Now the legal proposition, based on these presumed facts, is, that Parliament is presumed to have repealed a previous statute, because it was in possession of the knowledge of the fact at the time of passing the Act of 1791, that the King believed that the previous Act said what it did not say.

But this is not all, when we read this famous paper we find that it makes no mention whatever of the eastern boundaries of the old Province of Quebec. It only seems to contradict the Act of 1774 by carrying the line dividing the Provinces about to be created up to Hudson's Bay, but that with the limitation that it was not to extend beyond the "country commonly called or known by the name of Canada." (See p. 463, App. A. P. C. Papers.)

The Proclamation follows the words of the paper, with its limitations; but Mr. Mowat contends that what was called or known as Canada, was the Canada of gossip, and of defunct pretensions, and not of the law.

The whole proposition is so absurd that it is scarcely matter of surprise that no one will own it, except concealed in a scurry of words. Nevertheless, it has carried the day.

The answer of the judicial committee to the third question is about as curious as the answer to the second. They don't know whether the joint legislation of the Dominion and of the Provinces of Ontario and of Manitoba could give force to their opinion, but they think it "desirable and most expedient that an Imperial act of Parliament should be passed to make this decision binding and effectual." This last piece of advice is so much the more acceptable that "this decision" is such a mass of nonsense that if no legislation were to give it authority it would merely, like the award, furnish a new element of discord—an extension of the field of unprofitable discussion.

There is, however, one lesson their Lordships have given us, perhaps unwittingly, and that is to abandon abnormal modes of ending disputes; and above all, not to trouble their Lordships again respecting questions they know nothing about, and which they don't intend to take the least pains to understand. As far as getting an intelligent opinion on such a question is concerned, we might just as well have appealed to Og, Gog and Magog or to the Beef-eaters at the Tower. Juge Bridoye's mode of guiding the scales of justice, is miserably over-looked, *par les temps qui courent*.

Mr. Gladstone has announced his intention to reform the House of Lords, if it won't con-