

whole territories and not to the western boundary. That is my opinion, and I am glad to see he has come to that conclusion. But if so, then the word "northward" cannot mean due north. But you have in the Act a description of the boundaries of the Province of Quebec as it was proposed to fix them, extending upon the south from the Bay of Chaleurs westward to the Mississippi River; and it is said that all the territories, countries and islands within those limits, so bounded on the south, extending from that line northward to the Hudson's Bay, is to constitute the Province of Quebec. There is no boundary mentioned on the west, and you might just as well say that the boundary upon the east, at the Bay of Chaleurs, was a due north line, as that the boundary on the west marked a due north line. Then as to the Act of 1774, it says that the French colonists scattered through the Indian territory were left without any civil government, and that it was to extend civil government to those colonists that the boundaries of Quebec were to be extended. Well, if the boundaries were extended for that purpose, you cannot give it a western boundary that will exclude all those settlements which the Act was passed to include. The hon. gentleman refers to the boundaries upon the north. I am not going to enter into a discussion of that question at length; but I will say that the boundary on the north is not the height of land. There is not a particle of evidence in favor of any such contention. On the contrary, the evidence is conclusive, that the boundary on the north stretched far beyond the height of land. The Hudson's Bay Company in defining their limits for many years, in their propositions submitted to the Government of Great Britain, set forth the wish that the boundary between them and the French should begin at Cape Partridge, at $58\frac{1}{2}$ degrees north latitude and extending south-westerly from that point to Lake Mistassiny. And let me say that boundary is far to north to the height of land, and although you find in modern maps that the boundary of Quebec is marked along the height of land, it is perfectly clear that the height of land was not known or, until recent times, taken into consideration; and here was an astronomical line to be drawn on the map, extending from the north-west point of Labrador to Lake Mistassiny, which was to be the line between the eastern part of the French possessions and the possessions of the Hudson's Bay Company. Then if you look at the charter of that company, you will find it never put forth any such pretension as this of recent years until after Great Britain had acquired possession of the country under the Treaty of Utrecht; and no portion of the territories in dispute was ever in possession of the Hudson's Bay Company until after Canada was surrendered by the French to Great Britain. It is true the King granted a charter to the Hudson's Bay Company, extending its possessions indefinitely into the interior, but when you look at its provisions you will see that there is a territory spoken of over which the company only had a right to trade, and there is another territory to which they have the title in free and common soccage, after the manner of holding lands in Kent. That provision is in the charter, and if you give to this charter the construction given in recent times, there would be no territory upon which it could operate—the whole territory would be included in the grant. It has been pointed out that the territories granted were within straits and bay, as mentioned by Lord Brougham and Mr. Spankie—territories to the south and west which the company have recently claimed, were territories without the Bay to the west and south-west, but to the soil of which they had no grant, over which their license to trade was to extend.

It being Six o'clock the Speaker left the Chair.

Mr. MILLS,

AFTER RECESS.

Mr. MILLS. When the House rose I was making a few observations in reply to the hon. member for Algoma (Mr. Dawson) in reference to the question of the boundaries of the Province of Ontario, and at the time you left the Chair I was referring to the fact that the height of land was in no case recognized as the boundary between the possessions of the French and the possessions of the English to the north. We know that even the territories in the vicinity of Hudson's Bay, at the time the charter granted by Charles the Second to that Company, were granted by France as well as Great Britain, and that the Government of France, prior to that charter, granted to the Company of One Hundred Associates a charter extending over the whole country northward to the Hudson's Bay. The English, however, subsequently, under the provisions of that charter, built trading posts at various points on Hudson's Bay, of which for the time they held possession. But at the close of the 17th century, about 1693 or 1694, the French sent expeditions from their settlements in Canada overland to Hudson's Bay, and took possession of these posts; but at the time the Treaty of Ryswick was negotiated, all the country about the Bay, which included all these posts with the simple exception of Fort Albany, were recognized as a possession and it continued to be a possession of France until the war began. During the period of that war some of them were taken possession of by England, and at the close of the war, by the Treaty of Utrecht the French Government surrendered those posts to the Hudson's Bay Company. Although the article surrendering those posts is pretty comprehensive in its form it was not understood to embrace the whole country to the height of land. On the contrary, the correspondence between the Count De Torcey and Mr. Prior, the poet who was acting for the English Government at Paris, shows that the English did not claim the country so far south as the Hudson's Bay Company subsequently claimed, and that all they wanted was to acquire possession of the posts in the vicinity of the bay for the Hudson's Bay Company. The Foreign Secretary, Lord Dartmouth, seemed to be under the impression that if the Government of France made a surrender, not to the Government of Great Britain, but to the Hudson's Bay Company, the principle of *postliminium* would apply. I will not now discuss that question, because we will have an opportunity at another time of considering it more fully; but I would simply say that any one who has taken the trouble of looking into the question, or has consulted the opinions of the law officers of the Crown in a number of similar cases, and especially their opinions with regard to the charter granted to the Duke of York for the State of New York, will see that when the country is taken possession of by conquest by an enemy, and is not surrendered at the close of a war, the principle of *postliminium* does not apply, and that parties who might have political rights or interests in the country did not have those rights restored to them by the restoration of the country at a subsequent period to the Government which was first in possession. As I said before, the case of the Duke of York is a case in point. His brother, Charles II, granted him a charter for the Province of New York. The Dutch conquered the country, and established civil government. By the Treaty of Breda the country was again restored to the English; and it was recognized by the law officers of the Crown that as the Dutch had complete possession, and did not hold it merely by military force or occupation, but had administered civil government in the country, the restoration of the country to the English did not restore the Duke of York to his rights, and that a new charter was necessary. I will not, however, stay to discuss that question as it is not material to my arguments.