

that, as it was not generally understood, a Committee was necessary to investigate it. A Committee was appointed, and its report now before the House will, I think, be found to contain a good deal of valuable information. Just before the recess the hon. member for Bothwell (Mr. Mills) took occasion to bring up the question on a motion for a return of applications for timber limits north of the boundary of the former Province of Quebec, as constituted by the proclamation of 1763, but I cannot see what bearing his motion had on the question. On that motion the hon. member went into a long argument in which he brought up the opinions of eminent men who had taken part in the debate on the Quebec Act in 1774, as reported in the Cavendish debates, to show that a certain line was the one intended for the western boundary of the enlarged Province of Quebec; but I am of opinion that in seeking for an interpretation of the Act we should not go beyond the Act itself. If, as the hon. gentleman says, it came down in one form, as it no doubt did, from the House of Lords, and was finally passed after full discussion in another, we must take it in its amended form, in the form, in fact, in which it became law. The hon. gentleman endeavored to show that if the due north line from the point of junction of the Ohio and Mississippi is to be adopted the line alone must go north and not the whole territory to the east of it, and that, therefore, the Province of Quebec must still be bounded on the north by the line indicated in the proclamation of 1763. What he means by this it is hard to conceive, and I do not think he will find many to coincide with him in such an extraordinary opinion. The Act is very clear as to the whole territory going north to the southern boundary of the Hudson's Bay Company's territories, and that description as to a northern boundary must hold good wherever the limitary line on the west may be whether it be the Mississippi, the due north line, or, as defined in the later commissions to Governors, a line at the entrance to Lake Superior. The hon. gentleman has said and written a great deal about the former possessions of France at Hudson's Bay, and her claims to that country on account of priority of discovery; but all her claims, whatever they might have been, were finally settled by the Treaty of Utrecht in 1713, and the Attorney General of Ontario commenced his argument before the arbitrators, by saying very properly, as I think, that the Treaty of Utrecht afforded the only rational and true basis for ascertaining the boundary, that is, as between the French and English possessions. Unfortunately the question has, as I have often said, been encumbered with a great mass of extraneous and irrelevant matter. We have histories of the early occupation of the French at Hudson's Bay, of Indian treaties, of what the Right Hon. Edmund Burke said and did in reference to the boundaries of the State of New York of which he was the agent; but if we are to abide by the Act of 1774 and succeeding Acts, I do not see that all these opinions, histories, and extraneous matters are of any great value to the discussion. The hon. member for Bothwell and the Attorney General for Ontario, claim that their book of documents and other productions contain everything of value bearing on the subject, and it has been stated in another Legislature that:

"The arbitrators had before them all the evidence obtainable from the most diligent researches both in America and Europe, or brought to light during the many discussions bearing on the subject that have taken place during the past century."

This may, perhaps, be the case from their point of view, but whatever may be the merit of their works regarding the past century, the labors of the Committee of last Session showed that there was a great deal which their books did not contain in reference to the present century, and that much of what they did contain was rather mixed, and not arranged in such a manner as to admit of a very clear conception of the case being arrived at by the ordinary reader. A great deal that was wanting in the book of documents can

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be found in the report of the Committee of last year, or in the evidence accompanying it. The book of documents is rather silent with regard to the state of things west of the water-shed during a certain very interesting period. We see nothing in it which would lead to a clear conception of the colony of Assiniboia, or of its being recognized by the Imperial Government—there is nothing in the book of documents of the country west of the height of land having been formed into a Bishopruck, or of some other acts of recognition under the sanction of the Imperial Government—nothing of Sir John Coape Sherbrooke's celebrated proclamation, which fixed so clearly the locality to which the Act of 1803 respecting the Indian territories was intended to apply and did apply. The book of documents does not give very fully the opinions of counsel on the Hudson's Bay Company's claims from the days of Lord Mansfield down to the time of Lord Abinger, but all these are supplied in the report of the Committee of last year. In fact, they were considerably and kindly furnished to the Committee by the Hon. Donald A. Smith, a gentleman whose opinions, I am sure, my hon. friend from Bothwell will receive with respect. This book of documents is, in fact, as remarkable for what it does not contain as for what it does contain, and if it was the only source of information, it is not to be wondered at that the Legislature of Ontario should have been led to pass a series of resolutions which, with better information, it may be assumed it would not have passed. This is a question removed from ordinary politics, a question which must be judged on its merits, a question which rests on the doings of by-gone generations and on Acts of Parliament and the exercise of the royal prerogative in former years. I shall confine myself on this occasion to a particular view of the subject which, in my humble opinion, has not hitherto received sufficient attention, except in one instance, when it was brought forward by the Attorney General for Ontario in his statement of the case and in his very able argument before the arbitrators—I refer to the Acts done under the royal prerogative, to the importance of which sufficient attention has not, I think, been hitherto directed. The Attorney General for Ontario very properly claimed that the Act of 1774 provided for the exercise of the royal prerogative, and that all Acts of prerogative under that Act were as much law as the Act itself. In order to understand this it may be well to quote from the Act which runs as follows:—

"That all the territories, islands and countries in North America, belonging to the Crown of Great Britain, bounded on the south by a line from the Bay of Chaleurs, along the high lands which divide the rivers that empty themselves into the River St. Lawrence from those which fall into the sea, to a point in forty-five degrees northern latitude, on the eastern bank of the River Connecticut, keeping the same latitude directly west, through the Lake Champlain, until, in the same latitude, it meets the River St. Lawrence; from thence up the eastern bank of the said river to the Lake Ontario; thence through the Lake Ontario and the river commonly called Niagara; and thence along by the eastern and south-eastern bank of Lake Erie, following the said bank until the same shall be intersected by the northern boundary granted by the charter of the Province of Pennsylvania, in case the same shall be so intersected; and from thence along the said northern and western boundaries of the said Province, until the said western boundary strike the Ohio; but in case the said bank of the said lake shall not be found to be so intersected, then following the said bank until it shall arrive at that point of the said bank which shall be nearest to the north-western angle of the said Province of Pennsylvania; and thence, by a right line, to the said north-western angle of the said Province; and thence along the western boundary of the said Province until it strike the River Ohio; and along the bank of the said river, westward, to the banks of the Mississippi, and northward to the southern boundary of the territory granted to the Merchants Adventurers of England, trading to Hudson's Bay; and also all such territories, islands and countries, which have, since the tenth day of February, one thousand seven hundred and sixty-three, been made part of the Government of Newfoundland, be, and they are hereby, during His Majesty's pleasure, annexed to, and made part and parcel of the Province of Quebec as created and established by the said Royal proclamation of the seventh day of October, one thousand seven hundred and sixty-three."

The Act of 1774, the House will thus see, while it indicated a certain boundary, also provided for the exercise of the