

Province of Quebec, not to add to it, any more than to take away from it. Therefore, Upper Canada, in the purview, could include only that part of the Province so divided as was not contained in Lower Canada; but it could not extend beyond these limits which constituted the Province of Quebec, otherwise it would certainly have been an Act to enlarge, rather than an Act to divide. In delivering this opinion I am speaking our unanimous sentiment, for we have consulted our brother Perrault upon the subject, and he clearly concurs with us. According to our understanding of the Act and the Royal Proclamation, we are bound to say that we consider the argument of the gentlemen concerned for the prisoner, though presented with great ability and ingenuity, must fail, because the western boundary of the Province of Upper Canada is a line drawn due north from the confluence of the Ohio and Mississippi Rivers till it strikes the boundary territory line of Hudson's Bay.

"The question of fact will remain with the jury. It is they who are to say whether this place, the Dalles, is or is not to the west of the line which we now declare to be the western boundary of His Majesty's Province of Upper Canada. If they are of opinion that it is within, or to the east of this western line, then it is in the Province of Upper Canada, and not within our jurisdiction; but if they are of opinion that it is to the west of this line, then I am giving you our unanimous opinion when I declare that the Dalles are in the Indian Territory, and not within the limits of the Province of Upper or Lower Canada, but clearly within the jurisdiction of this Court, by the Act of the forty-third of the King Chapter 138, which extends our power to 'the trial and punishment of persons guilty of offences within certain parts of North America.'"

Such is the judgment of the Court, a judgment that has established the jurisprudence upon the point, and which was quoted later in other trials for offences committed in the same territory. In 1803, as the hon. member for Algoma (Mr. Dawson) remarked this afternoon, one Mowat was brought to Montreal; he was accused of a misdemeanor committed in the country situated to the west of Lake Superior. This person was accused of manslaughter. He was brought before the Courts, found guilty, and underwent his sentence. Later, in 1818, there were two trials, one at Three Rivers, I think, Reinhardt's trial—the other the trial of McLellan, accused of murder likewise committed in the above-mentioned territory. The question of jurisdiction was not raised this time; this question was raised at Reinhardt's trial. McLellan, who was tried some months later, was acquitted. Later, in Upper Canada, Brown, accused of the murder of Governor Semple, was brought to York, now Toronto, and there the question was raised in an incidental manner; that did not, however, prevent the Court from taking cognizance of the indictment, proceeding with the proof and going on with the trial, which ended by both prisoners being set at liberty. It is not my intention to examine this question exhaustively. That would require much more time and especially much more attention than the House is generally disposed to grant to speeches and questions as dry as this one. However, I think that I have said enough on the subject in order to show the importance of proceeding with wisdom and prudence in the settlement of this question. The Canadian Government has stated on several occasions that this is essentially a legal question; it is a question of interpretation of Statutes; it is a question that has often been decided by the highest tribunals of the country, and we should respect this jurisprudence. We should not set aside the series of official acts that are conformable to this jurisprudence. There is another question intimately connected with the discussion that is now occupying our attention, I mean the political question. Let us always remember that the Confederation Act was essentially a treaty between the different Provinces. Each Province entered into Confederation with a known population, with well defined limits, knowing full well in what sphere its energies, its influence and its rights were to be exercised. It was in 1867 that Lower and Upper Canada, in order to obviate a crisis that was threatening to render all government impossible, determined to try Confederation. If at that time the Provinces of Lower Canada, New Brunswick and Nova Scotia had perceived that one of these Provinces was, at the end of ten years, to ask for an increase of territory twice or three times as large as these Provinces, I would like to know whether the Act of Confederation would have been possible. We

were discussing a few days ago what was justly called, I think, the crowning of the Federal structure. We have found the means of uniting the two oceans by a line of railway destined to overcome the natural obstacles that, in the opinion of the opponents of Confederation, formed an insurmountable difficulty in the way of building up the Federal structure. The Canadian Confederation will be consummated by this gigantic undertaking. Now the territorial pretensions of Ontario are necessarily calculated to re-open the whole question. All will have to be begun over again, should the Parliament of Canada accept the decisions of the Commissioners rendered the third day of August, 1878, as the extravagant conclusions of the member for Bothwell. Ontario came into Confederation with superior population and wealth; its territory was known; the Quebec Act defined its limits, and a judgment of the King's Bench interpreted this Imperial law, taking away even the possibility of a doubt. Is it reasonable to suppose for a moment that the Provinces of Lower Canada, New Brunswick and Nova Scotia, who were already very reluctant to cast their lot with a Province stronger and more powerful than either of them—is it reasonable, I say, to suppose that Confederation would have been possible if the other Provinces had for a moment imagined that Upper Canada would repudiate its western boundary as it was then defined, in order to set it 400 miles farther back? Sir John A. Macdonald declared in 1855, and later this principle was solemnly affirmed in the first resolution of the Quebec Conference, that the Confederation was a treaty of which all the details were weighed and discussed at length. By claiming a territory of more than 50,000,000 acres to the westward, Ontario is breaking the Federal pact, and is trampling under foot the letter and the spirit of the Constitution. This is a dark spot on our horizon; it is the storm whereof we hear the first mutterings. Already public opinion is growing ardent and threatens to set fire to everything, if, as the hon. member for Halton said a moment ago, the Government do not soon see to it, by confiding the solution of the difficulty to a tribunal who will render a judgment which cannot be suspected by any one, and which will forever settle the dispute in the interest of the Confederation of the Provinces of British North America.

#### CANADIAN CATTLE IN ENGLAND.

Mr. WRIGHT. I rise to ask a question relating to a matter of great public interest. It is stated that an Order in Council was passed in England, directing that all Canadian cattle shall be slaughtered, after arrival, in any English port. As this is a matter of the greatest public interest, and is connected with a great and constantly increasing trade, I would like to ask the Minister of Agriculture whether he has received any official information or any information with regard to this subject.

Mr. POPE (Compton). I will say, in reply to my hon. friend, that I saw in newspapers that such was the case. I also received private letters in hands of individuals, stating that an Order in Council of this kind would go into effect a week ago. I immediately telegraphed to Sir Alexander Galt, and the answer was that there was no such Order in Council, nor was any such Order contemplated, or any change in the manner of receiving shipments of cattle.

#### IMPORTS OF IRON AND STEEL.

Mr. JONES moved for a return of the quantity of iron and steel imported into Ontario, Quebec, Halifax and New Brunswick, distinguishing the quantities of bar iron or steel, round or square, sheet iron or sheet steel, hoop iron or steel, during the last financial year.

Motion agreed to.