

evidently be in contravention of the description. To carry it even as far as the Isles Royal and Phillipeau, which were points clearly noted in the Commission of 1786, would also seem to be contrary to the meaning and intention indicated by the Commission of 1838, for these Isles were marks on the route and would not have escaped mention had it been intended to carry the line, not only *into* Lake Superior, but *through* it to the longitude of these Isles.

Taken by themselves, the later Commissions, commencing with that of 30th March, 1838, to Lord Durham, certainly seem to limit Upper Canada, on the west, to the entrance of Lake Superior, but they extend the Province northward to the shore of Hudson's Bay. If those who hold that the Crown can by virtue of its prerogative extend or curtail the limits of a Province, are correct in their views, and if these Commissions are to be taken as resulting from an exercise of the Royal Prerogative, then the boundaries of Ontario need no further definition than to determine how far *into* Lake Superior the Province is to extend on the west.

If, on the other hand, the Acts of the Imperial Parliament are to govern, without reference to commissions or proclamations, the weight of evidence goes to show that the boundary on the west would, according to the Quebec Act, be the prolongation of a line drawn due north from the point of junction of the Ohio and Mississippi. This line has the unanimous decision of the Court of King's Bench of Quebec, given in 1818, in its favour, and that decision has never been reversed.

On the north, the Quebec Act makes the southern boundary of the territories of the Merchant Adventurers of England trading into Hudson's Bay the limit. But there were two Acts dealing with the Indian territories subsequently passed, viz.: the Acts 43 Geo. 3rd, cap. 138 and 1—2 Geo. 4th, cap 66. These Indian territories, in the view of your Committee, came, at least, to the Height of Land, north of Lake Superior, and, as declared in the Acts above referred to, were "not within the Provinces of Upper or Lower Canada, or either of them." On the east the boundary would be the former line of division between Upper Canada and Quebec, which, after following the Ottawa to the head of Lake Temiscaming runs due north to the boundary line of Hudson's Bay—in other words, to the southern boundary of the Hudson's Bay Company's territories.

It will thus be seen that there are two ways of arriving at a decision as to the boundaries between the territories of the Dominion and Ontario. The question is, in fact, narrowed down to this: If the description in the later commissions, under the great seal, to the Governors General, are to be taken as emanating from an authority having power to add to or curtail the limits of Provinces; if, in fact, they have the authority of the Royal Prerogative, then the boundaries between the Province of Ontario and the territories of the Dominion are easily designated. If, on the other hand, the decision is to be governed by Acts of Parliament, without reference to commissions or proclamations, then, also, the boundaries might be delineated without difficulty, but, as above set forth, they would be different from those so clearly described in the commissions running from 1838 to the confederation of the Provinces.

In reference to the award made by the Arbitrators on the 3rd day of August, 1878, a copy of which is appended, (page), your Committee are of opinion that it does not describe the true boundaries of Ontario. It seems to your Committee to be inconsistent with any boundary line ever suggested or proposed, subsequent to the Treaty of Utrecht (1713). It makes the Provincial boundaries run into territory granted by royal charter, in 1670, to the Merchants Adventurers of England trading into Hudson's Bay, and it cuts through Indian Territories which, according to the Act 43rd George III., cap 138, and 1—2 George IV, cap 66, formed "no part of the Provinces of Lower Canada or Upper Canada, or either of them," and it carries the boundaries of Ontario within the limits of the former Colony of Assiniboia, which was not a part of Upper Canada.

All of which is respectfully submitted.

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Chairman.