

that a new Province should be formed. It should never be forgotten that the claims of Quebec to, and interest in, all the territories of Old Canada beyond the limits of the Provinces were equal to those of Upper Canada. Quebec and Upper Canada, for a long period, exercised concurrent jurisdiction in these territories, and previous to the Union, Quebec had issued writs for execution at Lake Superior, in the vicinity of Fort William, as Upper Canada had also done. There is one other question connected with this matter which I think deserving of the gravest consideration. It is this: when the scheme of Confederation, which was so happily carried out, was under consideration, the part of the then Province of Canada known as Canada West, had certain well defined limits. In general estimation, it was considered to have been bounded north and west by the Height of Land. Had it then been suggested that its area would, in the near future, be more than doubled by the addition of the fairest portion of the vast territories at that time claimed by, and afterwards purchased from, the Hudson's Bay Company, would the other Provinces have consented to an arrangement which they must have believed would ultimately give to Ontario a vastly preponderating influence in the Confederacy. It will not be out of place I conceive to refer to documents which have been called for and laid before another Legislature. Among these is a letter bearing date the 23rd September last, addressed to the Secretary of State, in which the Government of Canada is called on to confirm the award. The reasons for making this demand are set forth at some length, and, in arguing the case, the following passage occurs:—

“ If the merits of the award have been considered by the Government of Canada, they will have observed certain preliminary things in connection with the question which were and are beyond controversy. Among these are the facts that Ontario is entitled to the same limits as Upper Canada had, whatever these were; that these limits embrace as much of the British Territory, west of the division line between Ontario and Quebec, as belonged to France before the Cession of 1763, and (what is the same thing) as much as belonged to the Province of Canada before Confederation.”

Before the Cession of 1763, the whole continent, west of the Ohio, belonged to France, or was at least claimed by France,

and, if Ontario had now all that remained to Britain after the War of Independence, her boundaries would extend to the Arctic Sea on the north, and to the Rocky Mountains or Pacific Ocean on the west. But the Province of Upper Canada never did embrace as much of the British Territory west of the division line as belonged to France before the Cession of 1763, and what belonged to Canada before Confederation, is not by any means the same thing. The Province of Quebec was limited to the west and north by the Proclamation of 1763, which reserved all lands west and north of the St. Lawrence water-shed for the use of the Indians, and the Imperial Act of 1803, as well as the Imperial Act of 1821, clearly specifies the Indian territories as being beyond the Provinces of Upper and Lower Canada, or either of them, and these Indian territories are part of the territory which belonged to France before the Cession of 1763. A little further on in the same document, a great deal is attempted to be made of the expressions used in Commissions to Governors, but surely a Commission issued eighty or ninety years ago should have no more weight than a Commission issued forty or forty-five years ago; and the Commissions of the latter time, although they extended the jurisdiction of the Governors to the shores of the Hudson's Bay on the north, restricted it to Lake Superior on the west, so that, admitting for the moment all that the advocates of a vast westward extension claim in virtue of Commissions to Governors, the same authority which gave those extensions can curtail them, and, according to the Commissions to the several Governors from 1838 up to the Union, the western boundary of Upper Canada was limited to Lake Superior. The same authority which carried the boundary to the shores of Hudson's Bay on the north confined it to Lake Superior on the west, so that, if the argument made use of in this document were carried to its logical conclusion, it would, in fact, tell against the claims of Ontario, and that very seriously. Commissions to Governors might extend jurisdiction, but they could not alter boundaries established by Imperial Acts. I believe the jurisdiction of the Governors of the old Province of Quebec extended to the point at which the due western line from the Lake of the