

“ is entirely dropped, and a new description, complete within itself, formulated, not resting upon any previous law, proclamation or order. From that date the Province of Upper Canada no longer subsisted as a divisional part of the old Province of Quebec; it subsisted from that date independently, on the merits of the description by which it was duly designated by competent authority, and by which its limits were extended to the ‘shore’ of Hudson’s Bay on the north, and curtailed to the entrance ‘into Lake Superior’ on the west. I apprehend that there can be no constitutional objection to the prerogative right of the Crown to make the extension. Those who maintain that the Province of Quebec was extended by the Proclamation of 1791 cannot, at least, controvert it. If, then, it was a constitutional exercise of the prerogative to extend it to the north, as assumed by the Arbitrators and acquiesced in by Ontario, how can the legal exercise of the prerogative, authorized by a specific provision of statute law to curtail it in the west, be denied? That specific provision of law will be found in the Quebec Act of 1774, enlarging the Province by certain additions that were to subsist only ‘during His Majesty’s pleasure,’ by which power was undoubtedly given to the Crown to curtail it again, which was done by the new and specific description most carefully and minutely drawn up for the Earl of Durham in 1838, and continued thereafter.

“ I conclude, therefore, that the Arbitrators were right in their construction of that part of the description of Upper Canada existing at the time of the passing of the B. N. A. Act—as it was, in fact, contended for by the Ontario Government—by which the Provinces had been, about thirty years before, extended to the shore of Hudson’s Bay; and that, whether from their not being experts in matters of the kind, accustomed to deal with matters of boundary, or from the exceedingly defective manner in which the case for the Dominion was placed before them—which was, in fact, no case at all—they failed to give effect to the whole description, on one part of which they acted, and consequently failed to define correctly the western limit of the Province.

“ The following is the description of Upper Canada as it entered Confederation :—

“ The said Province being bounded on the east by the line dividing the Province from Lower Canada, beginning at a stone boundary on the north bank of Lake St. Francis, at the cove west of the Point au Beaudet, on the limit between the Township of Lancaster and the Seigneurie of New Longueuil, running along the said limit in the direction of north thirty-four degrees west, to the westernmost angle of the said Seigneurie of New Longueuil; thence along the north-western boundary of the Seigneurie of Vaudreuil, running north, twenty-five degrees east, until it strikes the Ottawa River, to ascend the said river into the Lake Temiscaming; the said Province of Upper Canada being also bounded by a line drawn due north from the head of the said Lake until it reaches the shore of Hudson’s Bay; the said Province of Upper Canada being bounded on the south, beginning at the said stone boundary between Lancaster and Longueuil, by the Lake St. Francis, the River St. Lawrence, the Lake of the Thousand Islands, Lake Ontario, the River Niagara, which falls (leads) into the Lake Erie, and along the middle of that lake; on the west by the channel of Detroit, Lake St. Clair, up the River St. Clair, Lake Huron, the west shore of Drummond Island, that of St. Joseph and Sugar Island, thence into Lake Superior.”

“ The description given as to its easterly boundary from the Ottawa, is a due north line to the shore of Hudson’s Bay, and as its westerly limit the commencement of Lake Superior; and taking the description simply on its own merits, on the one point as well as the other, its westerly boundary must run from its extreme westerly extension where it enters Lake Superior, parallel to its eastern, due north to the shore of Hudson’s Bay.”

The Hon. Wm. McDougall, C.B., M.P., in his evidence, as well as in a memorandum which he wrote for the Government of Ontario, which will be found in the appendix, holds that the western boundary of Ontario extends to the north-west angle of the Lake of the Woods. Both he and the Hon. Mr. Mills dwell a good deal on what they conceive to have been the intentions of the Imperial Parliament in passing the Quebec Act, but in the opinion of your Committee it would be difficult to