

that decision, Mr. Speaker, the Commissioners gave to Ontario a territory at least equal to the one which it possesses to-day. When, but a few moments ago, the hon. member for Halton (Mr. Macdougall) was depreciating pretty freely that portion of the coveted territory, it seemed to me that I was hearing the employees of the Hudson's Bay Company depreciating the company's territory. These are more tactics, to depreciate what one covets in order to obtain it more easily. We have formerly heard the hon. member for Algoma (Mr. Dawson), on more than one occasion, extol the importance and the richness of the country which forms the valley of the James' Bay, basing his *dicta* on official reports. Now, the decision of the arbitrators of the Dominion would give to Ontario a territory at least equal in extent to the one it possesses to-day, a rich domain that would make of Lake Superior and James' Bay two upper Canadian lakes. We must bear in mind that in a matter like this, there is some cause for surprise that the Province of Ontario should put forth its pretensions at so late an hour; that it should put them forth precisely at the time when the treasures of the North-West have been discovered; at the precise time when political influence is about to abandon the valley of the St. Lawrence for the vast plains of the West. One should not seek for motives, but I say that the fact that that Province covets to-day, fourteen years after the Federal Treaty of 1867, a part of the vast territories of the West, should awaken our suspicions and cause us to proceed with the examination and solution of the difficulty with the greatest possible prudence. The second boundary is the one referred to by the hon. member for Bothwell (Mr. Mills), and in this regard I will say that the hon. member for Bothwell was the only one who showed himself to be logical during the discussion of that important question. He said: "If by virtue of Lord Dorchester's proclamation, to divide the old Province of Quebec into Upper and Lower Canada, the Province of Lower Canada is composed of that part of the Province of Quebec situated north-east of the region of Lake Temiscamingue, and if the Province of Upper Canada is composed of all the country that constituted the old Province of Quebec, to the west of the same boundary, I am perfectly in the right when I claim the Rocky Mountains as a boundary for Ontario." Now, as there is more than one French traveller who states that at that time France possessed and claimed the territory, not only as far as the Rocky Mountains, but as far as the Pacific, I do not see why, if the hon. member can go as far as the Rocky Mountains, he should not push on as far as the Pacific. He would then have been as logical as it is possible to be; nevertheless, it is to be regretted that this pretension, which I admit to be logical, if one accepts the premises of the hon. member, should be thrust forward so late; especially after Canada has paid a million and a half for certain rights which the Hudson's Bay Company had over the same territories; especially after a Province has been created out of these territories; after a district has been organized; after we have concluded five treaties with the Indians; especially after the enormous expenses which Canada has incurred to organize these territories. It is to be regretted, I repeat it, that this pretension should be thrust forward at so late an hour, and I can fully understand that the Province of Ontario, which, more than any other in the Dominion of Canada, watches the development of the North-West, should have asked so much, in order to have at least the Lake of the Woods as its boundary. Well, Mr. Speaker, this boundary of the Lake of the Woods cannot hold good, neither in the face of history nor in that of the rights possessed and exercised by the Hudson's Bay Company in the valley of the Red River, on the valley at Lake Winnipeg, and on certain portions of Hudson's Bay. If, now, we set aside this pretension, extraordinary, to say the least of it; if we likewise set aside the decision rendered by the arbitration in 1878, which decision was illegally

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rendered by them, as they had no right to draw a conventional boundary, there remains, Mr. Speaker, the Statute of 1774, which carves a territory out of those constituting formerly La Nouvelle, France, organizes it, and out of it creates the Province of Quebec. I will not, Mr. Speaker, pause to relate under what circumstances the Province of Quebec was divided into the Provinces of Upper and Lower Canada. Those who know history, especially that of Lower Canada, know that that division was directed against a certain part of the population, as occurred in many other instances, when a division of territory took place. At any rate that Province was divided by proclamation, in 1791, and, as Chief Justice Sewell said in 1818, the Province of Quebec was divided, and not enlarged; consequently the Province of Upper Canada should be found within the limits of the old Province of Quebec, in the same manner as is the old Province of Lower Canada. With your permission, Mr. Speaker, I will read the judgment rendered by Chief Justice Sewell in 1818. Formerly the Province of Quebec was bounded on the west by a meridian drawn north of the confluence of the Ohio and Mississippi rivers. That boundary terminated at the lands which were then considered the southern boundary of the Hudson's Bay territory. This is what gave rise to this judgment: Outside of the limits that I have just mentioned there was a certain unorganized territory over which the Act of 1803 gave Upper and Lower Canada a concurrent jurisdiction. Reinhardt, during the troubles that took place between the North-West Company and the Hudson's Bay Company with regard to the free trade, had been guilty of murder; this murder had been committed at a place called "Les Dalles." Reinhardt's lawyers raised for the first time the question of jurisdiction; they maintained that the prisoner was accused of a fact that had taken place, with admission of the accusers themselves, in a place situated outside of Lower Canada, this territory being in Upper Canada, and, consequently, did not fall under the jurisdiction of the Courts of Lower Canada. Here is the judgment of Chief Justice Sewell, who is looked upon rightly as one of the greatest legists that we have ever had in Upper or Lower Canada:

"The Court are most distinctly of opinion, on referring both to the Act of 1779 and that of 1774, that the argument of the defense must fail. What was the object of each Act? Amongst others that of 1774 was to enlarge the Province of Quebec, which had been created in 1763. That of 1791 was to separate or divide the Province of Quebec into two Provinces, to be denominated Upper and Lower Canada, and make each respectively independent of the other by giving a Legislature to each respectively, but still retaining between or within the two Provinces the same extent of country, the same space as the one Province contained."

I will draw the attention of the House to this point. The question is this: Had the Act of 1791 the object of increasing the former limits of the Province of Quebec, or of merely dividing it into two Provinces?

"What is the Act? What is its object, its avowed object? To repeal certain parts of the Act of 1774; and what is the part repealed? It is that part of it which gives authority to the Council of the Province of Quebec; and what is the reason assigned for so doing? Why, that His Majesty had signified it to be his royal will and pleasure to divide his Province of Quebec. To assert that he intended by this that the limits of the Province should be extended by the separation appears to me repugnant to the plainest of common sense, and, therefore, I cannot consent to it. The short history of the Act of 1791 is briefly this: The King signifies to Parliament his royal intention of dividing his Province of Quebec, and he calls on the Legislature to provide for this alteration by granting an Act adapted to the change. The Legislature pass an Act providing for the due government of the two Provinces and under the authority of this Act, and the Royal Proclamation, the Province of Quebec was accordingly divided, the Royal Proclamation being an exercise of sovereign authority. His Majesty in that Act, by and with the consent of his Privy Council, declared what should be the line of separation between Upper and Lower Canada, and how much of the former Province of Quebec shall belong to the one, and how much to the other. The object of the Act, and the object of the Royal Proclamation are so clearly expressed that we cannot for a moment doubt upon the subject. What says the Act? His Majesty having been pleased to signify his royal will and pleasure to separate and divide the Province of Quebec. What says the Proclamation? Why, the very same words. To divide the