

before Confederation, and by the Dominion afterwards, and considerably less on the west than, according to the legal opinion of Chief Justice Draper in 1857, Canada was clearly entitled to.

Further, the territory so awarded to Ontario is less than was comprised in Upper Canada, according to the true intent and meaning of the Quebec Act (1774), as shewn by its recitals and by its known objects and its history, including the proceedings thereon in the House of Commons, as reported in "Cavendish's Debates," and as set forth in the letter of the Right Honourable Edmund Burke, dated 2nd August, 1774, to his constituents, the Province of New York, whose agent he was at the time. All these documents are to be found amongst the printed documents already mentioned.

The terms of the Royal Commissions assigning or defining the boundaries of Canada and Upper Canada respectively, appear in the same book; and a reference to them will have shewn to the Government of Canada that the territory awarded to Ontario is less than was given to the Province by the express terms of the Royal Commission (27th December, 1774) which, immediately after the passing of the Quebec Act, was issued to Sir Guy Carleton, as Captain-General and Governor-in-Chief of the Province; and also by the express terms of the Commission to his successor, Sir Frederick Haldimand; that the Commission to Sir Guy Carleton, after the Treaty of Paris of 1793, expressly gives as one of the boundaries of the Province a line to the Lake of the Woods, thence through said Lake to the most north-west point thereof (as the arbitrators have done), and from thence in a due west course to the river Mississippi. The arbitrators have not given to the Province any territory west of the Lake of the Woods.

The Government of Canada must also have observed that a paper was presented to Parliament previous to the passing of the Constitutional Act of 1791, describing the line which it was proposed to draw in order to divide the then Province of Quebec into two Provinces—that this line is described as drawn from the head of Lake Temiscaming due north until it should strike the boundary line of Hudson's Bay, including, as the paper stated, all the territory to the westward and south of the said line to the extent of the country commonly known by the name of Canada; that on the 24th August, 1791, an Order in Council referred to this paper and divided the Province accordingly; that the subsequent proclamation of General Clarke, in the same year, contained a description in the same words; that the Royal Commissions to Lord Dorchester and subsequent Governors-General to and including the Commission to Lord Gosford in 1835, described the division line between Upper and Lower Canada in the same way, as extending to the boundary line of Hudson's Bay; and that the Commissions from that to the Earl of Durham in 1838, to the Commission to Lord Elgin in 1846, as well as various other Royal Commissions, described the line of division as striking the shore of Hudson's Bay.

It is also undeniable and undeniable that the Province of Upper Canada, for a period long antecedent to its union with Lower Canada, acted whenever there was occasion on the assumption that the boundaries of the Province were those so assigned by the Royal Commissions, and issued writs into the territory west of the line  $89^{\circ} 9\frac{1}{2}'$  (which was the line insisted on by the Dominion after the purchase from the Hudson's Bay Company.)

It is another significant fact of the same kind that the Province of Canada, as far back as 1850, procured from the Indians the surrender of their rights in the same territory west of that line and from time to time thereafter made grants in the Queen's name of land west of the same line.

In truth, so far as the western boundary is concerned, it was proved to demonstration that the north-west angle of the Lake of the Woods was the most easterly limit that could be assigned to the Province under any interpretation of the evidence.

There is an old decision of a Court in Lower Canada in what is called the Reinhardt case in favour of a more easterly line, viz.  $89^{\circ} 9\frac{1}{2}'$  (the meridian of the confluence of the Ohio and Mississippi Rivers), but on an examination of the case, of which a full report is in print and accessible, it will be found that the decision was come to without the Court being aware of the terms of the Royal Commissions to the Governors hereinbefore mentioned, and without attention having been called to the historical facts which are referred to in the recitals of the Quebec Act, and which give significance to those recitals as bearing on the question of boundary; nor was the Court in possession of the evidence of