

the junction of the Ohio with the Mississippi, and that a portion of Lake Superior and Prince Arthur's landing with all that adjoining country be held to belong to the Dominion. It would be necessary either to attach it to Manitoba, if that Province is to be enlarged which is reported, or to Ontario, or to establish another small Province, small in population and likely to continue so for a great many years. Looking at it from a Dominion stand-point, I can see no advantage in holding the country in its present condition with any idea that we can create a Province, and escape the burden of administering its affairs with any advantage. Upon grounds of economy, political expediency and justice, it seems necessary to have a speedy adjudication and settlement of this matter.

Mr. DAWSON. With regard to what the hon. member for Bothwell (Mr. Mills) has said, if Upper Canada possessed any just claim to the enormous extent of country to the west and north of Lake Superior claimed for her by him, there can be no stronger argument that the award was wrong. In the concluding paragraph of his published work he claimed that the boundary of Ontario extended to the Saskatchewan. Well, if he was right in that contention the arbitrators were certainly wrong. The hon. gentleman has stated that it was only through Orders in Council that the Royal prerogative could find expression; but I could point to passages in his works where he attaches as much importance to commissions as the Attorney-General for Ontario does.

Mr. MILLS. No.

Mr. DAWSON. In any case I consider that the Attorney-General for Ontario is as likely to be right as the hon. member for Bothwell, and he claims that commissions to Governors must be taken as expressions of the Royal will, as being in fact Acts of prerogative. The hon. member for Halton asserted that the Albany had been at one time the boundary chosen by the Hudson's Bay Company themselves; but in this he was mistaken. Subsequent to the Treaty of Utrecht the Hudson Bay Company always claimed a large extent to the south of that. The Treaty of Utrecht really settled all matters between France and England as regarded the immediate confines of Hudson's Bay at least. As to General Alured Clark's proclamation, of which so much was attempted to be made, let anyone read it and it would be found to be meaningless. It was to embrace in Upper Canada all the country known as Canada to the south and west of the boundary line, notwithstanding that all of Canada to the south had fallen to the United States. The instructions and the commission issued to Lord Dorchester in September, 1791, were perfectly clear, and General Clarke had simply made a mistake. However, there will be ample opportunities for discussing all this, and when the question comes up again I shall be ready to meet all points that have been touched upon to-night.

Mr. ROYAL. Mr. Speaker, if we refer to the numerous documents printed as a sequence to the report of the Committee appointed by this House last year; if, moreover, we refer to the speeches delivered on this subject, we at once reach the solution arrived at by the Commissioners appointed by the Government of the Dominion of Canada. This decision, come to by the arbitrators three years after their appointment, strikes anyone who is of an observing turn of mind as being almost absolutely similar with the boundaries which the Government of Ontario had conceded as a compromise in its negotiations with the Government of the Dominion of Canada. The boundaries defined by the Commissioners of the Dominion of Canada, and suggested in the official communications of the Government of Ontario to the Government of the Dominion, are almost identical. For that reason should we be careful not to accept the Commissioners' decision of 3rd August, 1878, without exercising the greatest caution. A second solution of the difficulty is also

to be found in the report of the Commissioner for Ontario, the hon. member for Bothwell (Mr. Mills). The western boundary, claimed by the Province of Ontario, reaches as far as the Rocky Mountains; in other words, Ontario, after having been four years in the Confederation, after having concluded a treaty with the other Provinces with regard to its supposed boundaries at the time of its joining the Confederation, comes forward and carves a large slice out of the North American territories, and takes unto itself a territory seven or eight times larger than the rest of the Confederation. A third boundary is that assigned by the Act of 1774, and is a result of the legal discussion of the matter. Last year we were told by the Government of Canada that the question was to be referred to a judicial Committee of the Privy Council in England, because it was essentially a legal one, and that so important a Statute should be interpreted by lawyers. Moreover, Mr. Speaker, there is a law in these matters, and that law has been frequently invoked by those who have pretended with some show of reason that the question should be decided according to law, to justice, to common sense, and especially according to the spirit and the letter of the Federal Treaty of 1867. It will not be amiss, Mr. Speaker, to briefly examine the decision of the arbitrators, without fully discussing this important question of the western boundaries of Ontario. In 1871, the two Governments of Ontario and Canada agreed to appoint certain arbitrators to stake off the western boundary of the Province of Ontario. Later on, in the following year, the Government of Ontario having learnt that its Commissioner had received certain instructions from the Government of Canada, asked the latter for a copy of the same instructions. In those instructions the Government of Canada declared that it accepted as the western boundary of Ontario, the interpretation of Chief Justice Sewell, in his judgment in the Reinhardt case, rendered 18th May, 1818, accepting without reserve the interpretation of the Court of King's Bench at that date as to the western and northern boundaries of that Province. The Province of Ontario, which, at that date already, had encroached on that part of the domain of Canada, immediately instructed its Commissioner to cease acting, and negotiations came to an end. A short time after, the two Governments agreed upon a middle course, and it was then decided, or rather suggested—the suggestion was agreed to by the Government of Canada—to refer the solution of the difficulty to a judicial Committee of the Privy Council in England. Unfortunately the Government which succeeded to the one that had agreed to the suggestion, did not consider it advisable to follow it. On the contrary, in 1875, a Commission composed of men residing on this side of the Atlantic, was instituted by the Government of Canada with orders to “determine and decide” the question. You will notice, Mr. Speaker, as indeed it has often been noticed, that this Commission was appointed by a simple administrative act; there was no law authorizing the Government to act thus. The most the Government could do was to order an investigation to be made. Nevertheless, this Commission was appointed in 1875, and remained some three years without taking any action. Suddenly, after the Province of Ontario had piled up documents upon documents, reports on reports, the Commissioners met one fine day to listen to the pleas, and on the day following, the 3rd of August, 1878, they rendered their decision, which will, for more reasons than one, remain famed in political annals. When I say that that decision is extraordinary, Mr. Speaker, I am making use of a very mild term, of a euphemism, for that decision sets aside both historical traditions and facts, the rights of the Hudson's Bay Company, and the interpretation of the Imperial Statute of 1774. This decision is extraordinary for another reason, and it is that the Commissioners merely copied with some slight alterations the boundaries suggested as a compromise by the Government of Ontario to that of Canada. By