

description of the boundaries of Upper Canada, a description which was not altered from 1838 down to the date of the Confederation of the Provinces. Here is the description as repeated in the Commission of 1846 to Lord Elgin. Let this House and the country study it well in connection with the decisions of Courts and the action of the Imperial Government in recognizing the territories of the Hudson's Bay Company and the colony of Assinaboia, before they give way to the assumption that Upper Canada should have extended by right over the plains of the North-West:

"Our said Province of Canada, comprising Upper Canada and Lower Canada, the former being bounded on the east by the line dividing it from Lower Canada, commencing at a stone boundary on the north bank of the Lake St. Francis, at the Cove west of the Pointe au Beaudet, in the limit between the Township of Lancaster and the Seigneurie of New Longueuil, running along the said limit in the direction of north 34 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 25 degrees east until it strikes the Ottawa River, to ascend the said river into the Lake Temiscaming by a line drawn due north from the head of the said lake until it reaches the shore of Hudson's Bay; and 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, 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 said Province of Lower Canada being bounded by the adjacent Province of Upper Canada, and the boundary line between the said two Provinces, commencing at a stone boundary on the north bank of the Lake St. Francis, at the west of Pointe au Beaudet, in the limit between the Township of Lancaster and the Seigneurie of Longueuil, running along the said limit in the direction of north 34 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 25 degrees east until it strikes the Ottawa River, to ascend the said river into the Lake Temiscaming; and which said Province of Lower Canada is also bounded by a line drawn due north from the head of the said lake until it strikes the shore of the Hudson's Bay."

Mr. Speaker, I have been accused of wishing to curtail the boundaries of Ontario, but this is a most unjust and unfair accusation. I have only done my best to explain where, in my opinion, the law has placed the boundaries; but apart from this, surely whatever is most in the interests of the Dominion at large should be most in the interests of Ontario in particular. For a very long period the height of land was looked upon as the northern and western boundary of Upper Canada. In 1850 the United Provinces made a treaty with the Indians of Lake Superior in which the height of land is defined as the southern boundary of the Hudson Bay Company's territories, and that it formed the northern and western boundary of Ontario was the general belief at the time of the Confederation of the Provinces. If, therefore, the extent of Ontario should be doubled by adding to it the territories described in the award, how can this grand scheme of Confederation be carried out? Supposing that the State of Maine together with the Provinces of Nova Scotia and New Brunswick could be added to the Province of Quebec, it would be something like adding this vast territory to Ontario, for it will be eventually filled with population, and anything that destroys the balance of wealth, power and influence in the Provinces must seriously embarrass the working of our institutions. The question is narrowed down to one of two things. We must either take the description in the Act, or we must be guided by the commissions issued under the Act. If by the Act alone, Ontario cannot go north of the height of land. Let those who suppose that she can read the opinions of the English Law Lords as submitted with the evidence of the Hon. Donald A. Smith, from the days of Lord Mansfield down to modern times, and they will perhaps come to a different conclusion. It is clear to my mind that if you take the description from the Act alone Ontario must be bounded on the north by the height of land, whereas, if we are to be guided by the commissions, although she is limited on the west to the entrance into Lake Superior, her northern boundary is the shore of

Hudson's Bay. In the one case, she would have a narrow strip on the north coast of Lake Superior; in the other, a territory, notwithstanding all that has been said to its disadvantage, of very great value. She would have a region with a fair extent of agricultural land, with rivers navigable for hundreds of miles, with forests of valuable timber, with coal fields of considerable extent, and with sea ports and sea fisheries which may become of immense importance in the future. I do not therefore wish to curtail Ontario, but to extend her to the very fullest measure that the descriptions have defined in the commissions to Governors which, in the opinion of the Attorney-General of Ontario, are in fact the law. The hon. member for Bothwell concludes his elaborate writings by expressing himself as follows:—

"The limits of the Province of Ontario, then, are the International boundary upon the south, westward to the Rocky Mountains; the Rocky Mountains, from the International boundary, northward to the most north-westerly sources of the Saskatchewan eastward, until it intersects the boundary line midway between Lake Winnipeg and Port Nelson at the mouth of Nelson River; and upon the north-east the line already indicated, drawn midway between the posts held by England and France just before Canada was ceded to Great Britain."

And yet the hon. gentleman is prepared to see Ontario swept of all these vast regions which he believes she ought of right to have and confined to the comparatively narrow boundaries set out in the award. For my part I would not be inclined to relinquish one acre of what Ontario ought to have. I think she will have a much better and more valuable territory by claiming her right under the commissions, as her Attorney-General does, than she would by throwing aside the commissions and confining herself to all that she would be able to obtain under the description in the Imperial Act of 1774. In all I have said in reference to the prerogative as expressed in commissions to Governors, I am sustained by the opinion of the Attorney-General of Ontario, as given before the arbitrators and in his statement of the case. He did not, however, follow his own argument to its legitimate or logical conclusion, and if I have endeavored to do so for him, no doubt he will feel greatly indebted to me for the attempt. But there are other views as to the western boundary of Ontario, and the unanimous decision of the three Judges in the de Reinhart trial must command respect. They decided that a line drawn due north from the point of junction of the Ohio and Mississippi was, according to the Act of 1774, the western boundary of Upper Canada, and three other Judges of equal eminence who appeared before the Committee last year were of the same opinion. So that the due north line, as it is called, has the unanimous opinion of no less than six Judges of the higher Courts in its favor; but with every deference to the opinion of men so eminent, I may say that either the due north line or the Mississippi line may have been the true western boundary line in 1818, and nevertheless ceased to be so in 1838. The Judges do not seem to have attached much importance to the Royal prerogative as expressed in commissions to Governors. But the Attorney-General of Ontario, who had been himself a Judge and whose ability as a statesman and constitutional lawyer is everywhere acknowledged, has given decided expression to the opinion that the commissions issued under the Act are, by virtue of the Royal prerogative, as much law as the Act itself. My opinion may not go for much, but I decidedly incline to the view of the Attorney General. If his view is to hold good, the whole question is narrowed down to the finding how far into Lake Superior the western boundary shall run. My own opinion is, and I think any one on looking at the map and comparing it with the description in the commission, will come to the conclusion that the eastern end of Lake Superior was intended as the western boundary of the old Province of Upper Canada; more especially when the circumstances which had then arisen in the North-West are taken into consideration. The hon. member for Bothwell