

“Great Britain.” His views on the different points of controversy are fully explained in the volumes published under the authority of the Government of Ontario.

Mr. William McD. Dawson, who was the first to investigate the case on the part of Canada, in 1857, than whom no one should have a more thorough knowledge of the subject, expressed himself as follows:—

*By Mr. Mousseau :*

“Q. Have you examined the boundary prescribed by the Arbitrators appointed by the Dominion and the Province of Ontario, and can you state upon what ground of history or fact it rests, or can be maintained?—With all possible respect for the Arbitrators, two of whom I have known well and esteemed highly, and the other of whom, occupying a diplomatic position that commands the confidence and respect of two great nations, is entitled to the highest consideration, I must nevertheless candidly say, that their decision has no basis whatever of history or fact to sustain it. If the Arbitrators conceived that they were to make a boundary, it was, of course, a matter of opinion as to where it would be suitable to place it, in which they would be right to exercise their own judgment and views of expediency; but if they had merely to examine and declare where the boundary was, or where it had ever been, they have adopted that which was not a possible one. They had, I think, one of three things open to them to declare. 1st. That Ontario embraced the whole North-West Territory under the Proclamation of 1791, which I have just dismissed as untenable. 2nd. That it was bounded by the line prescribed by the Quebec Act in 1774; or 3rd. That a more recent definition, which they seem to have intended to adopt *in part*, should prevail. The boundary they have adopted was not a possible one under any circumstances.

“As to the first, apart from the untenable character of any proposition based upon the Proclamation of 1791, with the analysis I have just given of its contents, I think that Ontario practically entered Confederation without it, as well as that Confederation would have been practically impossible with it, as the smaller Provinces would not have consented to stand like pigmies beneath the shadow of a colossus; assuredly, objection would have been taken by Lower Canada, already stripped by the division of the Province in 1791 of the just inheritance of her people (jointly considered as regards both races), and a new Province established in the very garden of the then available country, whose people, rapidly accumulating the wealth that soil and climate poured for them into the lap of plenty, have been sometimes but too ready to decry the less rapid advance of those whose lot has been cast in the more sterile regions of the north; and finally, if Ontario even had any such colorable claim, she abandoned it when a majority of her representatives voted for the erection of the Province of Manitoba.

“As to the 2nd, had the British North America Act declared that the Province of Ontario should consist of Upper Canada as it had existed for 47 years, from 1791 till 1838, instead of as it existed at the passing of that Act, it would very clearly have embraced all that it had originally possessed as the western division of the former Province of Quebec; but its description having been changed by competent authority at the last named date, it ceased to have the same boundaries as before and entered Confederation as it then existed.

“On the 3rd alternative, therefore, that was open to the Arbitrators, and which they seem to have intended to, and did, in part, adopt, I would observe:—that, for a consecutive period of 47 years, in every document issued by competent authority, after describing the divisional line drawn due north from the head of Lake Temiscaming “to the boundary line of Hudson’s Bay,” the Province of Upper Canada was declared in the most brief and intelligible language as simply “to comprehend all such lands, territories and islands lying to the westward of the said line of division as were part of our Province of Quebec.” Its boundary on the north, therefore, was the ‘boundary line of Hudson’s Bay,’ which, by the statute which gave a limit to its boundary in that direction, necessarily, was the southern boundary of the Hudson’s Bay Company’s territories, wherever that might be found. It was positively