

is northward? In my opinion the countries, territories and islands, beginning at one point and extending to the other, and from that base northward to the boundary of the Hudson's Bay Company. That gives you a boundary on the north. But if you say it means a line bounding this country on the south, then this southern line will extend northward, and it is impossible that it can be a due north line or other than the Mississippi. There are no words in this paragraph, there is no statement in this Act such as "bounded on the west." But if it applies to a line, it is a line that begins at the Baie des Chaleurs, and extends westward to the banks of the Mississippi, and then northwards. If it means the southern boundary, then that southern boundary extends northward to the Hudson's Bay Company's territory. The southern boundary extending northward is the southern boundary of the country lying west of the junction of the Ohio and Mississippi Rivers, that is; the western boundary of the territory lying south of these points. But it is the southern as well as the western boundary, and if the word "northward" is applied to a line at all, it is applied to a line bounding this country on the south. Then this is a description of the Mississippi as the southern boundary, and you could not, under any circumstances, make a due north line a southern boundary. Then there is the principle I already mentioned, that you are to interpret every Act in such a way as to give effect to it, and not to defeat its object. What is the object? To embrace the settlement. If you say the boundary is due north, you exclude those settlements and defeat the object of the extension of the Province westward. Then there is another rule well recognized in law, that when you reach a natural boundary you are to follow it, unless there are special and obvious reasons for departing from it. What is the position in this case? The boundary was extended westward, along the bank of the Ohio, to the banks of the Mississippi. The Mississippi was, at this time, the boundary between the possessions of Great Britain and those of France, and is it reasonable to suppose that a stretch of territory 700 or 800 miles in length, and in many places not 50 miles in width, containing the population it was intended to embrace, was intended to be left without a Government? By the construction of this Act, they would be excluded from the Government that was intended to include them. Then you have another well recognized rule, that in every Act of State the interpretation given to it by the Government must be followed. You have many instances of this in the reports of the Judicial Committee of the Privy Council, where the East India Company was engaged in negotiating treaties with the native princes. How did the Committee deal in these cases? Did the Committee undertake to adjudicate upon them? They held that they had no jurisdiction; that the Company had acted in dealing with these princes, in their political capacity and that the Courts had nothing whatever to do with them. The same principle is laid down in two or three decisions of the Supreme Court of the United States with regard to the construction of certain treaties between the United States and Spain, regarding Florida and Louisiana. The Supreme Court says that the political department of Government has interpreted this treaty and that the Courts will follow its construction. What was the position with regard to the Quebec Act? That the same law officer of the Crown that introduced and carried that Act through Parliament, issued the commissions under it, and it is the duty of the Courts, as it is the duty of this and every other Government, to follow the construction that the Government at the time put on the Act. If you look at this Act, you will see that it does not limit the authority of the Crown. In describing the boundaries it says they are to remain the boundaries during His Majesty's pleasure. The King, at any time by Order in Council, or by proclamation, might have altered the boundaries established by that Act. The Act did not

interfere with the prerogative he possessed in that respect. The reason for the Act was very obvious. At the time this Quebec Act was introduced into the Legislature, Lord Mansfield had just given his decision in the case of *Campbell vs. Hall*, a case involving the right to tax one of the West India colonies, which was a conquered country. The King had given the country a Government, and after he did so, undertook to impose a tax on the country. The Lord Chief Justice said the King has the right to govern a conquered country as he pleased; but once he confers on the country a Government, he exhausts his power, and he cannot interfere a second time. Well, under the proclamation of 1763, marking out the limits of the Province of Quebec, the King had given the Province of Quebec a Government. It was not in his power to alter the constitution which he established; Parliament alone could deal with that matter; but the King could enlarge or contract the boundaries. The Government of Quebec continued under that Act till 1791. The King then intimated his pleasure to alter the boundaries again, and establish two Provinces where there was then one. But he could not alter the Government which had been established, and it was necessary, therefore, that Parliament should again intervene. Parliament did intervene, and declared that, in the event of the King dividing the country and establishing two Provinces where before there had been one, this new constitution should come into effect, and it did. How was that division effected? An Order in Council was passed providing for the division. The Council authorized the Secretary of State to issue a description of the boundaries of the new Province to be established on the west. That description is forwarded to the Governor in this country, and it is embraced in a proclamation issued by the acting Governor, Mr. Alured Clarke. This is the description of the country that is embraced in Upper Canada:

"Along the said Ottawa river to the River Temiscaming, and by a line due north until it strikes a line north of Hudson's Bay, including all the territory westward and southward of the said line, to the utmost extent of the country commonly called or known as Canada."

Not "known as Quebec." I am not going to discuss this question this evening; but let me call your attention to the words: "all territory westward and southward." By the suggested interpretation of the Quebec Act, southward would mean due south, and westward due west. Therefore, you would begin at the forty-fifth parallel of north latitude, and you would go to the boundary line of the Hudson's Bay, and you would take the country due west, lying between these parallels, as the Province of Upper Canada. Such a construction would exclude from the Province of Ontario all the country from Kingston westward and southward. It is perfectly obvious that such a construction is improper, as it would not embrace the territories intended to be embraced. I think I have said enough to show that French Canada, at all events, extended northward of the height of land, and that all the territory west of this line, except what was ceded to the United States, was embraced in the Province of Upper Canada; and when the arbitration decided that the boundary of Ontario should not extend farther westward than the Province of Quebec had extended, they put the very narrowest construction on the words of this proclamation, defining the boundaries, that it was possible to put upon it. Whoever else may complain, it is perfectly obvious that the Dominion of Canada has no ground of complaint, and the arbitration were warranted in going as far north as the Albany River, and fixing as the northern boundary the line which they did. Let me say another word with regard to convenience. Four years ago the Governments of Canada and the United States had a correspondence with regard to the establishment of a boundary along the Alaska frontier. When we came to make enquiry as to the cost of surveying a boundary between Canada and the United States, we found that the establish-