

instructions given by the Dominion Government were limited to the ascertainment of the true line according to the law. It was not the desire or intention of the Dominion Government to pass by the Commission, or act of the Commission, to decide that question. The great question was—what was, by law, the legal boundary between Ontario and the western country? This question, the members of the present Government thought then, and think now, should only be decided by a legal tribunal. The British North America Act of 1867 provides that the western boundaries of Ontario and Quebec shall be the western boundaries of the old Province of Canada, as provided under the Acts constituting the Province of Canada. The proposition was made that the question should be left to the Judicial Committee of the Privy Council. And why? Because it was a question of law, of the construction of a Statute, as to the boundaries of the old Province of Canada, according to the Imperial Statute; and no other tribunal could satisfactorily settle that question but a court of the highest resort. We should all have been obliged to submit to that perforce. The enlargement of Ontario, or the diminution of its bounds, was not a matter that could be raised or decided before any ordinary tribunal. If the Judicial Committee of the Privy Council, or court of highest resort, had solemnly declared that, by the law of the land, the boundary between Ontario and the North-West was so and so, it would have been satisfactory. But the Government, without the previous consent of Parliament, left the question to three Arbitrators, only one of whom was a lawyer, the other two being laymen, and provided that the decision of the majority should be final. So that we might have had the two laymen differing from the legal Arbitrator, and deciding as to the construction of a Statute, upon the question of the boundary according to that Statute. It seems to me it was a most unwise thing to assume so great a power without the previous solemn deliberation of Parliament. It is well enough to say it was afterwards mentioned in Parliament, after the good faith of the Government was pledged, and that no objection was taken by Parliament. That is not the way in which Parliament ought to have been

treated by the Government, its servants, who ought to have taken it into their confidence. The right to submit the question in this manner ought to have been given by Parliament, instead of its being assumed to be within the proper jurisdiction of any Government, which I deny. No Government could thus decide to give away hundreds of miles of country, or millions of acres of land, without the authority of Parliament. The member for Bothwell says that this Government is continuous. Yes, but Governments are not despotic; and this act far exceeded the right of any Constitutional Government. Fancy the Government of England leaving it to be decided by a Commission whether France or England should have the Channel Islands, which formerly belonged to the Duchy of Normandy, without the previous submission of the question to Parliament? In the present case, it was always believed that the reference was to be: what was the true boundary according to law, and the nature of the respective titles of the Dominion and Ontario? Does the member for Bothwell mean to say that this is the true line? Has he not written a book to show that Ontario has a right to infinitely more land? Has he not declared that this Arbitration is not an award of what the real line, according to law, is? But they have settled a boundary and made a mistake similar to that of the King of the Netherlands, with respect to the boundary between New Brunswick and the United States. He made the mistake of running a compromise line. They did not commit any breach of faith—such was never charged by the British Government.

MR. BLAKE: Neither the United States nor the British Government assented to it.

SIR JOHN A. MACDONALD: The British Government would have been pleased to accept that award if the United States had accepted it as a compromise line. Both parties declared it was not the line—that it was beyond the reference. There was no breach of faith there; and, if the British Government had assented, there would have been no breach of faith in regard to the award, which far exceeded the powers given to the Arbitrators. So it is in this case. The Bill declares that it is not the true line.