

tions, and the following commission issued to the Earl of Durham :

"Our said Province of Lower Canada; the said Province being bounded by the adjacent Province of Upper Canada, and the boundary line between the said Provinces commencing at a stone boundary on the north bank of Lake St. Francis, at the cove west of the Point au Baudet, in the limit between the Townships of Lancaster and the Seigneurie of New Longueuil, running along the said limit in the direction of north, thirty-four 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, twenty-five 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 Hudson's Bay.

"Our said Province of Upper Canada; the said Province being bounded on the east by the line dividing that Province from Lower Canada, beginning at a stone boundary on the north bank of the Lake St. Francis, at a Cove west of the Point au Baudet in the limit between the Township of Lancaster and the Seigneurie of New Longueuil, running along the said limit in the direction of north, thirty-four 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 twenty-five degrees east until it strikes the Ottawa River, to ascend the said river into the Lake Temiscaming, the said Province of Upper Canada being also bounded by a line drawn due north from the head of the said lake until it reaches the shore of Hudson's Bay; the said Province of Upper Canada 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, which falls into 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."

This description was continued in all subsequent commissions in which descriptions of boundaries were given. It will be observed that in the commission of 1766 the description ran as follows: After describing the eastern section it continues:

"Thence along the middle of the said river into Lake Ontario, through the middle of the said lake until it strikes the communication by water between that lake and Lake Erie, through the middle of said lake until it arrives at the water communication between that lake and Lake Huron; thence along the middle of said water communication into the Lake Huron; thence to the middle of said lake to the water communication between that lake and Lake Superior; thence through Lake Superior northward to Isles Royal and Phillipaux to the Long Lake; thence to the middle of the said Long Lake, and the water communication between it and the Lake of the Woods, to the said Lake of the Woods; thence through the said lake to the most north-western point thereof; and from thence on a due west course to the River Mississippi."

That commission was, as I have stated, revoked, and it will be seen how very unlike the description therein contained is to that of the commission of 1838. In the latter it will be observed that the description runs as follows:—

"The said Province of Upper Canada 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, which falls (leads) into the Lake Erie, and along the middle of that lake; on the west by the channel of the 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 Attorney General for Ontario in his argument before the arbitrators, said that no one could suppose that the southern boundary of Ontario was to stop there, but it is not a southern boundary that was being described at that particular point, but a western boundary; on reference to the description it will be seen that the southern boundary stops at the head of Lake Erie, and then the description goes on as follows:—

"On the west by the channel of Detroit, Lake St. Clair, up the River St. Clair, the west shore of Drummond Island, that of St. Joseph and Sugar Island, thence into Lake Superior."

And that is in reality a boundary on the west as will be seen on reference to the map; the words "on the west" would not apply to a boundary carried completely through Lake Superior, inasmuch as over a very long distance in that lake, between Isle Chapeau and Pigeon River, the course of the International boundary line is to the south of west, and how could a boundary on the west run to the

south of west? It will be observed, also, that the expression "north of Isles Royal and Phillipaux," as used in the Treaty of 1783 and in the commission of 1786, is entirely dropped, and it cannot be supposed that the dropping of that expression and the limiting of the western boundary line to the entrance of Lake Superior was not intentional. No one who looks closely into the matter can suppose it to have been otherwise than intentional, for the description was evidently drawn with great care and circumspection. I shall now leave this boundary line on the west at the point where, according to the description in the commission last quoted, it goes "into Lake Superior," and ask the House to accompany me for a little while to another region where, as I shall presently show, circumstances had arisen which rendered it impossible that the line could have been carried through Lake Superior; which make it quite evident, in fact, that the Imperial authorities had no intention whatever of running it so far to the westward as to interfere with then existing rights, with judicial decisions or the Acts respecting the Indian territories. Let us for a moment consider the condition of the North-West Territories at the end of the past and the beginning of the present century: We will find there two great rival companies struggling for the mastery—the North-West Company of Canada and the Hudson's Bay Company. At that time the Hudson's Bay Company had been greatly reduced by the long continued opposition it had met with in its operations. The North-West Company was great and prosperous and it was under the guidance of men of pre-eminent ability, some of whose names are likely to live for ever in the history of the country. The rivalries between the two companies had led to bloodshed and war, and disturbances were rife from the shores of Lake Superior to the plains of the West. In 1803, the Act 43 George III, chapter 128 was passed, and the preamble of that Act runs as follows:—

"Whereas crimes and offences have been committed in the Indian territories and other parts of America, not within the limits of the Provinces of Lower or Upper Canada, or either of them, or of the jurisdiction of any of the Courts established in those Provinces, or within the limits of any civil government of the United States of America, and are therefore not cognizable by any jurisdiction whatever, and by reason thereof great crimes and offences have gone and may hereafter go unpunished and greatly increase."

There can be no question as to the localities where the crimes which led to the passing of this Act were committed. Lord Selkirk gives a detail of many of them. Sir Alexander Mackenzie refers to disturbances on the tributaries of the Red River, and on reference to the report of the Committee of last Session, it will be seen that the Hon. Donald A. Smith, than whom no one should have a more thorough acquaintance with the affairs of the North-West, says that disturbances were general over the territory, and that several officers of the Hudson's Bay Company were killed on the waters of the Moose and Albany. Notwithstanding this Act, which gave jurisdiction to the Canadian Courts in the Indian territories of the North-West, the disturbances continued to extend and increase. In 1809, one McDonell, a prominent fur trader, was killed at Eagle Lake, and his slayer, one Mowat, was taken down and tried at Montreal, where he was found guilty of manslaughter, the crime being held by the Court to have been committed within the Indian territories, and beyond the boundaries of Upper Canada or Lower Canada, or either of them. Eagle Lake, I may say, is now a station on the Lake Superior section of the Pacific Railway, and it is far within the territories covered by the award of the arbitrators in 1878. War and bloodshed continued throughout the territories, and culminated eventually in a battle at Assiniboia, in which the Governor lost his life; and in 1816 a proclamation, which runs as follows, was issued by His Excellency Sir John Coape Sherbrooke:—

"Whereas in and by a certain Statute of the Parliament of the United Kingdom of Great Britain and Ireland, made and passed in the forty-third year of His Majesty's Reign, intitled: 'An Act for extending