Department over which the part of such officer. nsions of the Hudson's t may seem harsh, does I have never received hing the opening of the Thunder Bay and Red

unthorities of either the tter ?-No; I must say know most about the

N AND WESTERN

18th March, 1873. as to the Northern and

y not appear altogether containing proofs and æ may, perhaps, go into and often contradictory ged to examine all these result of my researches

est, even where they do nk.

T. K. RAMSAY.

inducies of the Province eave to report the result

American Act, 1867, as as formerly formed the of Upper Canada prior

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and Western boundaries n in the Quebee Act would not include the Ontario is the meridian ertained to be 89° 9' 27" 16 west) north of the United States and south of the Hudson's Bay territories ; and its northern boundary APPENDIX OF MANITODA. is the southern boundary of the territory granted to "The Merchant Adventurers of England trading to sec. III. Hudson Bay," west of the line of division between the former Provinces of Upper and Lower Canada. It is further contended that the southern boundary of the Hudson's Bay territory is the height of hand Report of T.K. Ram dividing the waters which flow into Hudson's Bay from those emptying into the valley of the St. O.C. March, 1873. Lawrence and the great lakes.

3. The Government of Ontario claims that the boundary is "very different" from the one set forth. by the Government of Canada; and that the western boundary is at least to be determined (north of the United States and south of Hudson's Bay territory), by a line drawn north from the source of the Mississippi, and that the northern boundary of Ontario is the southern boundaries of the Hudson's Bay 10 territories, west of the line of division between the former Provinces of Upper and Lower Canada. While agreeing with the Government of Canada, in general terms, that the southern boundary of the Hudson's Bay territories is the northern boundary of Ontario, the Government of that Province does not, however, admit that the height of land dividing the waters falling into Hudson's Bay from the waters falling into the St. Lawrence and the great lakes is that boundary. On the contrary, they claim that the boundary is to the north of the watershed, according to the contentions of all former Governments, and by the indisputable facts that the northern boundary lies north of the watershed of the St. Lawrence system.

The Provincial Government further contends that there are grounds for maintaining the contention of former Governments of Canada, that the western boundary is further west than the line drawn due north from the source of the Mississippi (1).

4. It is important, before proceeding further, to clear the way, as far as possible, the vagueness ereated by the reference to the pretensions of former Governments of Canada. For this purpose, it is necessary to examine what they contended, in order to know what the Government of Ontario now claims. Except for the purpose of limiting the indefinite description of the pretensions of the Ontario Government, the enquiry as to the contentions of former Governments of Canada, prior to confederation, will be barren of results. Former contentions cannot bind in any way the Dominion Government, and this appears from every consideration. (a) Former Governments were not urging precisely the same question. Incidentally they may have represented a right to a greater extent of territory than that which they possessed; but the actual question formerly was the resistance of the claims of the Hudson's Bay Company to the renewal of a lease held by them of the Indian territories (2). The real question 30 now is, as to what was understood to be the Hudson's Bay Company's southern boundary, by the authority which fixed that of Upper Canada. (b) The Dominion Government is not liable for the opinions of former Governments; but only for their debts and habilities. (c) The pretensions of the Government of the Province of Canada were not admitted. On the contrary, the title of the Hudson's Bay Company was maintained; and the Dominion Government actually paid a large sum of money for the expropriation of the Company, besides leaving them a considerable estate (3).

5. The most extreme pretension of the former Government of a portion of the now Dominion of Canada, so far as 1 can learn, is that put forth by the Commissioner of Crown Lands, in 1857, in a report which was not considered conclusive, in spite of its unquestionable ability. It was there incidentally contended that to the north Canada was either bounded by a few isolated posts on the shore 40 of Hudson's Bay, or that it had no particular limit in that direction, that to the west Canada includes the country about Red River and Lake Winnipeg.

6. The line of argument usually adopted turns on priority of discovery. So long as the contest was carried on between two independent nations, the title derived from conquest or discovery, however unsatisfactory, was the only possible subject of discussion. But when the whole title centres in one supreme power, the question becomes simplified, and the facts to be considered acquire a more conclusive

which the Government was to acquire the rights of the Indians.

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⁽¹⁾ Correspondence between the Dominion Government and the Government of the Province of Ontario.

 ⁽²⁾ M. Canenon's report in fear.
(3) In a Treaty between the Government of the late Province of Canada and the Indians, "the height of land" is described 50 (3) In a first state of the territory covered by the Charter of the Honourable the Hudson's Bay Computy from the tract over