

50. It is a prerogative right?—Yes; in the old colonies of Virginia and Massachusetts, and other Royal or Charter Governments, the boundaries were extended indefinitely westward to the South Sea by charters; but when the King made His treaty with France, in the exercise of this prerogative, he limited those boundaries.

*By the Chairman:—*

51. Then the King had the power of extending or curtailing the limits?—Certainly. To what extent his power in these matters was controlled by Parliament I am not disposed to discuss before the Committee. It is a question upon which I may have something to say in the House on the second reading of my bill. As a matter of fact, the King did so exercise his powers; he exercised his prerogative by the proclamation of 1763 by which he limited the boundaries of the Province to the Mississippi River, which he had previously extended to the South Sea. He exercised that prerogative in the proclamation by establishing four new Provinces of which Quebec was one. In 1774, when Parliament commenced legislation, and it is the first instance in the history of the colonies, of Parliament undertaking to deal with colonial constitutions or interfering with the power previously exercised by the Crown—these words were inserted in the Act: “And also such territories, islands and countries, which have, since the tenth day of February, 1763, been made part of the Government of Newfoundland, be, and they are hereby, during His Majesty’s pleasure, annexed to and made part and parcel of the Province of Quebec, as created and established by the said Royal Proclamation of the 7th October, 1763.” This Act did not undertake to control the power of the Crown as to boundaries, or to lay down boundaries that the King might not subsequently alter in the usual way if he thought proper. They were established only during the King’s pleasure. In the Act of 1791, there was no attempt to control the King’s prerogative. If the Committee will look at the map of the Treaty of Fort Stanwix they will see the boundary laid down between the Indian possessions practically changed the boundaries of Virginia, as fixed by the Order in Council. By that treaty a large section of country was taken off the western part of New York and secured to the Indians of the Six Nations. The Committee will see, also, that there is a large section of country, wholly east of the meridian line, drawn due north from the eastern extremity of the Ohio River, separating by some hundreds of miles on the southern side, the Province of Quebec, under the proclamation of 1763, from the territories that are hereby declared to be annexed; yet it cannot be supposed that the Government did not intend to embrace the whole country from the western border of the Province to the Mississippi.

52. By the Act of 1774?—By the Act as it was introduced into the House of Lords. Suppose the Act had been carried as it was introduced in the House of Lords, and no alteration had taken place in that Act; suppose the whole of the territories, countries and islands extending southward to the banks of the River Ohio, westward to the banks of the Mississippi, and northward to the southern boundary of the Hudson Bay Company’s territory, had been annexed to the Province of Quebec, would the words northward and southward have given to them a meaning that would leave a large section of country east of the meridian line drawn north from the eastern extremity of the Ohio, not included in the new Province? It will be seen from the map to which I have referred, that the object of Mr. Burk, in laying down the boundary on the south, was to prevent the western section of New York, which was then separated from the portion of the Province open for settlement and set apart as a portion of the possessions of the Six Nations, from being embraced in Quebec. It was stated in the correspondence between the State of New York—then the Colony of New York—and its agent, that such was the intention of Ministers. The southern boundary was laid down throughout its whole extent, and by the words of the statute it is declared that all the territories, islands and countries in North America, belonging to the Crown of Great Britain, bounded on the south by a line extending from the Bay of Chaleurs westward to the banks of the Mississippi and northward, &c. The Committee will see that the word northward cannot apply to a due north boundary, because it would not make sense. If applied to a line, it would be sheer nonsense to say that all the countries, territories and islands, bounded on the south