

law, their rights as property-holders can attach and not otherwise. With the Hudson's Bay Company it depended on due diligence. For 120 years they never went away from the Bay. Any country has just as much right to occupy and settle the western territory as Great Britain had, did her people go into the interior and take possession in accordance with the well settled rules of international law. The people of France did this; they occupied and held it until acquired or taken from them by conquest. The title of Great Britain to the whole of the country lying north of the height of land, as far as the vicinity of Hudson's Bay, was a title acquired from the Government of France, and anyone who will go into the Library and look at the third volume of the Landsdowne papers, not published at the time my report was made, and a map that Lord Landsdowne prepared—and Lord Landsdowne, it will be remembered, was Secretary of State for Foreign Affairs at the time the Treaty of 1763 was negotiated—will see by that map that the whole of the country beyond the sources of the Mississippi west to the Rocky Mountains is marked as Canada, a territory acquired by Great Britain by the Treaty of Paris in 1763. If the title of the Crown of Great Britain to the North-West country, and this territory, now Ontario, rests upon the provisions of that treaty and the surrender by the French commander at Montreal, it is perfectly obvious that the Hudson's Bay Company could have had no right whatever to this territory, and the Government of Canada therefore had against Ontario no right whatever except that which they have acquired from the Hudson's Bay Company. I am not going into a discussion of the question in detail. I might give many instances where this principle is recognized. The hon. member for Algoma (Mr. Dawson) said, quoting a passage from Judge Armour, that a country which has taken possession of the shore has a right to the country to the height of land, and that the English Government having had surrendered to them by the Government of France, by the Treaty of Utrecht, the country in the vicinity of Hudson's Bay, acquired the right to all that country up to the height of land. The hon. Judge also quoted a passage from Phillimore to that effect. Phillimore is a high authority, but there are higher authorities than Phillimore, there are the State papers which describe this transaction, and which show that the country restored was what had been before in the possession of England—the shore of the Bay. And I might mention other State papers which represent the transactions occurring between various States with respect to this very principle. Let me give the House one instance, and it will serve to illustrate the whole case. The United States when they claimed the valley of the Oregon river, did so on this ground: Mr. Gray had discovered the mouth of the river and taken possession in the name of the United States Government. Did the English Government recognise the principle that a Government which had a right to the mouth of a river had a right to the whole country drained by it? They utterly repudiated it, and contended that while taking possession of the mouth of a river might give a right to the entire basin; if it is the only means of gaining access to the interior (because you could not go into the interior without committing trespass), yet if you could reach that country in any other way than the height of land is no impediment, and the Government would have no right to the possession of the interior, to the height of land. Now, that was exactly the principle that existed with regard to this height of land lying north of Lake Superior and north of Lake Huron. The Government of Great Britain, acquired by the treaty of Utrecht, the right to the shores of the Hudson Bay—France had a right to the valley of the St. Lawrence. The possession of the extent of country between those two places depended upon the diligence of each country. It was open to the English

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Government, if they had taken possession and settled the country around Hudson's Bay, to have come south of the height of land; it was open to France to go north of the height of land if by due diligence, by pressing forward her settlements or occupation of the country, she had seen proper to do so. As a matter of fact she did, as I said before, establish Fort Abbitibi; she did that before the Treaty of Utrecht was signed. She held it till the year 1761. She did the same thing with regard to Fort St. Germain, and all those posts that were established by the French traders, because that country was held by them until after the conquest of the country and its surrender of Canada, within which they were established. After the surrender, the Pontiac war intervened, and the country was, for a time, abandoned. But subsequently fur traders from Montreal and Albany organized companies and took possession of these old French posts and occupied the country, and any one who will look at "Harman's journal" of that country—and Mr. Harman was in the employ of the North-West Company for twenty-seven years—will see that the North-West Company were long in the possession of the country before the Hudson's Bay Company's traders appeared there at all. It was not until long after the surrender of that country as a part of Canada to the Crown of Great Britain that the Hudson's Bay Company entered the country. It was impossible that they could acquire any right or interest in any part of Canada under their charter. The extent of the power which they obtained under that charter, even if they had obtained any right to the soil depended upon their diligence. There was no Act of the Crown of Great Britain that could at all interfere with the rights of the Sovereign of France to go on and take possession of any portion of North America that had not actually been occupied in some way by the Crown or subjects of Great Britain. I have said that in looking at the Act of 1774 the boundary was fixed on the west at the Mississippi River, and that boundary remained the boundary of the Province of Quebec until 1791. Anyone who will look at the opinion given by Chief Justice Draper, who had looked carefully into this subject, will see that he had no doubts in his mind that Quebec extended westward to the Mississippi River. By the treaty of 1783, the Government of Great Britain surrendered the southern part of this Province, that is the portion lying between the Ohio River and the Great Lakes, to the Government of the United States. After that surrender, of course, there was a new southern boundary, and they described that boundary in the commission to Lord Dorchester after the Treaty of Versailles, in 1783, had been negotiated. And where did they extend that southern boundary? Why, they extended it westward through those lakes, westward through Pigeon River, through Long Lake, and due west to the River Mississippi. Why go to the Mississippi River? Because the Mississippi had been a boundary under the Quebec Act of 1774. Then when you look at the Acts of State by which the Province was divided, you will see that, at all events, it was impossible that the arbitrators could have given to the Province of Ontario narrower limits than it possesses under the award. We find it stated over and over again that this word "northward" used in the Quebec Act means due north. If you apply it to the boundary line you must apply it to the southern boundary, because there is no other described. Let me just read this particular portion of the Act:

"That all the territories, islands and countries of North America, belonging to the Crown of Great Britain, bounded on the south"

What is bounded on the south? Why, those countries, territories and islands.

"by a line from the Baie des Chaleurs along the highlands."

Describing it along the lakes, along the Ohio River westward to the banks of the Mississippi, and northward to the southern boundary of the Hudson's Bay Company's territory. What