

King's will, which, in an official way we must believe them to have been, they most decidedly, as in the Attorney General of Ontario's view of the case, carried the western boundary of the then Province of Quebec to the Mississippi; and (always admitting the authority of these commissions) the Mississippi continued to be the western boundary of Quebec until the success of the War of Independence swept the whole country to the south and west of the great lakes into the territory of the Confederacy of the United States. In 1783 the treaty of peace between Great Britain and the United States was concluded, and in 1786 a new commission with an entirely new description was issued to Sir Guy Carleton, then once more Captain General and Governor in Chief of the Province of Quebec. This description followed the wording of the treaty, and ran as follows:—

"And further know ye that we, reposing especial trust and confidence in the prudence, courage and loyalty of you, the said Sir Guy Carleton, of our especial grace certain knowledge and mere motion, have thought fit to appoint you, the said Sir Guy Carleton, to be our Captain General and Governor in Chief in and over our Province of Quebec, in America, comprehending all our territories, islands and countries in North America, bounded on the south by a line from the Bay of Chaleurs, along the high lands which divide the rivers that empty themselves into the River St. Lawrence from those which fall into the Atlantic Ocean, to the north-westmost head of Connecticut River; thence down along the middle of that river to the forty-fifth degree of north latitude; from thence by a line due west on the said latitude until it strikes the River Iroquois or Cataraqui; thence along the middle of the said river into Lake Ontario; through the middle of 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 through the middle of said lake to the water communication between that lake and Lake Superior, thence through Lake Superior northward of the Isles Royal and Philippeaux to the Long lake; thence through the middle of 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; and northward to the southern boundary of the territory granted to the Merchant Adventurers of England trading to Hudson's Bay; and also such territories, islands and countries which have, since the 10th of February, 1763, been made part of the Government of Newfoundland, together with all the rights, members and appurtenances whatsoever thereunto belonging."

I may here remark that a great deal has been said about the Mississippi, and the line running westward to it, and I have been accused of ignoring the treaty of amity between the United States and England which took place in 1794. All that that treaty did was simply to leave the Commissioners at liberty to amend a discrepancy by drawing a line which would meet the views of both nations. It was merely permissive, and I have yet to learn that a line adopted under such circumstances, in 1794, could affect the boundaries of a Province as described in a commission, in 1786, more especially as, at the time the treaty was concluded, the commission in question had been completely and absolutely revoked. The admirable map produced by the Government of Ontario, shows very clearly where the Mississippi of those days was supposed to be, and Mr. Kitchen's very elaborate map, which will be found published in one of the volumes produced by the hon. member for Bothwell himself, shows conclusively that the line running due west from the Lake of the Woods was not intended to strike, and could not have struck, the Mississippi, but was meant to be carried on to the Missouri, which was the Upper Mississippi of those days; however, to let that matter pass for the present, as not bearing on the particular point under discussion, it is quite evident that the commission of 1786 to Sir Guy Carleton, did carry the boundary of Quebec to the northward of the St. Lawrence water-shed and westward to the Mississippi, and the Attorney-General for Ontario is quite logical in claiming that it did so, always assuming that the commissions gave expression to the Royal will. But in 1791 there came another change, and the Province of Quebec was divided by what is now known as "the Constitutional Act," into the two Provinces of Upper and Lower

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Canada. The commission of 22nd April, 1786, was then completely and absolutely revoked, and a new commission, limiting the Province of Upper Canada to so much as was left of the former Province of Quebec, as existing previous to the date of that revoked commission, as lay to the westward of the dividing line, issued. That revoked commission is the only one in which the description, without doubt, carries the boundaries of the old Province of Quebec to the northward of the water-shed. On the 12th September, 1791, a new commission was issued, and it is the most important one in the whole series of commissions as, in fact, the description therein contained was not altered for a period of forty-seven years. I shall read it to the House, and I would ask particular attention to it:

"Whereas, we did by Our Letters Patent, under Our Great Seal of Great Britain, bearing date the twenty-second day of April, in the twenty-sixth year of Our Reign, constitute and appoint you, Guy, Lord Dorchester [then Sir Guy Carleton], to be our Captain General and Governor in Chief in and over our Province of Quebec, in America, comprehending all Our Territories, Islands and Countries in North America then bounded, as in Our said recited Letters Patent was mentioned and expressed.

"Now Know Ye, that we have revoked, determined, and by these presents do revoke and determine, the said recited Letters Patent, and every clause, article or thing therein contained.

"And whereas, we have thought fit by Our order, made in Our Privy Council on the nineteenth day of August, one thousand seven hundred and ninety-one, to divide Our said Province of Quebec into two separate Provinces, to be called the Province of Upper Canada and the Province of Lower Canada, by a line to commence at a stone boundary on the north bank of the Lake St. Francis at the Cove West of the Pointe au Baudet, in the limit between the Township of Lancaster and the Seigneurie of New Longueuil, running along the said limit to the direction of north thirty-four degrees west of 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 from the head of the said lake to a line drawn due north until it strikes the boundary line of Hudson's Bay; the Province of Upper Canada to comprehend all such lands, territories and islands lying to the westward of the said line of division, as were part of Our said Province of Quebec, and the Province of Lower Canada to comprehend all such lands, territories and islands lying to the eastward of the said line of division, as were part of Our said Province of Quebec.

"And whereas, by an Act passed in the present year of Our reign, intitled "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intitled 'An Act for making more effectual provision for the Government of Quebec, in North America, and to make further provision for the Government of the said Province,' " further provision is hereby made for the good government and prosperity of our said Provinces of Upper and Lower Canada.

"Further Know Ye, that we, reposing especial trust and confidence in the prudence, courage and loyalty of you, the said Guy, Lord Dorchester, of Our especial grace, certain knowledge and mere motion, have thought fit to constitute and appoint you, the said Guy, Lord Dorchester, to be Our Captain General and Governor in Chief of Our said Province of Upper Canada, and our said Province of Lower Canada, respectively, bounded as hereinbefore described."

This commission cannot be construed as carrying the boundary to the north of the water-shed, and taken in connection with the instructions issued under it, which are as follows:—

"With these Our instructions, you will receive Our Commission under our Great Seal of Great Britain, constituting you Our Captain-General and Governor in Chief in and over our Provinces of Upper Canada and Lower Canada, bounded as in our said Commission is particularly expressed."

It is perfectly clear that no enlargement was intended, but simply the division of the former Province into two. Now, whether Upper Canada would be bounded according to this commission by the Mississippi line or as much of it as remained to Great Britain or the due north line, may be an open question; the due north line has the decision of eminent judges in its favor, but they went entirely by the description in the Act, and do not seem to have been much impressed by the commissions; however this may be, there can be no doubt that the description we have been considering held good from 12th September, 1791, until the 30th March 1838, when an entirely new departure was taken by the Imperial Government in the matter of the boundary descrip-