

with regard to many of the political questions then at issue between the two countries. The Cavendish Debates, as they are called, were reported by a skilful stenographer, and were not published until 1839. From them it appears that, when Lord North introduced the Quebec Act of 1774, in which the boundaries of Canada were defined, he submitted it to the House of Lords on the responsibility of the Government, and in that Act the Mississippi river was distinctly declared to be the Western Boundary of Canada.

MR. MILLS: Of Quebec.

MR. MACDOUGALL: Of Quebec of course, that being the name of the Province then. While the Act was under consideration in the Commons, Mr. Burke, then a distinguished member of that House, and the paid agent of New York, in discharging his duty to his employers, as well as to his constituents, felt it his duty to object to the loose way in which the boundary was declared in the preamble to the Bill. The House suspended proceedings, the report observes, during half an hour, while Burke and other members went up stairs to consult the maps; they came down with an alteration in the description. In the Bill, Quebec was declared to be bounded on the south by the Ohio river, on the west by the Mississippi, on the north by the Hudson's Bay territories. In the amended description, a limitary line is laid down. The description was altered so far in order to avoid interference with the then Colony of New York on the south. With this object Mr. Burke ran a line until he came to the expression "northward," in the original description. He had got down to the junction of the Ohio with the Mississippi, and, having no further interest in the matter, he did not interfere with the Bill any further. But the new description was inapplicable and incongruous, because the words "the left bank of the Mississippi" were omitted. I shall read the description of the country added to the Province of Quebec, by the Act of 1774, as it was expressed in the Bill when it passed the House of Lords:—

"Be it enacted, that all the said territories, islands and countries, (referred to in the preamble), heretofore part of the territory of Canada in North America, extending southward to the banks of the River Ohio; westward to the banks of the Mississippi, and northward to the southern boundary of the territory granted to the Merchant Adventurers of England trad-

ing to Hudson's Bay, etc., and they are hereby during His Majesty's pleasure, made part and parcel of the Province of Quebec," etc.

All the territories, etc., lying within the bounds mentioned, east of the Mississippi river, were annexed to Quebec, and, except the portion afterwards surrendered to the United States, became part of Upper Canada, when that Province was created. The description in the Act as finally passed, after defining a line on the south to the north-west angle of Pennsylvania, is in these words:—

"And thence along the western boundary of the said Province until it strikes the River Ohio, and along the bank of the said river westward to the banks of the Mississippi, and northward to the southern boundary of the territory granted to the Merchant Adventurers of England trading to Hudson's Bay."

Now, of course, the whole argument turns upon the proper interpretation of this word, "northward," as used in the Act. We have the Act before us, and, according to a rule of construction which I remember to have read a good many years ago, you cannot look at the surrounding circumstances in interpreting an Act of Parliament. You cannot read the speeches of members of Parliament when the Act was under discussion to discover the meaning of obscure passages. But in more modern times I find that, in the United States, and also in England, the Judges have found it necessary, in delivering their judgments, to consult the records of Parliament, and even to consult *Hansard*. There are cases in our own Courts in which the Judges have referred to what took place in Parliament as a means of ascertaining and explaining the meaning of ambiguous expressions. And I think that, in a great political question of this sort, we are justified in looking into its history. A brief exploration enables us to ascertain the object of the Imperial Government in adding these territories to the old Province of Quebec. The object as stated by Lord North was to include certain trading posts not then within the jurisdiction of the Province of Quebec, in order to give them the advantages of an organised Government. These posts, as we well know, were beyond the boundary which would have been assigned to Quebec if the line were to run due north from the junction of the Ohio with the Mississippi. The very object of the Bill would have been defeated by such a construction.

MR. MACDOUGALL.