

Mr. Justice Pinsent to Governor Blake.

ST. JOHN'S, NEWFOUNDLAND, 22nd May, 1888.

His Excellency HENRY A. BLAKE, Esq., C.M.G., Governor and Commander in Chief.
SIR,—I have the honour to bring under your excellency's notice a matter of no little importance touching the territorial limits of Labrador as a dependency of this colony.

Some years ago I submitted the point to Governor Sir John Glover, but either his illness or his removal about that time prevented his giving it much consideration.

The matter is one not without importance in its general bearing upon the rights of government, but it comes to be of practical and essential significance when questions of either civil or criminal jurisdiction arise, and they may at any time arise, particularly on the northern circuit of the supreme court where I so frequently preside.

The case in which the difficulty first became prominent was upon the trial in St. John's of an Eskimo Indian for the murder of his wife on the coast of Labrador.

The question of the jurisdiction of the supreme court was then raised on behalf of the accused, and not without much force, but the locality of the offence was so very near the coast that the court overruled the objection.

The extent of the jurisdiction of the government of Newfoundland in Labrador is thus defined by letters patent of the 28th March, 1876:—

“All the coast of Labrador, from the entrance of the Hudson's straits (cape Chidley) to a line to be drawn due north and south from Anse Sablon, on the said coast, to the 52nd degree of north latitude, and all the islands adjacent to that part of the said coast of Labrador.”

For the purpose of illustrating the matter clearly, I enclose portion of a map of the dominion of Canada, published by Canadian official authority, in which all that part of the peninsula of Labrador coloured white is, as it were, allowed to belong to this government, but if that area is compared with the description taken from the royal letters patents constituting the office of governor and commander-in-chief of the island of Newfoundland and its dependencies, it will be seen that the territorial extent of (Newfoundland) Labrador represents a vast deal more than would be ordinarily intended by the term “coast,” and, moreover, extends inland and west of the line drawn due north and south from Anse Sablon eight to nine degrees.

This Canadian topography is, I think, quite correct so far as the limits of the Dominion territory are concerned, and the remainder of the coast of Labrador would thus quite naturally belong to this government, but they are not so described and defined in the letters patent or commission of the governor of this colony, and indeed the description falls very short of covering the whole ground, and when questions of jurisdiction arise the court has to determine in every case whether the particular locality is upon the coast of Labrador or not.

The fact is, there are some settlements of importance far inland, *e.g.*, notably in Hamilton inlet, over 150 miles from the sea coast.

The geographical reasons for the division given in the Canadian map are clear enough, as the north-western portion of Labrador, or that which drains into Hudson's bay and Hudson's straits, now forms the north-east territory of the dominion of Canada, and the southern portion, draining into the gulf of St. Lawrence, is incorporated with the province of Quebec.

At the same time the Canadian authorities are not certain or precise as to their boundary lines, and they are marked, as your excellency will perceive, “supposed boundary,” and possibly the course of the North-West river, so far as it runs from the 52nd parallel, would, regarded naturally, be the more consistent and definite dividing line.

The publication by Canadian official authority of the map in question or some such other may be useful as a definition of the rights of the dominion of Canada, but it would not have the effect of conveying to Newfoundland British territory not