

the controversy which he had been, up to that time, himself engaged in, between the Dominion and Ontario, and the Province of Manitoba endeavored to take possession of a portion of that which had been awarded to be, and is now found to be, territory of Ontario. And hon. gentlemen opposite said it was all right for the Province of Manitoba to do it; and the Province of Ontario resisted the attempt of Manitoba to take possession of what is determined to have been Ontario's territory. And hon. gentlemen opposite said it was all wrong for Ontario to attempt to resist such a taking of possession—they ought, like good Christians, to have allowed the Manitobans to take possession of the territory which it is now established was all along their own. The question has been practically settled according to the award, as far as the committee have decided. They have decided, it seems, not that the award was wrong, not that it was a conventional boundary, but that it was the real boundary. As far as the committee have decided, the case was not given away before the arbitrators, deliberately or otherwise, and the issue which the hon. gentleman, in the year 1872, joined, as I have shown from these extracts, between the Dominion of Canada and the Province of Ontario, in which he contended for a due north line from the conflux of the Ohio and Mississippi as the western boundary and for the height of land as the northern boundary, as far as it is decided, so far is decided entirely against the contention of the hon. gentleman and in favor of the contention of the Province; and those oceans of learning and erudition which we heard poured out in the debates upon the subject in this House from supporters of the Administration seem to have been all wasted and thrown away, inasmuch as the decision has been altogether opposed to them. Yet the whole question is not settled. The hon. gentleman, for some reason or other, although it was agreed in this House that the reference should take place between the Dominion as well as Manitoba and the Province of Ontario, although it is said that there was an assent on the part of the Dominion to such a reference, at the end it seems withdrew, and so the decision only formally and effectually settles the question as far as the boundary of Manitoba and Ontario is concerned. Still one is led to the hope that, inasmuch as what has been declared by the arbitrators settles the principles upon which the rest of the boundary ought to be determined, there will be no further controversy and the award will be accepted, in reference to the rest of it, on the principle which appears to have guided the Judicial Committee so far as it has gone. Nor is anything said as to the hon. gentleman's attitude in regard to the lands. He has arranged another controversy with the Province; he is at issue as to the ownership of the lands in this territory. He has declared that, even if the territory be within the boundary of the Province of Ontario, still the lands are the property of the Dominion. It will be important for us to know, if that contention is to be maintained, whether there is still to be a controversy, or whether this question is not to be, as I say it ought to be, at once settled in all its parts. There is yet another omission which is proper to be remarked upon—nay, two. The first is with reference to the Streams Bill. Since we last met here, there has been a decision of the Judicial Committee on that subject also. It was alleged by the hon. gentleman that the legislation in the Local Legislature, declaring what the law was, was not legislation; that it was robbery. He used language which, coming from anybody else, I should have said was strong. He said these things:

The Ontario Government, "dressed in a little brief authority, Jack-in-the box, trampling on the man, as they said they would do, pleased Mr. Caldwell and robbed Mr. McLaren. An hon. member has stated that the Streams Bill was not intended for Mr. McLaren, but for general application. But it is meant of the sneak who creeps down the back stairs and steals the kitchen utensils, or the fellow who comes behind you and picks your pockets—they are men more to be despised than the highway robber. It would have been more manly if the Ontario Govern-

Mr. BLAKE.

ment had introduced a Bill to hand over Peter McLaren's property to Wm Caldwell; they dare not do so, and therefore they passed a Bill respecting rivers and streams. It was a wretched, flimsy and transparent device; it deceived nobody, but it was only by being a public bully that the Government could introduce and carry it; otherwise there must be a petition. It had the effect of depriving Mr. McLaren of his property, under the pretence that it was in the public interest. Nothing more contemptible or sinister could be done by a Government or Legislature. It was a Bill to take from Mr. McLaren his property and hand it over to Mr. Caldwell. True, Mr. McLaren had spent, some say \$250,000, and hon. gentlemen opposite say from \$100,000 to \$150,000. I do not know how much it was—but it was Mr. McLaren's property. The river at that spot was not a navigable river, and the judge who heard the evidence and viewed the facts stated that it was clear that at the place where the improvements were made it was not only not navigable but not floatable. It would scarcely allow a plank or a slab to go down any more than upon a ditch. Caldwell's timber and logs could not go through there until the improvements were made. Mr. McLaren, with his usual industry and perseverance, in order to carry on his extensive business, made a dam and a slide out of his own timber, for his own purposes and on his own soil. Mr. Caldwell had no right to use it without his consent and without paying for it. It was absolutely the property of Mr. McLaren."

And again he says:

"Supposing an honest old farmer's wife should expropriate her neighbor's hen and say: 'I shall keep this hen, and you shall feed it right and see that it lays at the proper time, and I will pay you by giving you a share of the eggs.'"

Now that was the attitude of the hon. gentleman. But the Judicial Committee of the Privy Council have decided to the contrary; they have decided that it was not Mr. McLaren's right to interfere with Mr. Caldwell's coming down this stream; they have decided the law was correctly declared by those who advised the local legislation; they have decided, in fact, that the Bill which was said to be a means of taking away Mr. McLaren's property with an illusory compensation, was the only Bill that could protect him at all, or give him any reasonable compensation for the use of his improvements over property in respect of which there was a public easement under the existing law of the land. So the infallible disallowers who disallowed this measure on the ground that it was an unjust interference with Mr. McLaren's property, turned out to be all wrong, and the reason upon which they acted, insufficient as I conceive that reason to have been, turns out to have been no valid reason at all. I say insufficient, as I conceive that reason to be, because I am convinced that upon the true reading of our constitution the mere circumstance that in the opinion of these gentlemen a different kind of compensation ought to be given, that it was interference with private rights, was no ground whatever for exercise of the power of disallowance. But it turns out that the very basis of their action was an error. And yet, Sir, we do not find any reference to Caldwell and McLaren in the Speech from the Throne. Then, Sir, there was the very case in which the hon. gentleman introduced this custom of giving an account to us of the decision of the Judicial Committee of the Privy Council—the case of the license question. The license question was raised last Session on several occasions, but it was last raised on the floor of this House on the motion of our lamented friend, Frederic Houde; and I may say that all of us who watched his course here must receive the mention of his name with sadness. He has since passed from amongst us. He was a man of marked independence of character, of frankness, of honor, of indomitable spirit and energy; and no man who has seen him here for these many years past but must have been touched with the exhibition of that spirit and energy which he made when he struggled against weakness and disease in the discharge of his duties in Parliament. We know that he exhibited that independence of character to which I refer in a very marked way, outside this House, with reference to the journalistic career to which he was attached. We have observed in this House, with what emotion he, on one or two occasions, separated himself from his friends, feeling that it was a painful thing to do, knowing that it was a painful thing to do, but rising superior to his emotions at the call of duty. And he was a