

ONTARIO LEGISLATURE.

Fourth Parliament—First Session.

The following is the conclusion of Wednesday's debate on the Ontario Boundary Award question:—

Mr. MOWAT in his opening remarks referred to the position taken by the Ministers at Ottawa on this question. The Minister of Justice in his speech on the motion for a Committee disputed the propriety of the award, and alleged that material information was not before the arbitrators; that they arrived at wrong conclusions, and that the boundaries awarded were not correct. The Premier of the Dominion spoke on the same subject, stating, amongst other things, that the preceding Government, by whom the arbitrators were appointed, had been guilty of an unconstitutional assumption of power in referring the matter to arbitration. The truth was that the proceedings of the arbitration were well known, and were not objected to until after the award was made. The question was discussed in the newspapers throughout the country, and in this Province the Legislature had passed an Act providing that the arbitration should be entered upon and that the decision should be made final. All these things were well known, and not only that, but while the proceedings were in progress he found that in the session of 1877 Mr. Masson, a member of the Dominion House, in his place in the House, asked "what progress had been made towards the settlement of the question of the North-Western boundary of the Province of Ontario." To this Mr. Blake replied that "as the hon. gentleman was already aware arbitrators had been appointed, Judge Wilmet by the Dominion Government, and the Chief Justice of Ontario by the Government of Ontario. Upon the latter gentleman assuming a position in the Supreme Court, he resigned, and the Government of Ontario appointed the present Chief Justice of Ontario in his place. An understanding had been reached between the two Governments by which Sir Edward Thornton, the British Minister at Washington, would probably act as the third commissioner or arbitrator. Considerable progress had been made, and this Government had been for some time investigating the case, and mastering the details, which necessitated many papers being searched. Communication had been going on for some time past with the Government agent in England, and other authorities, to complete, as far as possible, the information on that subject, and it was probable that the question might be disposed of in the ensuing summer or fall." During the session of 1878 Mr. Mackenzie stated, in answer to a question from Mr. Masson, "that the absence of Sir Edward Thornton, who was selected as the third arbitrator, until late in the autumn made it practically impossible for the three gentlemen to meet, but everything had been prepared for their meeting, which would take place immediately after the session." In view of the fact that the arbitration was well known to be proceeding with—that it had been two successive years mentioned in the House, and no suggestion was made that the arbitration was not a wise thing—it was a curious position to find the head of the Dominion Government taking the position, in his place in the House, that the award was unconstitutional. The Committee was moved for by a member of the House, not a member of the Ministry, but the motion for the Committee was supported and assented to by the Ministry in their speeches. The idea that a Committee of the House could get further important information on the subject would be absurd to those who knew anything of what a Parliamentary Committee could accomplish during a single session. Eighteen months had elapsed since the Government came into power, and if they thought there was important information bearing on this question of the boundary award, why was it not obtained during that time? The absurdity of this plea would appear still more manifest when it was remembered that the question of the boundary between the Hudson Bay Company and Canada was one which had been the subject of discussion, and in earlier times of war, for upwards of a century and a half. During the whole of that period the Hudson Bay Company, whose rights have now been purchased by the Dominion, were always claiming the greatest possible extent of territory. They put forth from time to time their statements of the territory claimed by them, and the grounds upon which that claim was based. They were a wealthy corporation, and had agents diligently employed in collecting and procuring evidence as to the extent of their territory. They employed the ablest counsel in their interest. The matter had been under consideration between England and France during the last century, and after France had ceded all its rights to Great Britain the question was repeatedly brought up in the English House of Commons. Committees were appointed to examine into the rights of the Hudson Bay Company, all the evidence possible was provided, and those of opposite interests took the same course. We find a very important Committee of that kind as early as 1743, and another one a century later, in 1857. A most elaborate examination of witnesses took place before these Committees, and a very large volume of evidence was laid before the House on the latter occasion. In view of all this, was it not perfectly absurd to suppose that the Committee would be able, after the Hudson Bay Company had made its statements, embodying every scrap of evidence they had ever been able to bring forward, to suppose that the Committee at Ottawa could seriously believe that there was important evidence yet to be brought to light? After the arbitration was entered upon there were steps taken of the best possible description in order to procure any evidence that it might be possible to obtain. The Government employed Sir John Rose to prosecute this enquiry, and all the evidence that could be obtained for the purposes of arbitration on either side was embodied in a printed volume which was prepared for the arbitrators. He had no hesitation in saying that whatever object the Dominion Government had in forming this Committee, it must be something hostile to the interests of this Province and not to get further information. (Applause.) It was not to collect or consider further evidence. It would be absurd to suppose that the Attorney-General went into further detail showing that an exhaustive collection of evidence had been made for the arbitrators. He argued

at some length that the award gave Ontario less instead of more than the Province was entitled to—that the Province of Canada had claimed for Canada West before Confederation—that Canadian Ministers after Confederation had made the same claim. He replied to the arguments of the mover for the Committee and of the Minister of Justice as reported in the *Mail*. When an arbitration or a treaty took place between two nations it was generally felt that the faith of the nation was pledged to carry out that treaty or arbitration; and it was only in the case of fraud, or some other exceptionally strong ground, that a Government ever questions the propriety of confirming an award or a treaty. It was not pretended in the present instance that such grounds existed. The arbitrators were men of the highest standing, and they came to a conclusion in the matter after the fullest investigation. Under these circumstances he hoped, notwithstanding the differences of parties existing in the House, that the hon. gentlemen in the House would show themselves ready to defend the rights of the Province in, being a unit on the resolutions. (Applause.) He had endeavoured to draw the resolutions as moderately as possible, in order that hon. gentlemen opposite would have no difficulty in voting for them. (Applause.) He called upon the House to unite with him in declaring that this Province is entirely agreed on the question, and that the award was one which we had taken all necessary steps to bind ourselves to accept. (Applause.)

Mr. CROOKS seconded the resolutions.

Mr. MEREDITH said that what the Attorney-General had said was in some points, impolitic. By defying the Dominion Parliament they were doing their best to cause the award to be disallowed. When hon. gentlemen approached a subject of such grave importance they should do so with dignity, and not in the manner of ward politicians. They were endeavouring to stir up sectional feeling. They alluded to Ontario as the premier Province of Canada. Well, this very fact caused the smaller and weaker Provinces to look upon us with jealousy. They taunted the Opposition with being unpatriotic, but he would leave it to any unprejudiced observer as to which party was taking the most unpatriotic course. In the 10th paragraph was contained a distinct defiance of the authority of the Dominion Government. The award could be justified in a much more statesmanlike manner than had been done. The Opposition would support the Government in any constitutional steps which they may take to secure their rights under the award. No member of his side of the House would desert his Province when her rights were at stake. The only member whom he had heard making an attempt to belittle the award was the member for Muskoka, a supporter of hon. gentlemen opposite.

Mr. MILLER said it was well known that he held a different view on this matter from the majority, if not all the members of the House. In the first place, he did not see that the enlargement of the territory of Ontario would be any material advantage to the Province. And if the land now acquired was valuable, then it could be more quickly developed if formed into a separate Province. It had been stated that it was desirable to lessen the number of existing Provinces. But if they would consider that Ontario was as large as the State of New York, and that in the United States there were 41 State Governments, the spirit in which we dealt with outlying lands now was not calculated to settle and help them along. Algoma had contributed he was sure \$10 to the treasury for every dollar that had spent there. The policy of the Dominion Government, he believed, was to add the districts of Algoma and Nipissing to the territory to the west, and form out of them a new Province. In his opinion this was sound policy.

Mr. YOUNG said the gentleman who had just sat down would find that his original opinion was quite unsupported throughout the country. He was sorry that the leader of the Opposition had not supported the resolutions of the Attorney-General without indulging in the remarks that he had made. He supposed, though, that the hon. gentleman was in a tight place. The hon. gentleman called upon to sustain the Province, while at the same time he could not condemn his leader at Ottawa.

Mr. MEREDITH—No, no.

Mr. YOUNG—Then there was nothing in the hon. gentleman's arguments. (Hear, hear.) In opposition to what Mr. Meredith had said about the Attorney-General's resolutions being a defiance to the Dominion Parliament, he would say that the resolutions if anything were of too mild a character. What could be said of a Government which took refuge behind a Committee and dare not boldly disallow the award? The texture of that Committee showed that the object of its appointment was to quash the award. It contained but two members from Ontario besides Mr. Dawson, and it had four members from Quebec alone. The gentlemen opposite should be the last to speak of exciting sectional feeling—gentlemen who belonged to a party which had lived on this very policy for years. If this reward were set aside, then Ontario might know that she was unable to obtain her rights in the Parliament of the Dominion. In conclusion, he would say that he hoped that the Government would spare no pains to secure the rights which had been awarded them.

Mr. MORRIS held that it was his opinion that it would be a misfortune to make the Dominion a conglomeration of small Provinces. He would state that, in answer to Mr. Miller, if the Attorney-General had desired to gain the hearty assent of the entire House to his resolutions he would have worded them in a different way to what they were. He argued from the language of the Ontario Act of last session that the righteousness of the award was not so clear even in the mind of the Attorney-General. He regretted that the hon. gentleman had not taken higher ground, and thus secured the moral support of the House.

The members were called in, when a vote was taken, and the resolutions were carried on division by a vote of 64 to 1, the only dissentient being Mr. Miller, Muskoka.

Mr. MEREDITH asked if it was the intention of the Attorney-General to transmit a copy of the resolutions to the Secretary of State.