

servative Minister, Sir John himself. Let me refer to page 191 of the return made upon the subject in 1877, where we will see that legislation of this kind was under the consideration of Sir John, and we will see the way in which he treated it. He there refers to an Act passed in the interest of several municipalities along the line of the Grand Junction Railway, and he also refers to the Act relative to road allowances. Respecting the latter he says "a petition has been received from the Municipal Council of Frontenac, praying for the disallowance of this Act, but as it is clearly within the competence of the Local Legislature the undersigned recommends that it be left to its operation." This was an Act by which the municipalities were deprived of the right to timber on road allowances, which they contended they were entitled to. A petition had been sent from the Council of Frontenac praying for its disallowance, but Sir John recommended that it be left to its operation. Now, in all the Acts that have been passed by the Provinces of a retroactive kind we do not find until the present Act was passed that there was any objection that would justify disallowance. Now then, it is perfectly plain and beyond controversy that there is a new departure upon this subject, so far as the report of the Minister of Justice was founded on the Act being retroactive. Then the other question was as to the matter of compensation. There are strong words used in the report with reference to it. We all know that in the public interests it is a recognized spirit of the legislature in every country that private property may properly be taken for public uses, and compensation given. So that the question is not whether it was proper—and my hon. friends have not pretended to argue that the question was whether it was proper—to take possession of those improvements for floating timber down these streams, for public uses, but they have placed the whole strength of their objection upon the allegation that the compensation was insufficient.

Mr. MEREDITH—It was illusory.

Mr. MOWAT—If my hon. friend chooses to use that word he may do so. I suppose my hon. friend does not mean to say that there must be a large difference between the right which is taken away and the compensation which is given to justify disallowance. I suppose he is using that word in the sense in which it is used in our law books, where the sense is that the compensation is so small that it is either nothing at all, or that it is a pretence, or, in other words, illusory. But in the case of the Road Allowance Act the compensation there would have been in many cases a mere fraction of the value of the timber, and no doubt the petition from the municipality stated that fact to the Minister of Justice, though he was not influenced by it. He considered that the matter of legislating on such a question was not that with which he had anything to do. My hon. friend chooses to use strong language with reference to the compensation provided here. What we have done is to give the owner of the improvements a fair change in the way of compensation for the use of his improvements by those who may wish to use them. We do not take away the improvements from the owner. They still remain his. He has the ownership, but he has not the exclusive right to use them, and he is to receive fair compensation for their use, taking into account the value of the improvements. Now my hon. friends are surely not absurd enough to say that there can be any doubt as to the possibility of sufficient compensation being given. There is no other way by which the question could be settled without deliberately placing the power in the hands of one man and excluding those above him from the use of the stream. The McLaren case was the first instance in which selfishness had been shown, and as there were hundreds of streams in the country similarly situated, it became imperative to deal with the matter at once, and prevent other cases of hardship that would undoubtedly arise as soon as the letter of the law became known. With reference to the boundary, I will not enter into any argument further than what has been given for the purpose of showing that our rights have been interfered with. That that territory was Ontario's is so manifest that it is practically absurd that it should need any argument whatever. The territory that is in dispute, and our rights which are withheld from us, has been stated to comprise about 100,000 square miles. Why is it that our rights in that territory are so persistently withheld from us? I would like to know some reason, some real reason. That the people of Ontario want that territory it would be idle to deny. Hon. gentlemen opposite have during two sessions testified how strongly they felt, and how strongly the people that they represented felt. There can be no doubt that Ontario does want that territory, and why is it withheld? It is said, because it will make Ontario too powerful. How is it that the Maritime Provinces—if it is they who are jealous—were quite willing that British Columbia should come in with 350,000 square miles; not afraid of Quebec, with 200,000 square miles; not afraid of Keewatin, with 250,000 square miles. How is it that they have agreed in so extending the boundaries of Manitoba that it has even without this territory considerably over 100,000 square miles? And then the Dominion Government has 2,000,000 more square miles out of which to form new Provinces, or to make additions to the other Provinces. What is the meaning of the Dominion Government? Is it to make Ontario the smallest of the great Provinces? (Cheers.) What means this resolution of theirs, by law and against law, by means fair and foul, to reduce Ontario until it becomes the smallest of all the great Provinces? (Cheers.) They can throw away hundreds of thousands of square miles to the other Provinces, and they refuse to give to Ontario what is her just right, and defy awards and eat their own past words. (Hear, hear.) They have a policy opposed to what they pressed upon the Home Government, and seek to deprive us of the territory to which we are entitled. (Cheers.) What is the meaning of this determined injustice to Ontario? Does not the Dominion owe the greater part of its prestige to Ontario. (Applause.) Is not Ontario the great taxpayer—the Province that puts more money into the Treasury than she takes out of it? (Applause.) Why the difficulty, the obstacle that stands in the way? Not only are we denied our territory that has been awarded to us, that eminent men have declared belongs to us, but they have taken away from us, as far as they can do so, territory in the

West, south of the height of land, which nobody ever denied belonged to Canada until after Confederation—seven thousand square miles of territory settled by our own people, organized under our own laws, their municipalities, courts, and magistrates acting under Ontario, holding their titles to their land under the opinion that it is part of Upper Canada, who always regarded themselves, and were regarded by everybody, by the Dominion Government, by the old Province of Canada, and by the present Province of Ontario as part of our territory. It was incredible that the Dominion authorities, when passing a law on the subject, actually passed a law transferring—as far as they could transfer—to Manitoba 7,000 square miles of territory belonging to Ontario. (Loud cheers.) We had spent large sums of money there, and were spending large sums there every year, and all this was disregarded, while they throw their hundreds of thousands of square miles in other directions. Even Judge Ramsay, while he discussed our legal rights and held that, strictly speaking, we were not entitled to this territory, held that as a matter of common fairness to Ontario she should have this territory. Then we have their own counsel pointing out that fairness and equity required that this territory should be ours. But the Dominion authorities begrudged us these 7,000 square miles to which we were entitled, not only begrudged us that land but passed a measure giving it, as far as they could give it, to Manitoba. (Applause.) It seems to me a disgraceful thing on the part of the Dominion authorities that they should trade upon technicalities in this great question. But the technicalities are all in our favour and the arbitrators decided that they were, and my hon. friend thinks so too. (Loud applause.) They have themselves set their heads to the declaration that they think so too. It is an indecent thing that the Dominion authorities should refuse to give us this territory, even if there was a question about it. (Hear, hear.) I have said that Judge Ramsay pointed out the fairness of giving Ontario this territory, and we have also no less eminent an authority than the late Chief Justice Draper, one of the most eminent of our judges, who had communicated in a report to the Government that we had a clear title to territory even far beyond the Lake of the Woods, and they themselves had insisted on the same thing in public documents. (Applause.) In that famous Committee of the House of Commons, appointed for the purpose of trying whether some pretence could be found for not carrying out the award, Judge Ramsay, who was brought there to do all the harm that he could, frankly confessed that the boundary line was not where the Dominion claimed it was, but that Ontario was entitled to all that we now claim. My hon. friend admits that, and yet his friends will not give it to us. I cannot account for it except that there is a little hostility somewhere against this Province as a Province. Is it on the part of Upper Canadian Ministers in the Government? Have they this bitter feeling to us? If not, then they are bowing their necks to this hostility in others. Their conduct is truly inexplicable. Their hostility somewhere, and those who ought to stand up for Ontario are not doing so. (Cheers.) We know how they can get Parliament to sanction their throwing away many millions, and yet they have not the power to get justice done to Ontario, which they always claimed to be hers, and which impartial arbitrators have found to be hers. The resolution which my hon. friend has moved seems to suggest that it is our duty now to accept an arbitration referring the whole matter to Lord Cairns or Lord Selborne. The resolution has no meaning unless that is the meaning of it. The more that proposition is considered the more absurd it will appear, however, to the people of Upper Canada. It is doubtful whether either gentleman would accept the duty; nobody has ascertained that they would accept it; I have not been told that they would accept it. Neither of them may be expected to come out while Parliament is sitting, which it is during the greater part of the year. Lord Selborne is in very poor health, and it is doubtful whether he could be induced immediately to undertake a work of this kind. Then there is no reason to believe that the decision would be an immediate one if we were to determine upon leaving the matter to a second arbitration—to one or other of these individuals as proposed. We are asked now to have a new arbitration, and the decision of those in whom we have confidence we are asked to throw to the winds, and to refer the matter to arbitrators chosen by the other side. More than that the Lord Chancellor in discharging the judicial duties that appertain to his office, is always subject to appeal. He can not decide a matter involving one foot of land that is not subject to appeal. His decision would not be arrived at at an early day, and without an enormous expense, much greater than if we had to refer it to the Privy Council. A reference to the Privy Council has not been proposed to us as yet. It is true Ministers have expressed opinions in favour of that mode of settlement, but a reference to the Privy Council can not be had without consent as to the facts, and the material upon which they would decide the question. I have been much more concerned, as well as my colleagues, that we should have provisional arrangements than to have the time of settlement, for in the meantime the country is suffering, and we are suffering. (Mr. Mowat then read extracts from the reports of magistrates in the locality, which, he said, were of the same tenor as other reports from the locality. It showed that explorers and miners had suffered great loss on account of the territorial dispute, some of them having expended all their money in surveys in expectation of an early settlement; clear titles could not be got to land, and there was no registry office; several places had been surveyed several times, the surveys covering each other, the magistrates having no doubt that there would be fighting and perhaps murder over the disputes about the surveys; and whiskey sellers were plying their illicit calling with great success.)

Mr. MEREDITH—What was the date of that?

Mr. MOWAT—Previous to last session. (Hear, hear.) These communications were sent to the Dominion Government, but those great evils appeared to have no effect upon them. We hope, however, to prevail upon the Dominion Government to make arrangements that will remove these evils, or at least minimize them. They seem not