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A DISSERTATION ON CANADIAN BOUNDARIES
THEIR EVOLUTION, ESTABLISHMENT AND SIGNIFICANCE

By Norman L. Nicholson

Thesis presented in partial fulfillment
of the requirements for the degree of
Doctor of Philosophy in the University
of Ottawa.



Ottawa, Canada, 1951

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ACKNOWLEDGEMENTS

This thesis was prepared under the direction of the Vice-Dean of the Faculty of Arts of the University of Ottawa, Dr. R. H. Shevenell, o.m.i., and the Professor of Geography of the same Faculty, T. Jost.

Active assistance in the organization, method and content of the study was also given by Dr. B. Zaborski, Professor of Geography at McGill University and, in addition, the Director of the Geographical Branch of the Federal Department of Mines and Technical Surveys, Dr. J. W. Watson, gave generously of his time to discuss special problems and facilitate the acquisition of source material.

Mr. G. T. Prinsep, of the International Boundary Commission, willingly discussed certain International Boundary problems and made available the original photographs of boundary monuments.

To all of these and the many others who contributed by correspondence or personal comment, the author extends his grateful thanks.

CURRICULUM VITAE

Name: Norman Leon Nicholson

Date of Birth: October 14th, 1919

University training:

Intermediate B. Sc., University of London, 1939

B. A., University of Western Ontario, 1943 (including credits from the University of London, McMaster University and the University of Toronto)

M. Sc., University of Western Ontario, 1947. Thesis title: "A Geographic Study of the Watershed of the Ausable River, Ontario".

Ph. D. course work at McGill University Geography Summer School, 1948, 1949, 1950, and the University of Ottawa, 1950 onwards.

Publications:

"Geography and Conservation in Britain", Transactions of the Canadian Conservation Association, 1942, pp. 119-120.

"The Establishment of Settlement Patterns in the Ausable Watershed, Ontario", Geographical Bulletin, No. 1, 1951, pp. 1-13.

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INTRODUCTION

For many years now the best single-sheet reference map of Canada issued by the Government of Canada has been the so-called "64 mile map". Essentially a political map, it is probably used for reference in many schoolrooms and offices, just as it is in mine, and many Canadians must have wondered, as I have wondered, how the political boundaries reached the map. Why is it that some of these lines appear to follow smooth curves, others wavy courses and still others swerve sharply off at various angles? What is the significance of such lines? What purpose do they serve?

The study of boundaries is one aspect of the field of political geography, which is concerned with the relationships between the earth and political areas. If a political area is regarded as any piece of the earth's surface possessing governmental unity, then boundaries may be regarded as one of the anatomical elements or parts of a political area. Boundaries in this sense are thus man-made. They are much more than lines on a map. They are functional, cultural features planted on a physical landscape, vitally related to their border regions.¹ As such, a boundary can be compared with a narrow street which is also a feature of the cultural landscape. Problems associated with it, such as traffic control, can only be solved after the role and function of that street are properly understood. Only after it has been shown why the narrow street restricts

1. Stephen B. Jones, Boundary Making. A Handbook for Statesmen, Treaty Editors and Boundary Commissioners, Washington, Carnegie Endowment for International Peace, 1945, p. 54.

traffic, to what extent it restricts traffic and why it was located in its present position can the trouble it may cause be alleviated. The solution of the problem may involve the removal of the narrow street or some change in its function, but this is not the first concern. The fact is that the better this cultural feature is understood, the easier it becomes to deal with problems connected with it. This is the point of view of this thesis as it applies to boundaries although the functions of boundaries, indeed often their very presence, are not so apparent as those of streets. To take account of varying boundary functions greatly complicates the study, but it makes it at once more practical, in that it takes account of all relevant facts in a scientific manner.²

1. The nature of boundaries and their role in political and economic life.

The political advance of a group of people has always demanded that the limits of its area of authority be defined. Although this definition is not very precise in the case of primitive societies, such limits none the less exist, although their lack of definition causes their character to be nearer to transitional "zones" than "boundaries" as they are thought of today by more advanced peoples. To these limits the name "frontier" is best applied, for, as Boggs³ has pointed out, a frontier is more properly a region or zone, having width as well as length.

But as the modern State evolved and the demand for the establishment of clear cut boundaries arose, it became more and more necessary to

2. S. W. Boggs, "Boundary Functions and the Principles of Boundary-making", Annals of the Association of American Geographers, Vol. XXII, No. 1, March 1932, p. 49.

3. S. W. Boggs, International Boundaries. A Study of Boundary Functions and Problems, New York, Columbia University Press, 1940, p. 22.

know where its territory ended and that of another began. Thus the frontier became reduced, legally, to a line.

Parallel with this development, however, came the problem of the increasing complexity of administration within the State. Members of a central government could not be expected to be sufficiently familiar with all the requirements of different parts of the State, hence the growth of the practice of delegating power to "local authorities" the areas of administration of which also called for boundaries. As Brigham has expressed it,⁴ the necessity of boundary lines has come with the filling of the world's spaces, the pressure of population on resources, and the lifting and widening of the material standards of living.

A still further development was the growth of Federal States, really combinations of states already organized and equipped with their own and local administrative boundaries. Although federation reduced the autonomy of the participating states, it did not completely eliminate them and their boundaries therefore had to persist. A federal system implies, by its very definition, an aggregation of local governing units, each exercising its own separate powers apart from those which are in the hands of the central or federal government.⁵ Canada is such a Federated State and hence its political map presents a web of boundary lines, each of which marks the limit of territory within which an administrative authority exercises that authority. The fact that several Federal States,

4. Albert Perry Brigham, "Principles in the Determination of Boundaries", Geographical Review, Vol. 7, No. 4, April 1919, p. 217.

5. Robert MacGregor Dawson, The Government of Canada, Toronto, University of Toronto Press, 1947, p. 91.

like the United States of America, are States composed of states makes it necessary to distinguish the completely sovereign State by capitalizing the word. When reference is made to a component part this is not done.

"By sovereignty is meant the authority of the State to have control of, or rule over, the territory and persons and objects present there. Within the territory the State exercises its legislative power, its administration of justice and its administrative authority."⁶

Canada being a Federal State, has divided some aspects of sovereignty between the State itself and the Provinces. Between them, however, the State and Provincial boundaries can determine for millions of people the ideas which their children shall be taught in school and the language in which they shall be taught. In Canada, where education is a Provincial matter, every Province has a different school system and a different syllabus of subjects. Boundaries can also determine the books, newspapers and magazines which people shall be able to buy and read; the kind of money they shall use, the markets in which they must buy and sell and the kinds of food they may be permitted to eat.⁷ The fact that margarine is prohibited from the Province of Quebec but may be freely bought and sold in the Province of Ontario is another example of the fact that even Provincial boundaries can play a striking role. It is almost axiomatic to mention that Canadian boundaries determine the National and Provincial culture with which the people of Canada may be identified; the armed forces in which they may be compelled to serve and the soil which they may be called upon to defend with their

6. Gustav Smedal, Acquisition of Sovereignty over Polar Areas, Oslo, Dybwad, 1931, p. 10.

7. S. W. Boggs, op. cit., p. 5.

lives. To at least some degree boundaries restrict the movements of people, the exchange of goods, of money, even of ideas. Boggs⁸ maintains that there is no sharp line of division between the functions of international and internal boundaries, but the magnitude of the effects of boundaries on persons and things must vary with the degree of authority of the political unit and the extent of the administrative powers exercised within it. As such authority decreases, so the effects of boundaries decreases, and thus, even from this point of view, there must be different types of boundaries, depending on the degree of their effects or functions.

2. The classification of boundaries

Several classifications of boundaries have been proposed in modern times by recent writers on political geography but they are nearly all concerned with State boundaries.

The oldest classification and the one most widely employed, until recent years, is the grouping of all boundaries into two categories—"natural boundaries" and "artificial boundaries". Lines which are marked by nature, such as mountain crests, rivers and shore-lines of lakes and seas, have long been utilized in establishing "natural" or so-called "geographical" boundaries, while boundaries which are not marked by nature and which must, therefore, be marked on the ground by means of stones or monuments placed by man, have likewise been known as "artificial" or "conventional" boundaries. However, in the final analysis, all boundaries are artificial since they are selected, defined and marked by man, sometimes in conformity with the physical features of the terrain, but at other

8. Ibid., p. 4.

times in complete disregard of such features.⁹

Boggs has suggested a much more comprehensive classification, based on four major groups or classes, namely (a) physical types, that is, boundaries which follow some feature marked by nature (b) geometrical types, that is, straight lines, arcs of circles and similar types that disregard the physical geography and topography of the country (c) anthropogeographic types, related to human occupancy of the land (d) complex or compound boundaries, such as compromise lines adjusted to a multiplicity of factors. Other geographers, notably Hartshorne, have recognized the limitations of classifications of boundaries which are based upon mere physical features such as rivers and mountains, and have advocated classifications that take account of the relationships between boundaries and human society. Thus a boundary which is defined before any settlement whatever takes place in the area through which it runs may be called a Pioneer boundary. If a boundary is defined before any very significant settlement it may be called an Antecedent boundary. The term subsequent may be applied to boundaries which were decided upon after the development of the area to which they refer. Such boundaries often conform to major or minor divisions in the cultural landscape. At other times they were established with obvious lack of conformity to such divisions, and to such boundaries as these the term 'superimposed' might be applied, since they have been superimposed on an area with complete disregard for the geographical patterns existing in that area. On still other occasions, boundaries are established on naturally separating

9. A. E. Moodie, Geography Behind Politics, London, Hutchinson's University Library, 1947, p. 74.

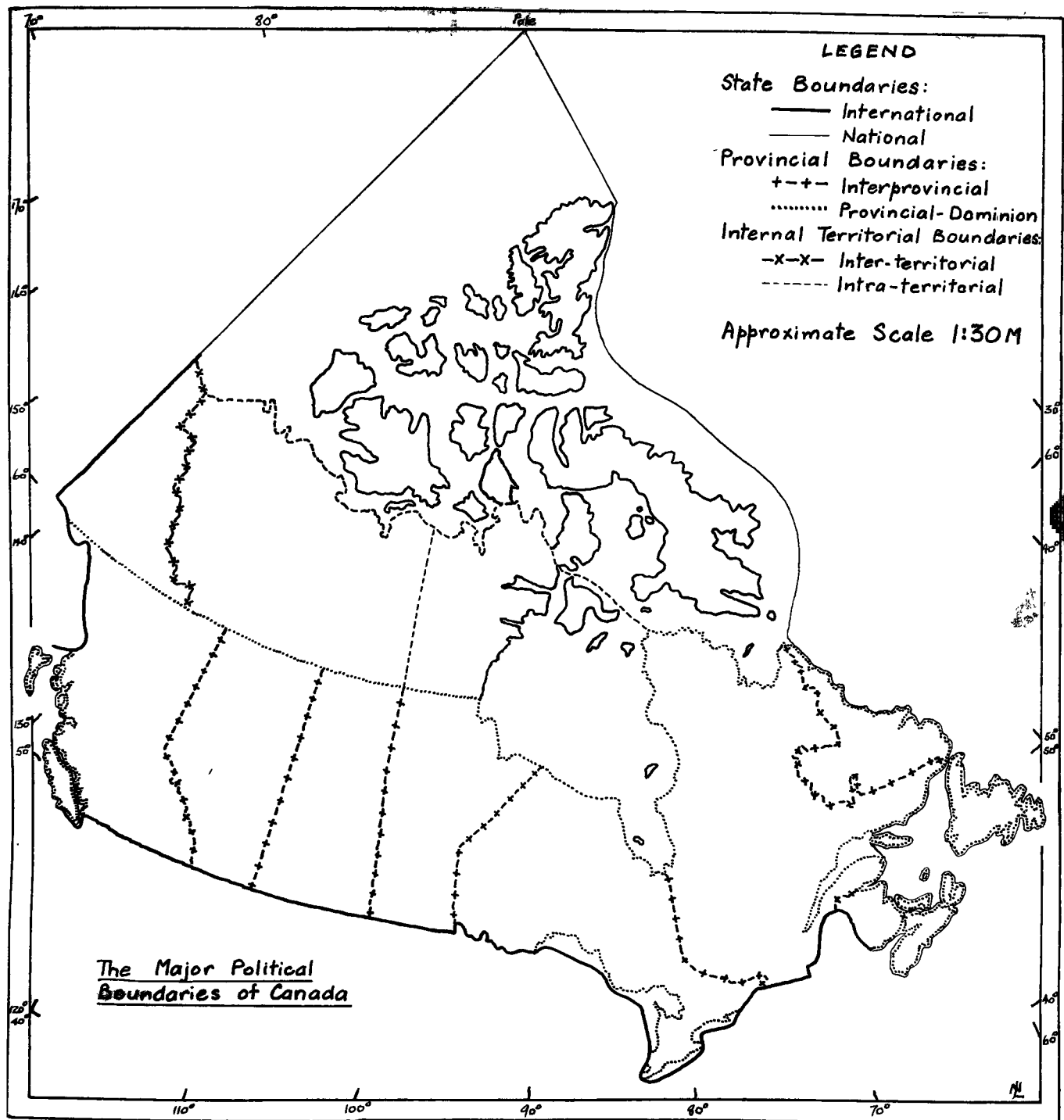


Fig. 1.

physical features such as ranges of mountains. Such boundaries are the result of such outstanding features and may therefore be termed consequent.¹⁰

These systems have generally been applied when comparing international boundaries. Within a single State, however, it is possible to classify boundaries according to the types of political areas which they divide. This is essentially a classification according to the degree of magnitude of administrative functions, and does not take into account whether such boundaries traverse land, rivers, lakes, swamps, etc.

In Canada, each administrative authority has its territorial limits defined by boundaries. A piece of land owned by an individual has its boundaries within which that individual may exercise certain authority. His land however is subject to the local municipality within which it is situated. This in turn is responsible to a Provincial authority which, in turn is, in many matters, responsible to the authority of the State.

Thus the State "Canada" is first delimited by boundaries. Some of these are boundaries with other States or major political units. These are usually "nations" but may be territories controlled by a nation, e. g., Alaska. Such boundaries are usually referred to as "International boundaries". These International boundaries may be coextensive with the boundaries of Dominion controlled land, such as the Yukon Territory. The "141st meridian" not only separates Canada and Alaska but also Yukon Territory and Alaska. Usually, however, the International boundaries are coextensive with Provincial

10. Richard Hartshorne, "Suggestions on the Terminology of Political Boundaries", Annals of the Association of American Geographers, Vol. XXVI, No. 1, March 1936, p. 56-57.

boundaries. The "49th parallel" separates Canada and the United States as well as British Columbia, Alberta, Saskatchewan and Manitoba from the United States. The remaining boundaries of Canada are the seaward boundaries of the territorial waters and are usually referred to as "National boundaries".

Canada is, however, made up of ten Provinces and two Territories, each of which has its own boundaries. Not all of these boundaries separate areas with the same administrative functions. Some are true "interprovincial" boundaries, such as the boundary between Alberta and Saskatchewan. Sometimes, however, a boundary separates a Province from a Territory or from Canadian Territorial waters. Since the latter two are under the jurisdiction of the Dominion Government, such boundaries might be termed "Dominion-Provincial". While, as has been pointed out, provincial boundaries may be coextensive with International boundaries, a provincial boundary can never be coextensive with a national boundary since all navigable waters are under the control of the Dominion Government. Another type of boundary separates two adjacent territories, such as the boundary between Yukon and the North West Territories. These lie wholly within Dominion controlled territory and are "inter-territorial" boundaries. Finally there are boundaries within the territories, such as that between Mackenzie and Keewatin, which can be called "Intra-territorial" boundaries. Figure I illustrates a classification along these lines.

Then each province is further subdivided into Local Municipalities. These Local Municipalities vary from Province to Province—a manifestation of the fact that each Province has control of municipal affairs, and an example of the differing functions of Provincial boundaries. In Prince Edward Island, Nova Scotia, New Brunswick, Ontario and Quebec the first order

of Local Municipalities is made up of Counties. These are further subdivided into Cities, Towns, Villages and Townships as a general rule in these provinces, although there are minor variations even here. In Newfoundland and the four Western Provinces the two orders of Local Municipalities are lacking. Instead, the Local Municipalities are either Rural or Urban, the latter being made up of Cities, Towns and Villages, but again with minor variations.

But no matter how the Local Municipalities are arranged, the smallest of them includes a multitude of further boundaries which mark the limits of private property held either by individuals or corporations. Even these may have boundaries within them which represent the limits of the smallest economic units, such as fields.

3. The essential features of boundary studies

It has already been indicated that boundaries are an outgrowth of historical processes. Brigham¹¹ maintains that boundaries undergo a threefold evolution—a primitive, or tribal, stage; a mixed or transitional stage, in which the boundaries are shifting and a third stage, in which they become in great part fixed. These last two stages have been carried further by Jones¹² who has stated, very lucidly, that with respect to governmental processes, there are four main stages in the development of a boundary:

- (i) political decisions on the allocation of territory
- (ii) delimitation of the boundary in a State document, delimitation

11. Brigham, op. cit., p. 201.

12. Jones, op. cit., p. 57.

being defined as the determination of a boundary line by treaty or other formal document, and its definition in written verbal terms. Together these constitute a more precise step than the general allocation of territory which preceeded them. The choice of a boundary site may be a compromise between geographical suitability and political necessity but the definition is a purely technical process which can be carried out with scientific exactitude.

- (iii) demarcation of the boundary on the ground, demarcation being defined as the actual laying down of a boundary line on the ground, and its marking by boundary pillars or other similar physical means.
- (iv) the administration of the boundary.

Thus a study of boundaries must recognize this essentially historical process and must adopt a more-or-less historical approach.

Furthermore, a boundary's suitability and meaning to the peoples it limits changes with changes in ideas, methods of production, modes of warfare and ways of life. It is conditioned by the past to a greater or lesser degree depending on its stage of evolution. Boggs maintains that a complete scientific study of boundaries

"should take into consideration all types of political boundaries—international boundaries, and both major and minor boundaries between administrative divisions within a country. The functions which each political or administrative type of boundary serves should be classified, and each group of functions should be studied in relation to the various types, as illustrated by past as well as present boundaries. . . . The results of such a study should reveal that for a given set of functions or purposes a boundary which satisfies a given set of geographic conditions is desirable, while for another set

of functions another geographic type of boundary is desirable. . . . Principles should be formulated with reference to the adaptation of different types of geographic boundaries to different sets of boundary functions.

A study of treaties and agreements, laws, duties of boundary officers, and of boundary incidents, constitute an essential part of a thorough study of boundaries and boundary functions".¹³

4. Boundary literature

Studies of international boundaries are much more common than those of the internal boundaries of States, but both types of studies are much more abundant for European countries than for any other group of countries. Relatively few boundary studies have been made by geographers, again, particularly in the New World, partly because modern geography is itself so young in the Americas.

The only comprehensive approach to the major internal boundaries of a Federal state seems to have been made by the United States Geological Survey. They published a bulletin on the subject as long ago as 1895 which has been revised and enlarged six times since then, the latest available edition being by Edward M. Douglas.¹⁴ More recently a number of studies have been made of the boundaries of the individual states of the Union by such geographers as Brightman¹⁵ and Thomas.¹⁶

13. S. W. Boggs, op. cit., pp. 48-49.

14. Edward M. Douglas, Boundaries, Areas, Geographic Centres and Altitudes of the United States and the Several States, Geological Survey Bulletin No. 817, Washington, Government Printing Office, 1930, pp. vii - 265.

15. George Brightman, "The Boundaries of Utah", Economic Geography, Vol. 16, 1940, pp. 87-96.

16. Benjamin E. Thomas, "Boundaries and Internal Problems of Idaho", Geographical Review, Vol. XXXIX, No. 1, January 1947, pp. 99-109.

But no approach to boundaries of the United States and its component states has been made with a view to examining the overall historical development, pattern and significance.

The story is somewhat similar with regard to Canada. Literature on Canadian boundaries is by no means lacking but it has never been collected and correlated. Perhaps James White, one of the first Canadians to bear the official Dominion Government title of Geographer, approached this most nearly,¹⁷ but he, like many others before and since his time, dealt most intensively with the International boundaries of Canada. In recent years the most authoritative thorough, well-documented and illustrated publications on the International boundaries of Canada have been the reports of the International Boundary Commission. However, the boundaries of the far north of Canada, which might eventually become international boundaries, are still by no means fixed, at least, in international law, and with the increased attention on this problem brought about by the recent interest in Northern Canada, several studies have been published which relate to the boundaries of the Canadian Arctic, one of the most notable being by Yvon Bériault.¹⁸

The boundaries of two of the individual provinces—British Columbia and New Brunswick—have been dealt with by historians Ireland¹⁹ and

17. James White, "Boundary Disputes and Treaties", Canada and Its Provinces, Vol. VIII, Part III, pp. 751-958, Toronto, The Publishers Association, 1913.

18. Yvon Bériault, Les Problèmes Politiques du Nord Canadien, Ottawa, University of Ottawa, 1942, pp. 1-204.

19. Willard E. Ireland, "The Evolution of the Boundaries of British Columbia", British Columbia Historical Quarterly, Vol. 3, No. 4, October 1939, pp. 263-282.

Ganong²⁰, and there is an abundance of historical documentary material published in connection with the various provincial boundary controversies which have occurred with particular intensity since Confederation. This can, in many cases, be supplemented by the reports of the Commissioners appointed to survey and demarcate the boundaries after delimitation settlements were reached. Of the studies by historians, that by Ganong is the only one that has ever gone further than boundary delimitation. Demarcation and the whole boundary situation have invariably been ignored and even among modern geographers, Jones²¹ and Dagenais²² are the only ones to have published geographical studies of any parts of Canada's present boundaries.

The general disadvantage with the existing literature on Canadian boundaries is that it is either too historical, that is that it is bowed down with dates and events which obscure the pattern of boundary development and significance, or it is to be found in conjunction with other material, when it is only incidentally presented in order to serve the purposes of a theme other than that of boundaries per se. On the other hand, this literature presents a wealth of raw material for the interested political geographer which can be supplemented with the Parliamentary debates and articles which have appeared in Canadian newspapers and magazines on more recent boundary changes.

20. W. F. Ganong, "A Monograph on the Evolution of the Boundaries of New Brunswick", Proceedings and Transactions of the Royal Society of Canada, Second Series, Volume VII, Section II, May 1901, pp. 139-449.

21. Stephen B. Jones, "The Forty-Ninth Parallel in the Great Plains", Journal of Geography, Vol. 31, No. 9, December 1932, pp. 357-367.
_____, "The Cordilleran Section of the Canada-United States Borderland", Geographical Journal, Vol. 89, No. 5, May 1937, pp. 439-450.

22. Pierre Dagenais, "Petits conflits d'une grande frontière", Revue Canadienne de Géographie, Vol. II, No. 1, Mars 1948, pp. 3-8.

5. The scope and content of the present study

This Introduction began with the intimation that the study which follows would be concerned with the boundaries of Canada. But because existing literature, especially the publications of the International Boundary Commission deal thoroughly with Canada's International Boundaries, albeit in a somewhat encyclopaedic manner, the intricacies and detailed ramifications of the international boundaries have been glossed over.

Municipal and local boundaries have also been ignored or merely mentioned incidentally so that emphasis could be directed toward the Provincial and Territorial boundaries of Canada. This involves not only the interpretation of old presentations in a new way, but also an examination of much original documentary material and other primary sources. But it was not possible, nor desirable, to deal fully with every detail of certain boundary disputes and a selection of them was made in order to show how boundary problems have been dealt with in Canada in varying circumstances. Thus the Ontario-Manitoba boundary is taken as an example of an interprovincial problem; the Canada-Newfoundland boundary dispute as an example of an International problem and also, uniquely, an Inter-Dominion problem. The solution of the New Brunswick-Quebec boundary dispute rested partly on an International agreement as well as an interprovincial one and the boundaries between Alberta, Saskatchewan and Manitoba exemplify modern boundary establishment in very recently developed areas. Thus with this somewhat restricted objective, no attempt has been made to present a full statement of events which were concerned with boundaries in what is now Canada, but

only those which appear to be significant in understanding the pattern of evolution of these boundaries and in determining the relationship between this evolution and modern geographical principles, using the terms as defined earlier in this Introduction.

It is also on this basis that the selection and method of presentation of the maps is made. The maps on discovery and exploration, for example, are not intended to be accurate in every respect or to show every voyage and journey made. The intention is rather to show the extent of the first most important expeditions and the parts of present day Canada which were covered or touched upon.

Some lengthy quotations were necessary in the text where the exact wording or phrasing was important. The most lengthy quotations are included as Appendices 1 and 2 particularly as some of the national and international boundaries of Canada are still subject to discussion and a lengthy interpretation of their present status is beyond the scope of this work.

CHAPTER I

THE DEVELOPMENT OF MAJOR POLITICAL BOUNDARIES PRIOR TO 1782

1. Pre-European period

That the Canada of to-day was populated to some extent before its existence was even known to Western Europeans is well known. These early inhabitants of the country had their own political organization and although the details are not known in every respect, there is little doubt that boundaries between them did exist. The idea probably arose from the association of a group with its habitat whose food supply they regarded as a monopoly. Speck¹ states that hunting territory divisions were characteristic of all the northern tribes of the Algonkian stock he visited and considered that they constituted the main bond of union and interest in the families which were the social units composing the bands and that all male members shared the right of hunting and fishing within a particular territory. These hunting lands or territories were, more or less, fixed tracts of country the boundaries of which were determined by certain rivers, ridges, lakes or other natural landmarks such as swamps and clumps of cedars or pines.² Ganong presents evidence to show that in south-eastern Canada, the boundaries between Indian tribes were

1. F. G. Speck, Family Hunting Territories and Social Life of Various Algonkian Bands of the Ottawa Valley, No. 8 Anthropological Series Geological Survey Memoir 70, Ottawa, Department of Mines, 1915, p. 2.

2. Ibid., p. 4.

watersheds.³ Jeness is of the opinion that to the Eskimos the frozen sea off some promontory might be a tribal sealing ground, and poachers would be killed.⁴

On the north-west coast of British Columbia the Indians were less migratory and had more sharply defined territorial boundaries. The Haida, Tlingit and Tsimshian Indians portioned out all the land on their seaboard villages among the separate families of the households as hunting, fishing and berrying grounds.⁵ These were regarded as private property and were handed from generation to generation. If they were used by anyone other than the owner, the privilege had to be paid for. Every salmon stream had its proprietor whose summer camp could be set up where the run of the fish was greatest. With the Iroquois tribes, tribal property included agricultural land, on which the Indians grew corn, beans, squash, sunflowers and tobacco, and this agricultural land they divided among the individual families.

Thus, although boundaries between various Indian and Eskimo bands did exist, they were generally ill-defined and varied from time to time because the lands were not usually held in permanent occupancy and cultivation as the people relied mainly on hunting and fishing. The pre-

3. W. F. Ganong, "A Monograph on the Evolution of the Boundaries of New Brunswick", Proceedings and Transactions of the Royal Society of Canada, Second Series, Vol. VII, Section II, 1901, p. 154.

4. Personal correspondence of the author, letter from D. Jeness, formerly Chief Anthropologist, National Museum of Canada, dated January 1950.

5. Ellen Churchill Semple, Influences of Geographic Environment, New York, Holt, 1911, p. 56-57.

European boundaries did not directly affect the evolution of the major boundary pattern of Canada as it is known to-day.

2. 1450-1600

The visits to, and possible settlements in North America by the Norsemen around 1000 A.D. had even less to do with boundary evolution in Canada than the activities of the aboriginal inhabitants. The first political boundary in North America was established in 1494 by the Treaty of Tordesillas which delimited the "spheres of influence" of Spain and Portugal. The line agreed upon by the two countries has been shown by Dawson⁶ to occupy the present position of the sixtieth meridian west, but it was disregarded by those who established it as well as by the rest of the world and it soon vanished, leaving no inheritance.⁷ The State now known as Canada began its development with a later period of discovery and exploration that can be characterized as a prelude to European settlement. This period began with the "opening" of the Newfoundland fisheries, the voyages of Cabot, Cartier and Frobisher and saw the first attempts at colonization.

Whatever doubts may exist as to the exact location of John Cabot's voyage in 1497, he undoubtedly sailed under charter from Henry VII of England. This Royal Charter was the first political instrument specifically referring to part of what is now Canada and in 1498 resulted in the first

6. Samuel E. Dawson, "Line of Demarcation of Pope Alexander VI in A.D. 1493", Proceedings and Transactions of the Royal Society of Canada, Second Series, Vol. V, Section II, 1899, p. 467.

7. Ganong, op. cit., p. 155.

formal act of possession made on the northern part of this continent by any European power. In that year Cabot claimed all the coast as far south as latitude 34° in the name of the King of England. Similar procedures were probably followed by such men as Corte Real, 1500, for Portugal, Verrazano, 1524, for France and Gomez, 1524-25, for Spain but although the voyages gave the respective nations certain claims to general regions they did not give direct origin to any boundary existent to-day.

The next significant step was taken by Jacques Cartier in 1534. His traditional "first voyage" through the Strait of Belle Isle and around the Gulf of St. Lawrence ultimately resulted in his arrival at the Gaspé Peninsula where he set up a wooden cross as a token of his claim to that area for the King of France. His second voyage (1536) extended his discoveries to the sites of the present cities of Quebec (Stadacona) and Montreal (Hochelaga) and thus to the "land and province" of Canada. His third voyage (1541) made no substantial addition to geographical knowledge.

But after Cartier's voyages, the "Canada" that he had disclosed and named fell back from the foreground of interest until 1542-43 when the Sieur de Roberval attempted settlement on the St. Lawrence, although it failed. Martin Frobisher's voyages in 1576, 1577 and 1578 extended knowledge to about 62 degrees north, the present Baffin Island and Hudson Strait. After Frobisher, Davis made three voyages, in 1585, 1586 and 1587, during which his own strait was named and he explored its western shore southward from 66 degrees 40 minutes north.

Meantime, Sir Humphrey Gilbert, who had been given a charter in 1578 by the English Queen Elizabeth sailed with five ships and two hundred

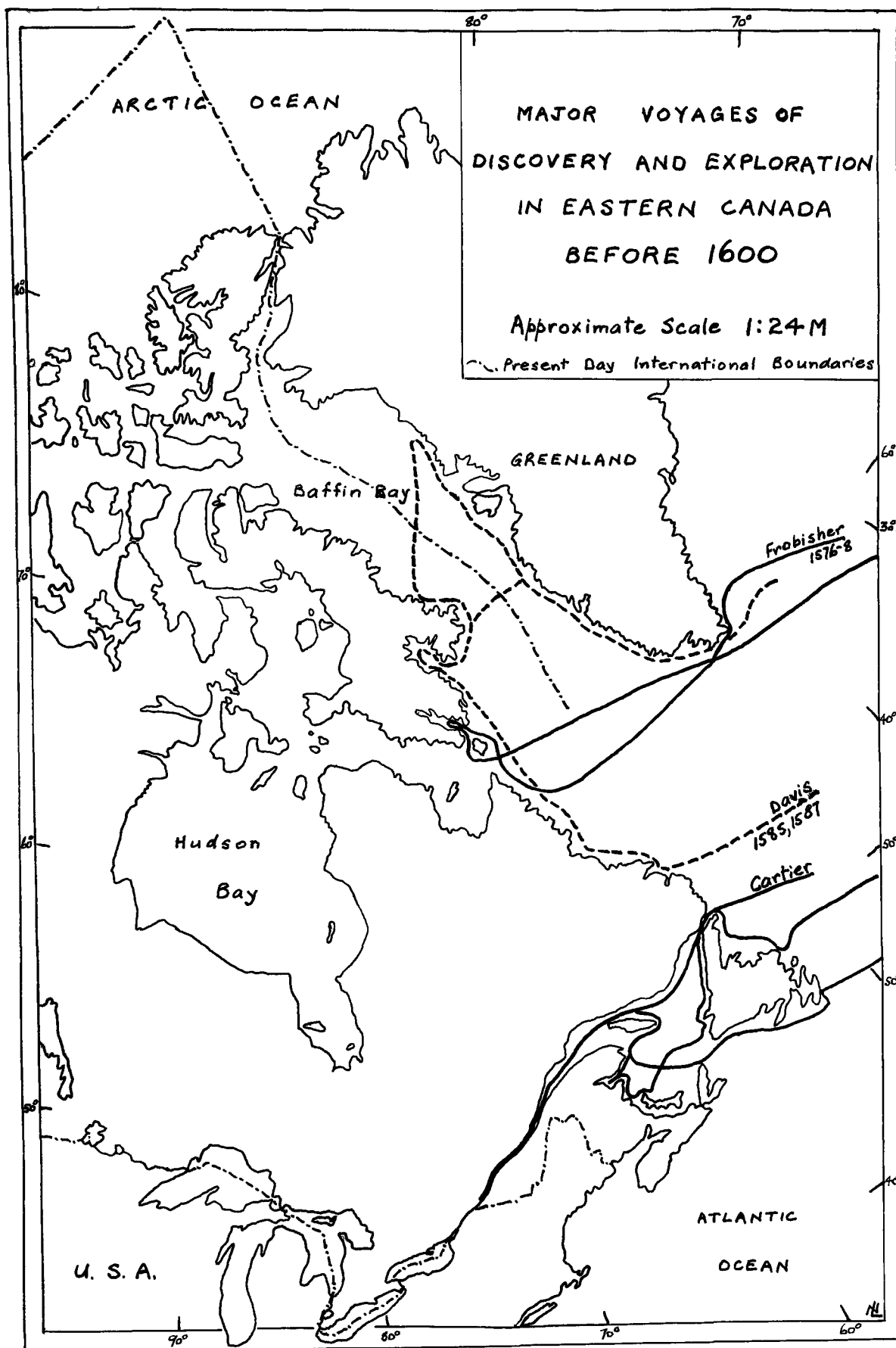


Fig. 2

and sixty men to Newfoundland, established a colony there and proclaimed the sovereignty of his Queen over the island in 1583, but the colony came to a premature end. Not that these were the first people to live on the island for every part of the east coast was familiar to English fishermen who were in virtual control at the time of Gilbert's arrival. Gilbert and part of his fleet were lost on the homeward voyage and such men as he left behind were merged with the fishermen. On January 12, 1598, the Sieur de la Roche was appointed by the King of France as Lieutenant-General of

"Canada, Hochelaga, Newfoundland, Labrador, the River of the Great Bay, of Novembegue, and the lands adjacent to the said provinces and rivers which are the whole length and depth of the country, provided they are not inhabited by the subjects of any other Christian Prince."⁸

But the settlements which he intended to establish met fates similar to those of Roberval and Gilbert.

In 1592 an event occurred on what is now Canada's Pacific Coast when the Greek explorer, Juan de Fuca, discovered the straits now named for him but the discovery as such was not very significant to Canada's boundary development and even then not until a very much later date.

Thus, in 1601 with the beginning of a new century, what is now Canada still awaited settlement. Most of the early activities in the New World were based on the search for a passage to the "Far East", or on the desire for precious metals and were not fundamentally concerned

8. Quoted from the Letters Patent appointing the Sieur de la Roche in Statutes, Documents and Papers Bearing on the Discussion Respecting the Northern and Western Boundaries of the Province of Ontario, Toronto, Hunter, Rose and Co., 1878, p. 40.

with settlement. However, "sovereignty" had been proclaimed over large areas of what is now Eastern Canada; names had been added to the political map of North America and the stage had been set for later boundary evolution.

3. 1600-1763

In 1603, Champlain followed in Cartier's tracks up the St. Lawrence and extended them to beyond Lachine. In the next year, together with the Sieur de Monts, he sailed to Acadia under commission from the King of France. The commission sets forth the first boundaries assigned by France in the New World as follows:

" pour représenter nôtre persone aux pais, territoires, côtes et confins de la Cadie, à commencer des le quarantième degré jusques au quarante-sixième; Et en icelle étendue ou partie d'icelle. . . ."⁹

Ganong¹⁰ has shown that the limits 40 degrees to 46 degrees were supposed to include the region between Cape Cod and Cape Breton.

De Monts and his expedition explored the Bay of Fundy and the harbour at the mouth of the St. John River and then went on to the present St. Croix River, which was named where they spent the winter of 1604-5. In a new voyage in 1608, Champlain founded and named Quebec as the first settlement in Canada that has lasted without eclipse, although long before the founding of Quebec there was a permanent trading post at the mouth of the Saguenay which was probably established by Basque fishermen

9. Quoted in L'Escarbot's "Histoire de la Nouvelle France", Vol. II, p. 408. This would appear to be the first occasion on which parallels of latitude were used to officially describe boundaries in Canada.

10. Ganong, op. cit., p. 159.

early in the 16th century.¹¹ During the following years Champlain explored the country in various directions, discovering the lake which now bears his name, ascending the Ottawa River and crossing to Georgian Bay. At his death in 1634, however, New France was little more than an outpost in the wilderness.

Meantime, the English had been settling Virginia, the boundaries of which had been fixed by charter of King James I in 1606, allowing the London Company to form settlements between 34 degrees north and 38 degrees north and the Plymouth Company to form settlements between 41 degrees and 45 degrees of latitude. Klotz¹² suggests that the southern limit of these claims can be traced back to the fact that Cabot reached 34° N. in 1497. He also points out that it was in the Plymouth Company charter of 1606 that the 45th parallel was mentioned for the first time as a political boundary. Mayo,¹³ however, maintains that the true genesis of its present use as a political boundary is found in a Dutch charter of 1614.

The boundaries of these British colonies overlapped the French claims, and conflict ensued. But in 1620 King James I gave a new patent to the Plymouth Company which extended their northern boundary to 48 degrees, and included not only the coast region but the interior of the

11. Territorial Changes in Canada, Ottawa, National Development Bureau, Department of the Interior, undated.

12. Otto Klotz, Boundaries of Canada, Waterloo, Waterloo Historical Society, 1914, p. 1.

13. Lawrence Shaw Mayo, "The Forty-fifth Parallel: A Detail of the Unguarded Boundary", Geographical Review, Vol. 13, No. 2, April 1923, p. 255-265.

continent as well, in the following terms:

" . . . all that Circuit, Continent, Precincts, and Limitts, in America, lying and being in Breadth from Fourty Degrees of Northerly Latitude, from the Equinoctiall Line, to Fourty-eight Degrees of the said Northerly Latitude, and in Length by all the Breadth aforesaid, throughout the Maine Land, from sea to sea . . . shall be the Limitts, and Bounds and Precincts of the said . . . Collony"14

The extension was probably made in order to establish a British claim to Acadia, but it did not remain for long, for the next year James I made a grant of Nova Scotia to Sir William Alexander in the following terms:

"All and singular, the lands of the Continent and islands situated and lying in America, within the head or promontory commonly called Cape of Sable, lying near the forty-third degree of north latitude, or thereabouts; westward to the roadstead of St. Mary, commonly called St. Mary's Bay, and thence northward by a straight line, crossing the entrance, or mouth, of that great roadstead Bay of Fundy which runs toward the eastern part of the land between the countries of the Sunqui and Etchimini, commonly called Sunquois and Etechemines, to the river generally known by the name of St. Croix, and to the remotest springs, or source, from the western side of same, which is conceived to extend through the land, or run northward to the nearest bay, river or stream emptying into the great river of Canada; and going from that eastward along the low shores of the same river of Canada to the river, harbour, port or shore, commonly known and called by the name Gathepe or Gaspie, and thence south-southeast to the isles called Bacalos or Cape Breton, leaving the said isles on the right, and the mouth of the said great river of Canada, or large bay, and the territory of Newfoundland, with the islands belonging to the same lands on the left; thence to the headland, or point of Cape Breton aforesaid, lying near latitude forty-five degrees or thereabouts, and from the said point of Cape Breton toward the south and west to the above mentioned Cape Sable, where the boundary began; including and containing within the said coasts and their circumference from sea to sea, all lands of the continent, with the rivers, falls, bays, shores, islands or seas, lying near or within six leagues on any side of the same on the west, north or east sides of the same coasts and bounds"15

14. Ganong, op. cit., p. 165.

15. Ibid., p. 270.

In pointing out that this delimitation was remarkable, Ganong¹⁶ quotes Sir Alexander himself as saying that it was the first national patent that ever was clearly bounded within America by particular limits upon the earth. There were however two inconsistencies in these boundaries. First of all they overlapped those of the grants to the Plymouth Company, but this difficulty was easily solved when the Plymouth Company relinquished its claim to the area common with the Alexander grant. Secondly, they, like their other British predecessors, overlapped the boundaries of the area claimed by France. This was particularly important since in 1627, the King of France granted a charter to the Company of One Hundred Associates for the development and government of New France, the boundaries of which were defined as extending from Florida to the Arctic Circle, and from Newfoundland on the east to the "great fresh water sea" on the west, including all the "lands in the watershed of the St. Lawrence and its tributaries, and of the other rivers of Canada which flow into the sea, as well as any other lands over which the company may extend the French authority."¹⁷ In 1627 war broke out between the two countries. This temporarily terminated with the Treaty of St. Germain-en-Laye in 1632 which restored all places in Acadia to France. A further outbreak of war with France, which terminated with the Treaty of Breda in 1667, also restored all Acadia to France which had a local Governor responsible to the Governor of Quebec. Intermittent disputes over the interpretation of these treaties occurred between

16. Ibid., p. 166.

17. Territorial Changes in Canada, p. 6.



Fig. 3. Sir William Alexander's map of New Scotland.
(After Ganong)

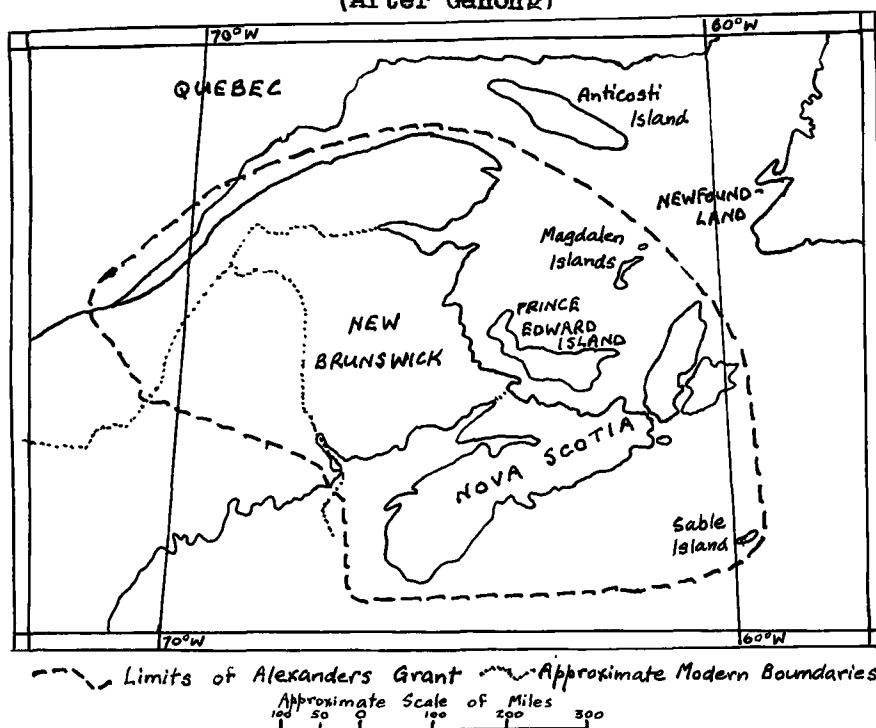


Fig. 4. The Limits of the Grant to Sir William
Alexander superimposed on a modern map. (After White)

France and Britain. The open warfare between these countries from 1689 to 1697 concluded with the Treaty of Ryswick which again restored the English conquests to France, but the war of 1702-1713 which terminated with the Treaty of Utrecht, resulted in the French surrender of her interests in Nova Scotia (Acadia, but not including Cape Breton Island) and Newfoundland (except for certain fishing rights) to the British.

In the meantime, the voyages of Frobisher and Davis in the Hudson Bay area had been followed up. A series of expeditions started by Henry Hudson in 1610 was continued by Sir Thomas Button in 1612 and 1613. Button erected a cross at the mouth of the Nelson River and took possession of those parts in the name of Great Britain. Robert Bylot and William Baffin followed in 1615 and 1616, and Captains Foxe and James in 1631, each taking formal possession of the spots where he landed. But further political development in this area had to wait for 40 years until 1670, when Prince Rupert and seventeen associates obtained from the King of England their incorporation as the Governor and Company of Adventurers of England trading into Hudson's Bay. The boundaries of the territory over which the Company were to be "true and absolute lords" were defined as follows:

" . . . all those seas, straits, bays, rivers, lakes, creeks and sounds, in whatsoever latitude they shall be, that lie within the entrance of the straits, commonly called Hudson's Straits, together with all the lands and territories upon the countries, coasts, and confines of the seas, bays, lakes, rivers, creeks and sounds aforesaid, that are not already actually possessed by or granted to any of our subjects, or possessed by the subjects of any other Christian Prince or State, . . . and that the said land be . . . called "Rupert's Land"¹⁸

18. Quoted in Statutes, Documents and Papers . . . of the Province of Ontario, p. 33.

This area has generally been taken to be the watershed of Hudson Bay. But the charter went even beyond "Ruperts-land". Where their own government ended, the Company were to have the sole right of trade in all the "havens, bays, creeks, rivers, lakes and seas", into which they could find passage from their own area. Their first step was to place trading posts round the shores of Hudson's Bay, and by 1682 these had been established at the Rupert River, Albany River, Hayes Island, Port Nelson and New Severn.¹⁹

France disputed the Hudson Bay Company's claim from the start, particularly since their missionaries and traders had extended and consolidated Champlain's discoveries, and it was not until the Treaty of Utrecht that France relinquished her claims, although the final treaty did not establish any definite limits between the territory of France and the Hudson's Bay Company. Thus at the conclusion of the war of 1702 to 1713, Canada, Cape Breton Island, Labrador, Anticosti Island and the present Prince Edward Island remained French, but the boundaries between these territories and those of the British to the north and south of them were not precisely delimited and remained a matter of dispute. However, the treaty provided for the appointment of commissioners to settle such disputes, and of the efforts of these commissioners, those concerned with the boundary of the Hudson's Bay Company lands are of greatest significance to this study.

19. J. N. L. Baker, A History of Geographical Discovery and Exploration, London, George G. Harrap and Co., Ltd., 1931, p. 221.

Prior to the Treaty of Utrecht, the Hudson's Bay Company stated the terms it wished to have incorporated in the treaty about to be concluded, although this was not done. In 1714, the company again described its limits, which were as follows:

" . . . and from the said lake (Mistassini), a line to run southwestward into 49 degrees north latitude . . . and that that latitude be the limit"²⁰

This is significant if only for the fact that it is the first official mention of the 49th parallel in connection with a boundary line. A further proposal followed in 1719, and the British Government instructed the commissioners to obtain the line

" . . . and where the said line shall cut the 49th degree of north latitude, another line shall begin and be extended westward upon the 49th degree of northern latitude."²⁰

However, the commissioners accomplished nothing, but various historians and cartographers confused these attempts to settle boundaries with actual settlement, a situation which became significant at a later date.

Between 1713 and 1763, France made a determined effort to secure a firm foothold on the interior of North America. Her missionaries and traders pushed west of the Great Lakes into parts of what is now Western Canada. This phase of development was most marked by the work of Daniel de Greysolon, Sieur du Lhut, which began in 1678. It was extended by Jacques de Noyon who arrived on the Lake of the Woods in 1688 and the

20. C.O. Paullin, "The Early Choice of the 49th Parallel as a Boundary Line", Canadian Historical Review, Vol. 4, No. 2., June 1923, p. 129.

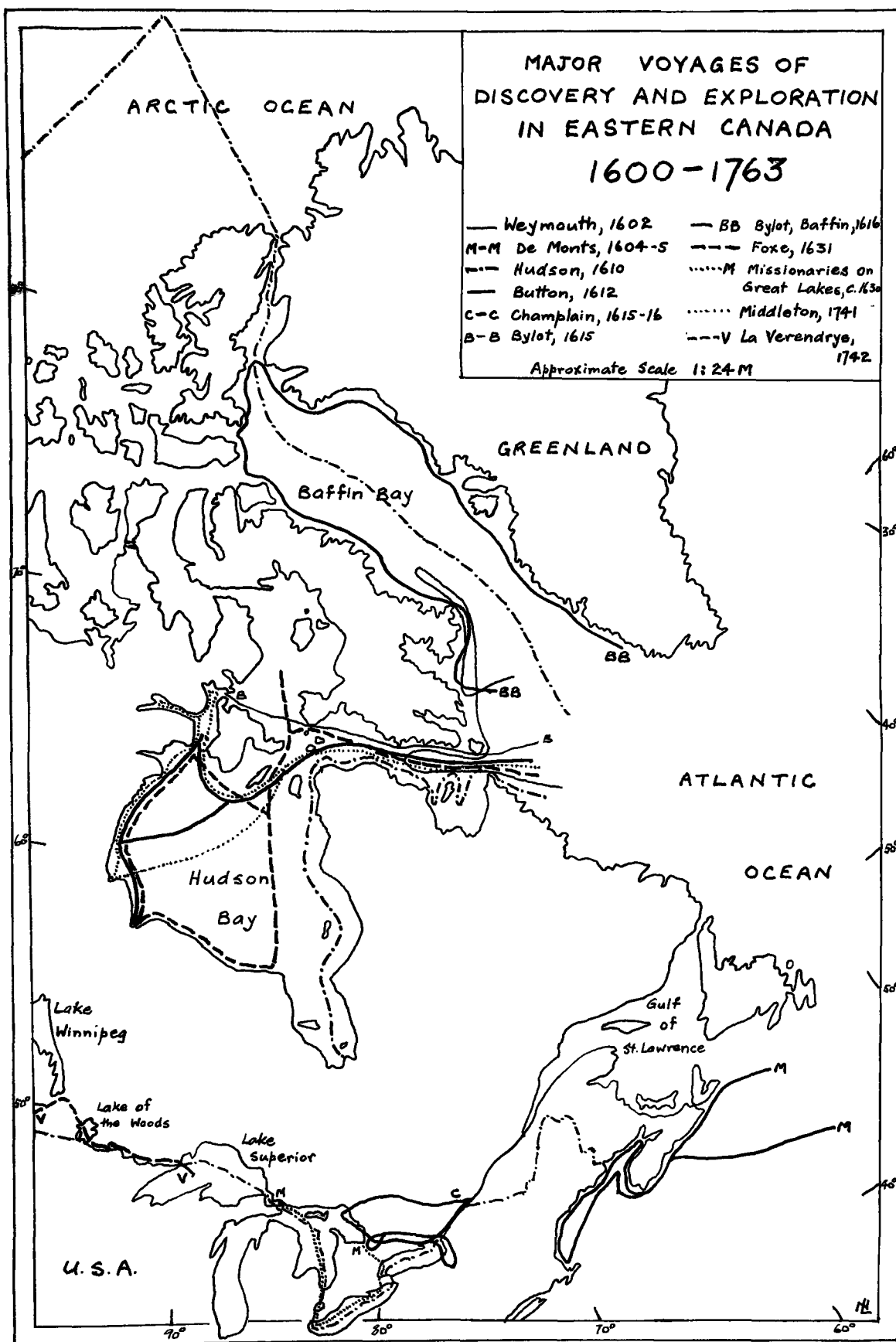


Fig. 5

work of both culminated in the voyages of the Sieur de la Vérendrye and his sons. Between them they crossed what is now Southern Manitoba (1731) and certainly reached the edge of the Rocky Mountains (1742), and may have penetrated much further to the westward.²¹ But the Wars of 1741 to 48 and 1756 to 63 renewed the struggle between France and Britain in North America which was finally resolved by Wolfe's conquest of Quebec.

4. The Treaty of Paris and its results.

The Treaty of Paris produced the greatest rearrangement of boundaries in North America that had hitherto occurred. It is for this reason that the war which immediately preceded it is sometimes called the "War of the Boundary Lines". France now definitely withdrew from the mainland of North America. She ceded to Britain Canada, Cape Breton Island, the islands in the Gulf of St. Lawrence, all of the then Nova Scotia and all her former territories east of the Mississippi River, except New Orleans, which went to Spain. She also ceded to Spain all her former territory west of the Mississippi River from the Gulf of Mexico northwards to the sources of the Missouri River, known as Louisiana. Britain gained the Spanish possessions east and southeast of the Mississippi River, which included Florida and thus, at this date, the entire eastern half of the North American continent was British territory. All boundary questions in this area now became questions between provinces, all under one crown. All that remained to France were the islands of St. Pierre and Miquelon off the coast of Newfoundland.

21. Baker, op. cit., p. 211.

Having acquired so much new territory, it then became necessary for Britain to provide the machinery by which it could be governed. In that part of the territory which now forms part of Canada, the political divisions which had existed prior to 1763 were adhered to, but the boundaries were more precisely delimited. By Royal Proclamation, what had been Canada was erected into the Province of Quebec, and its boundaries described as follows:

"Bounded on the Labrador coast by the River St. John, and from thence by a line drawn from the head of that river, through the Lake St. John, to the south end of the Lake Nipissim; from whence the said line, crossing the River St. Lawrence, and the Lake Champlain in forty-five degrees of north latitude, passes along the High Lands which divide the Rivers that empty themselves into the said River St. Lawrence from those which fall into the Sea; and also along the north coast of the Baye des Chaleurs, and the coast of the Gulph of St. Lawrence to Cape Rosiers, and from thence crossing the mouth of the River St. Lawrence by the west end of the Island of Anticosti, terminates at the aforesaid River of St. John."²²

The same proclamation assigned to Newfoundland the "coast" of North America from

"the entrance of Hudson's Straits to the River St. John's, which discharges itself into the sea, nearly opposite the west end of the Island of Anticosti, including that Island, with any other small islands on the said coast of Labrador, and also the Islands of Madelaine in the Gulf of St. Lawrence".

All other portions of the mainland north of the St. Lawrence, not included in Quebec or Newfoundland, or the limits of the territory granted to the Hudson's Bay Company were assigned to the Crown. It continued by annexing the Islands of St. John and Cape Breton, or Isle

22. Quoted in Statutes, Documents and Papers. . . . of the Province of Ontario, p. 25.

Royale, with the lesser islands adjacent thereto, to the Government of Nova Scotia.

The boundaries of Nova Scotia were set forth in greater detail in the commission to Montagu Wilmot, as governor of the Province, of November 21, 1763, as follows:

"Our Province of Nova Scotia, and which we have thought better to restrain and comprise within the following limits, viz.: To the northward our said Province shall be bounded by the southern boundary of our Province of Quebec, as far as the western extremity of the Bay des Chaleurs, to the eastward by the said Bay and the Gulf of St. Lawrence to the Cape or Promontory called Cape Breton in the Island of that name including that Island, the Island of St. John's, and all other Islands within six leagues of the coast, to the southward by the Atlantic Ocean from the said Cape to Cape Sable including all other islands within forty leagues of the coast, with all the rights, members and appurtenances whatever thereunto belonging and to the westward . . . although our said Province has anciently extended and does of right extend as far as the River Pentagoet or Penobscot, it shall be bounded by a line drawn from Cape Sable across the entrance of the Bay of Fundy to the mouth of the River St. Croix, by the said River to its source, and by a line drawn due north from thence to the southern boundary of our Colony of Quebec"²³

5. 1763-1782

From 1763, the territorial expansion of Canada was purely British expansion, and it was from this date that definite political boundaries began to emerge. The emergence of these boundaries was, for the greater part of the period, connected with political developments in the colonies south of Quebec and Nova Scotia.

23. Joint Report upon the Survey and Demarcation of the Boundary between the United States and Canada from the Source of the St. Croix River to the St. Lawrence River, Washington, Government Printing Office, 1925, p. 275.

The Quebec Act of 1774 stemmed from such developments, as well as the need to make some provision for the country north of Quebec. By this act, Labrador, Anticosti and the Magdalen Islands were restored to the Province of Quebec and the boundaries of the old province were further defined as extending north to the Hudson's Bay Company's territory; south to the borders of the British colonies (the Ohio) and west to the Mississippi in the following terms:

"all the Territories, Islands and Countries in North America, belonging to the Crown of Great Britain, bounded on the south by a line from the Bay of Chaleurs along the Highlands which divide the rivers that empty themselves into the River St. Lawrence from those which fall into the sea, to a point in forty-five degrees of northern latitude . . . and along the bank of the said (Ohio) river, westward, to the banks of the Mississippi, and northward to the southern boundary of the territory granted to the Merchants Adventurers of England, trading to Hudson's Bay."²⁴

The country to the west of the Quebec of 1763 was thus now placed under the government of Quebec, with the avowed purpose of excluding all further settlement from the Indian reserves to the west of the "American provinces" and of establishing uniform regulations for the Indian trade. It was contended that the trade and prosperity of Quebec had heretofore suffered from the separation of the upper Indian trading posts, of Lake Champlain and the coast of Labrador from Canada.²⁵

In 1774 the American colonies themselves were on the verge of revolution and the passage of the Quebec Act was a further provocation

24. Quoted in Statutes, Documents and Papers . . . of the Province of Ontario, op. cit., p. 3.

25. Hugh E. Egerton, A Historical Geography of the British Dominions, Vol. V, Part II, Oxford, The Clarendon Press, 1923, p. 13.

to them since they objected to the great extension southward of the boundaries of Quebec which would interfere with the westward expansion of all the colonies lying north of the 37th parallel (the latitude of the mouth of the Ohio). Their revolution for independence broke out in 1776.

In 1764, the British government sent a surveyor to Ile St. Jean as the beginning of the development of their newly acquired territories. At that time only thirty families were living on the island and then in an extremely poor condition. After the survey the land was granted to favourites at court in London and the whole of the island had been disposed of in this manner by 1767.

"The proprietors, having received their grants from the governor of Nova Scotia, then felt the necessity for a capital seat within their own territory and they presented a petition to the King praying the island should be erected into a separate government. They alleged the difficulty of their situation in being deprived of legal decisions without a tedious and expensive voyage to Halifax, which during the winter months was impracticable on account of ice."²⁶

The island was therefore separated from Nova Scotia in 1769 and renamed Prince Edward Island in 1798.

Thus by 1782, settlement in parts of what is now southern Canada had become firmly established. Proclamations of sovereignty had been made in northern Canada and definite delimitations of territory had been made which comprised six divisions—the Provinces of Quebec, Nova Scotia and St. Johns Island (Ile St. Jean), the Hudson's Bay Company territories,

26. Andrew Macphail, "The History of Prince Edward Island", Canada and Its Provinces, Vol. XIII, p. 343-44.

Newfoundland and certain lands directly belonging to the Crown. Although these delimitations contained what later proved to be inconsistencies, they had been settled according to the geographical lights of the time, but no attempt was made to demarcate these legal lines through the actual country. The American revolution was drawing to a close foreshadowing boundary changes of even more significance to Canada than those which had occurred before it.



Fig. 6. North America, 1778, showing major political boundaries.

CHAPTER II

THE DEVELOPMENT OF MAJOR POLITICAL BOUNDARIES FROM 1782 TO 1866

After six years of warfare negotiations for peace began between Great Britain and the American colonies. These were concluded in 1783 by the Treaty of Paris following which the United States of America came officially into being. It is from this date that Canada's present southern international boundary began to take more definite shape, for, as Whittlesey¹ has put it, Canada received such an impetus from the American Revolution that it was virtually refounded as a result of it.

1. International consequences of the American Revolution

As Klotz² has pointed out, one effect of the American Revolution was to reverse Great Britain's relative position as it had existed at the time of the Treaty of Ryswick. Great Britain, after the Revolution, occupied the position that France had formerly occupied and the United States the position that Great Britain had formerly occupied. It was natural then that the United States should press for the same boundaries between themselves and Canada as Britain had claimed against the French. The original limits between the United States and British territory were first definitely described in the provisional treaty of November 30, 1782, and the definite treaty of peace concluded September 3, 1783,

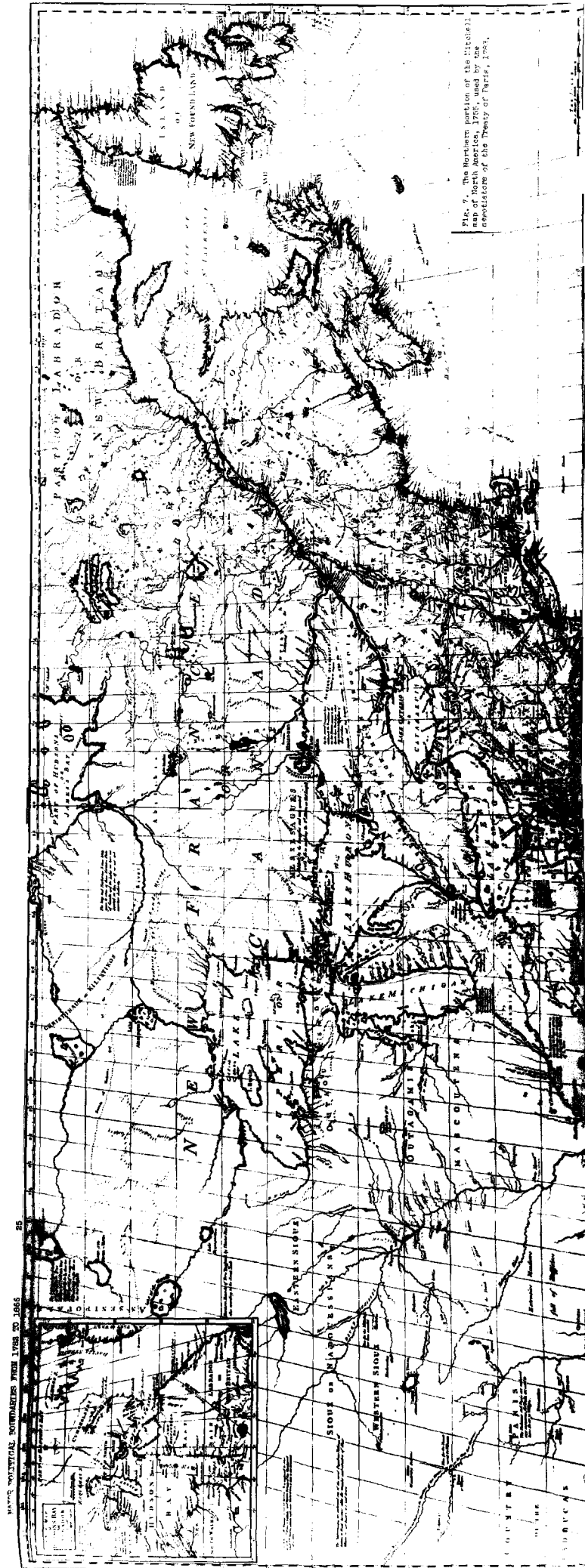
1. Derwent Whittlesey, The Earth and the State. A Study of Political Geography, New York, Henry Holt and Company, 1944, p. 529.

2. Klotz, op. cit., p. 3.

defined them in similar terms. The second article of the provisional treaty was as follows:

"From the northwest angle of Nova Scotia, viz., that angle which is formed by a line drawn due north from the source of the St. Croix River to the highlands; along the highlands which divide those rivers that empty themselves into the river St. Lawrence, from those which fall into the Atlantic Ocean, to the northwesternmost head of the Connecticut River; thence down along the middle of that river to the 45th. degree of north latitude; from thence, by a line due west on said latitude until it strikes the river Iroquois or Cataraquy St. Lawrence; thence along the middle of said river into Lake Ontario, through the middle of said lake until it strikes the communication by water between that lake and Lake Erie, through the middle of said lake until it arrives at the water communication between that lake and Lake Huron; thence along the middle of said water communication into the Lake Huron; thence through the middle of said lake to the water communication between that lake and Lake Superior; thence through Lake Superior northward of the Isles Royal and Phelippeaux, to the Long Lake; thence through the middle of said Long Lake, and the water communication between it and the Lake of the Woods, to the said Lake of the Woods, thence through the said lake to the most northwestern point thereof, and from thence on a due west course to the river Mississippi; thence by a line to be drawn along the middle of the said river Mississippi until it shall intersect the northernmost part of the 31st degree of north latitude. South, by a line to be drawn due east from the determination of the line last mentioned, in the latitude of 31 degrees north of the equator, to the middle of the river Apalachicola or Catahouche; thence along the middle thereof to its junction with the Flint River; thence straight to the head of St. Mary's River; and thence down along the middle of St. Mary's River to the Atlantic Ocean. East, by a line to be drawn along the middle of the river St. Croix, from its mouth in the Bay of Fundy to its source, and from its source directly north to the aforesaid highlands which divide the rivers that fall into the Atlantic Ocean from those which fall into the river St. Lawrence; comprehending all islands within twenty leagues of any part of the shores of the United States, and lying between lines to be drawn due east from the points where the aforesaid boundaries between Nova Scotia on the one part and East Florida on the other, shall respectively touch the Bay of Fundy and the Atlantic Ocean; excepting such islands as now are, or heretofore have been, within the limits of the said province of Nova Scotia."³

3. Quoted by Edward M. Douglas, Boundaries, Areas, Geographical Centres and Altitudes of the United States and the Several States with a Brief Record of Important Changes in Their Territory and Government, U. S. Geological Survey Bulletin No. 817, Washington, Government Printing Office, 1930, p. 8.



These boundaries were based, in part, upon the boundaries of Nova Scotia and Quebec as previously defined. They became at once a fruitful source of dissention which arose from the language of the treaty as well as from the fact that no official map was attached to the treaty. It was known, however, that the map which the negotiators had before them was one made by John Mitchell in 1755 which lacked accurate detail.

"At least nine distinct questions arose, . . . and from the Atlantic Ocean to the Lake of the Woods there was not a mile of boundary that was not the subject of further negotiation before it could be definitely established."⁴

The Treaty of London, 1794 (the "Jay Treaty") began the process of clarification. Under its fifth article commissioners were appointed to determine exactly what river was truly intended under the name of the River St. Croix in the Treaty of Peace of 1783. This had become an acute problem when Nova Scotia proceeded to grant land on the eastern bank of the Schoodic to Loyalist refugees from the United States, and Massachusetts requested the Governor of Nova Scotia to recall "those subjects of His Majesty" who had settled in what he considered to be Massachusetts. Excavations at the mouth of the Schoodic disclosed the remains of the Sieur de Monts winter camp of 1604 and conclusively identified it as the St. Croix of Champlain,⁵ and this decision of the commissioners was rendered on October 25th, 1798.

4. Boggs, op. cit., p. 42.

5. John W. Davis, "The Unguarded Boundary", Geographical Review, Vol. 12, No. 4, October 1922, p. 590.

2. Internal consequences of the American Revolution

The independence of the United States also affected Canadian boundaries in other ways. In all cases, however, the ultimate cause of the change was due to the fact that, at the close of the Revolutionary War, thousands of Loyalists moved into what remained of British North America. Naturally they took up lands in those areas which had hitherto been unsettled. In Nova Scotia, these lands were mainly in the valley of the St. John and it was to this area that most of the Loyalists went in Eastern Canada. Over 3,000 went to Cape Breton Island and a few to Prince Edward Island. In Quebec, most of the unsettled lands were south-west of the Ottawa River and along Lakes Erie and Ontario and to these areas went about 10,000 Loyalists, some 1,300 settling at the site of the present Kingston.⁶ It was these blocks of Loyalist settlers that were deemed to demand changes in political organization. The French feudal system of land tenure, which was held to prevail throughout Canada, was contrary to English ideas on the subject. Further, the absence of popular government was resented by those who had been accustomed to popular assemblies in the former American colonies.

As a result, in 1784 Cape Breton Island was separated politically from Nova Scotia and New Brunswick was established as a separate colony at the same time, the division being made from Cumberland Arm of the Bay of Fundy across the Chignecto Isthmus to Baie Verte. Murray⁷ maintains

6. Egerton, op. cit., p. 37.

7. Walter C. Murray, "Local Government in the Maritime Provinces", University of Toronto Studies, History and Economics, Vol. II, No. 4, November 1907, p. 22.

that the latter separation was due to the demands of the Loyalists who were exasperated by delays in the issue of land patents and by apparent neglect by the authorities in Halifax. Lower⁸ states that as strong a motive as the inconveniently great distance of St. John from Halifax was the "divide and rule" policy of the British authorities in England. With the experience of the American revolution fresh in their minds, they took the view that small, separate colonies would show less independence than large ones.

The Province of Quebec was divided seven years later as a result of the Constitutional Act of 1791, into the Provinces of Upper and Lower Canada. The boundary was described as follows:

"To commence at a stone boundary on the north bank of the Lake St. Francis, at the Cove, west of Pointe au Bodet, in the limit between the Township of Lancaster and the Seigneurie of New Longueuil, running along the said limit in the direction of north thirty-four degrees west to the westernmost angle of the said Seigneurie of New Longueuil, thence along the north-western boundary of the Seigneurie of Vaudreuil running north twenty-five degrees east, until it strikes the Ottawas River, to ascend the said River into the Lake Tomiscanning, and from the head of the said Lake by a line drawn due north until it strikes the boundary line of Hudson's Bay, including all the territory to the westward and southward of the said line to the utmost extent of the country commonly called or known by the name of Canada."⁹

Before 1763, as has been pointed out, the French did a good deal of exploration, not only in what is now Canada but also in the whole of North America. Apart from the such long tentacle-like journeys of the La Verendry's, they explored intensively the area about the Great Lakes. But their colonies of settlement never extended much further west than

8. Lower, op. cit., p. 121-22.

9. Statutes, Documents and Papers. . . . of the Province of Ontario, p. 411.

Montreal. Indeed, it was not until after the signing of the peace treaty between the French and the Iroquois in 1700, which removed the threat of Indian aggression, that the land northeast and east of Montreal was cleared and settled. The area was first divided into two seigniories granted to Pierre Joybert de Soulanges and Philippe Rigaud de Vaudreuil to which the seigniories of Rigaud and Nouvelle Longueuil were added later. The land clearance and settlement proceeded very slowly until 1763 however, when a more determined effort was made to find settlers,¹⁰ at "the eleventh hour of the French dominion"¹¹

The township of Longueuil along the lower Ottawa river represents one of the very few grants made in the present province of Ontario during the French regime. L'Orignal was the name of a seigneurie of 54 sq. mls. owned by Le Maynes.¹² It would appear however that settlement in the seigneurie was almost insignificant at the time of the Constitutional Act, for it was sold in 1794 to an American surveyor, and L'Orignal village was not founded until 1797.

The boundary between Upper and Lower Canada of 1791 recognized these facts, and by setting apart the Canadians of French descent with their own government enabled them to preserve their own laws and customs without conflict with the new Canadians of American and British descent

10. P. Lajoie and P. Stobbe, Soil Survey of Soulanges and Vaudreuil Counties in the Province of Quebec, Ottawa, Department of Agriculture, 1950, p. 16.

11. J. I. Rogers, A Historical Geography of Canada, Vol. V., Part III, p. 129.

12. Douglas Jackson, A Geographical Study of Early Settlement in Southern Ontario, M. A. Thesis, (not published), University of Toronto, 1948.

who had settled in Upper Canada and established a different set of institutions. The triangle between the Ottawa and St. Lawrence rivers was accordingly included in the Province of Lower Canada.

3. Developments in the West

Meantime, after a lapse of over 150 years following Juan de Fuca's discoveries, exploration had been taking place along the Pacific coast of North America. The Russians, Bering and Chirikof, had initiated the activity in 1741 which was followed by a number of Spanish explorers working from their post established in 1770 at Monterey. In 1778, the Englishman, Cook, explored the Pacific Coast from 43 degrees north to 70 degrees north and claimed the northwest coast of America for Great Britain. La Pérouse, the French explorer, supplemented the work of the Russians, Spaniards and English along the coast in 1786. These discoveries led to great interest in the area by many nations, including the Spaniards, and when they seized the English post at Nootka Sound an expedition under Captain George Vancouver was despatched from England to the Pacific Coast of North America. Vancouver's extensive voyages followed from 1792 to 1794. He divided the coast into five parts and named each of them, but made no attempt to give these parts eastern limits. However, these boundaries are of historical importance only as they exerted no influence at all on later boundary development.¹³

13. Willard E. Ireland, "The Evolution of the Boundaries of British Columbia", British Columbia Historical Quarterly, Vol. 3, No. 4, October 1939, p. 265.

On land, the Northwest Company, which had been formed in 1783, and the Hudson's Bay Company were exploring and exploiting the Pacific and Arctic watersheds, north of the Columbia River. Although the Hudson's Bay Company had been established primarily as a trading company it was also to promote discovery. Many of the exploratory journeys however were almost accidental arising as they did largely from the prosecution of the fur trade. The earliest journey was that of Henry Kellsey, 1691-92. It is impossible to reconstruct the course of his journey, but he was one of the first men, if not the first, to explore any portion of the Canadian Northwest. Hendry, in 1754-1755 may have reached 114° W. Some of the most important of the early exploratory journeys were made by Samuel Hearne, particularly during 1769-1771 when he reached the Arctic Ocean at the mouth of the Coppermine River. In 1789, Alexander Mackenzie descended the river later named for him and on another remarkable journey, in 1793, reached the Pacific Ocean by an overland route. He pointed out that

"By opening this intercourse between the Atlantic and Pacific Oceans, and forming regular establishments through the interior, and at both extremes, as well as along the coasts and islands, the entire command of the fur trade of North America might be obtained, from latitude 48° north to the pole, except that portion of it which the Russians have in the Pacific. To this might be added the fishing in both seas, and the markets of the four quarters of the globe".¹⁴

Thus the end of the century saw a controversial but none the less defined boundary between the British territory that was to become

14. Alexander Mackenzie, Voyages from Montreal through the Continent of North America to the Frozen and Pacific Oceans in 1789 and 1793, Vol. II, Toronto, George N. Morang and Company, Limited, c. 1901, p. 358.

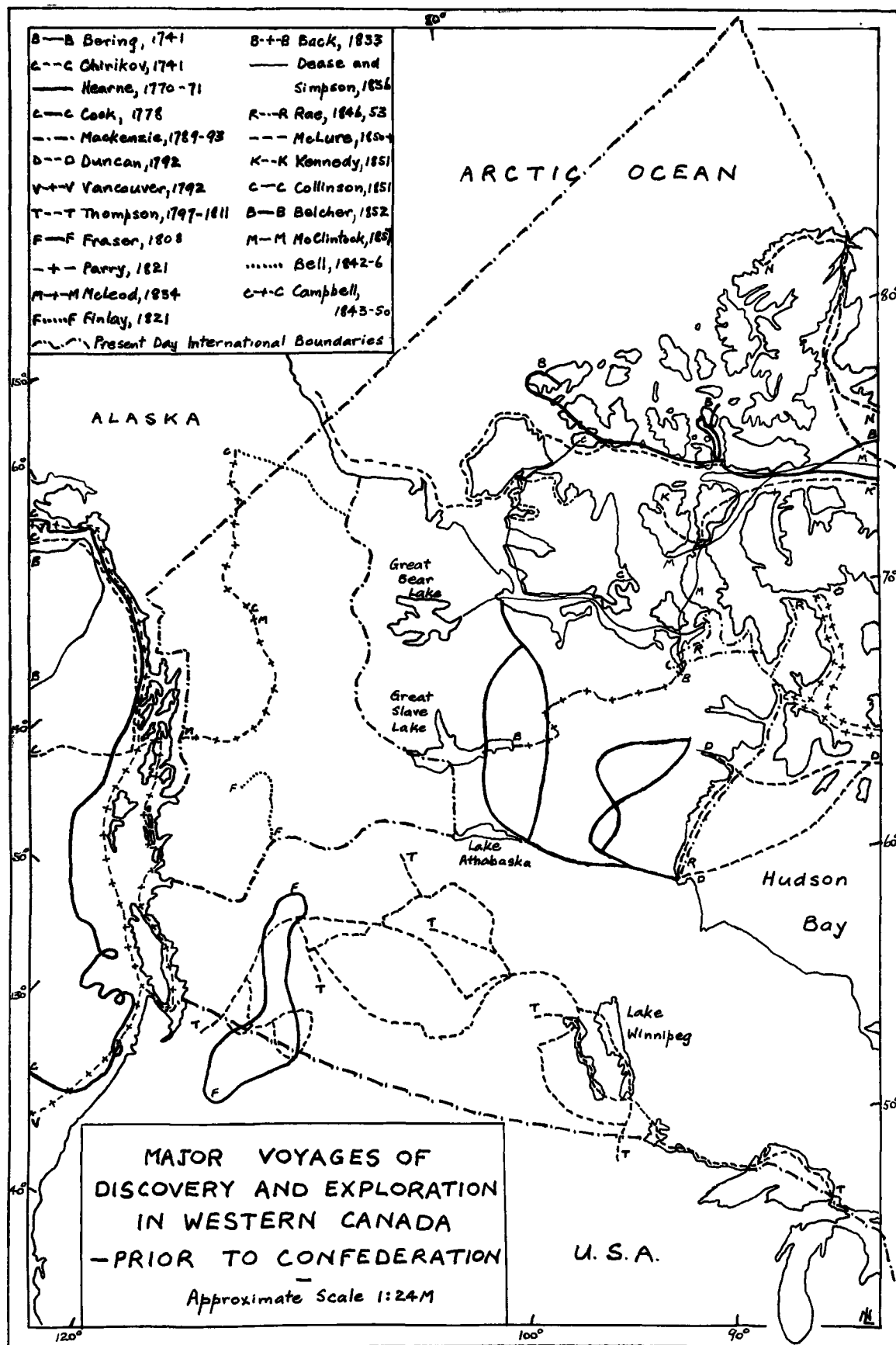


Fig. 8

Canada and the U. S. A.; re-arrangement of provincial boundaries in the eastern part of the former and the beginning of its political development in the west. Academic though Vancouver's boundaries are, one cannot help but notice the similarity between them and the earliest boundaries on the east coast.

Apart from another "shuffle" in the boundaries of Lower Canada-Newfoundland in 1809, by which the Imperial Government, via the Labrador Act, re-annexed Labrador and Anticosti Island to Newfoundland, the first major change of the century which related to boundaries occurred in 1811. In that year, Lord Selkirk was granted 116,000 square miles of territory by the Hudson's Bay Company. The area was intended for settlement and comprised the Red River Valley, bounded as follows:

"Beginning on the western shore of Lake Winnipic, at a point in fifty-two degrees and thirty minutes north latitude; and thence running due west to Lake Winipigashish, otherwise called Little Winnipic; then in a southerly direction through the said lake, so as to strike its western shore in latitude fifty-two degrees; then due west to the place where the parallel of fifty-two degrees north latitude intersects the western branch of the Red River, otherwise called Assiniboine; then due south from that point of intersection to the height of land which separates the waters running into Hudson's Bay from those of the Missouri and Mississippi Rivers; then in an easterly direction along the height of land to the source of the River Winnipic (meaning by such last-named river the principal branch of the waters which unite in the Lake Saginas); thence along the main stream of those waters and the middle of the several lakes through which they pass, to the mouth of the Winnipic River; and thence in a northerly direction through the middle of Lake Winnipic, to the place of beginning: which territory is called Assiniboia . . ."¹⁵

4. Further development of International boundaries

Louisiana, which had been ceded by France to Spain by the

15. "Proclamation of Governor M'Donnell after the Hudson's Bay Company's Grant to the Earl of Selkirk, January, 1814", Statutes, Documents and Papers. . . . of the Province of Ontario, p. 28.

Treaty of Paris in 1763, had been returned to France in 1800. In 1803 France sold the territory to the United States of America, and this purchase raised the question of the precise boundary between the United States and British North America from Lake Superior to the Pacific Ocean. Before it had been settled, however, the two disputants were involved in war. The termination of the War of 1812 was taken as an opportunity

"to provide for a final adjustment of the boundaries described in the treaty of 1783 that had not yet been ascertained and determined,"¹⁶

under the Treaty of Ghent (1814). As a result of this treaty four commissions were set up, two of which reached definite conclusions, the other two leaving questions still in doubt. In 1818 this was followed by a convention between Great Britain and the United States which extended the international boundary westward along the 49th parallel to the "Stony" (Rocky) Mountains in the following terms:

"It is agreed that a line drawn from the most northwestern point of the Lake of the Woods, along the forty-ninth parallel of north latitude, or if the said point shall not be in the forty-ninth parallel of north latitude, then that a line drawn from the said point due north or south, as the case may be, until the said line shall intersect the said parallel of north latitude, and from the point of such intersection due west along and with the said parallel shall be the line of demarkation between the territories of the United States, and those of His Britannic Majesty, and that the said line shall form the northern boundary of the said territories of the United States, and the southern boundary of the territories of His Britannic Majesty, from the Lake of the Woods to the Stony Mountains."¹⁷

Obviously this boundary crossed the southern part of the Selkirk grant which became absorbed into the Dakotas and Minnesota. The early

16. Douglas, op. cit., p. 10.

17. Ibid., p. 13.

use of the 49th parallel as a boundary has already been mentioned.¹⁸ Claimed by the Hudson's Bay Company in 1714-19 as the southern limit of their territory, it had become so frequently marked on maps that when the United States purchased the Louisiana Territory from France, the 49th parallel was assumed to be its northern boundary and eventually accepted by the negotiators of the 1818 Convention. Since both the Louisiana Territory and the Hudson's Bay Company's Territory had been described according to drainage basins no single parallel of latitude could satisfactorily separate them. However, there was still a rough coincidence between the Hudson Bay-Gulf of Mexico divide and the 49th parallel and although the height of land between the two drainage basins is no mountain range, along much of its course it is marked by groups of low hills—remnants of old erosion surfaces—some of which are high enough to be forested.¹⁹ If one parallel of latitude had to be selected the 49th was undoubtedly the best one.

The situation with regard to the area west of the Rocky Mountains was covered by Article III of the 1818 Convention as follows:

"It is agreed, that any country that may be claimed by either party on the northwest coast of America, westward of the Stony Mountains, shall, together with its harbours, bays, and creeks, and the navigation of all rivers within the same, be free and open, for the term of ten years from the date of the signature of the present convention, to the vessels, citizens, and subjects of the two Powers; it being well understood, that this agreement is not to be construed to the prejudice of any claim, which either of the two high contracting parties may have to any part of the said country, nor shall it be taken to affect the claims of any other Power or State to any part of the said country; the only object of

18. Supra, p. 14.

19. Stephen B. Jones, "The Forty-ninth parallel in the Great Plains", Journal of Geography, Vol. 31, No. 9, December 1932, p. 361.

the high contracting parties, in that respect being to prevent disputes and differences amongst themselves."²⁰

The joint occupation of the area resulted from the fact that the fur trade companies of both countries were active in the area. In fact, three countries were by now involved in the whole of the Pacific Northwest. Great Britain, by virtue of the activities of Cook and Vancouver and the Hudson's Bay Company and the Northwest Company which joined forces in 1821; the United States, especially after 1819 when, by the Treaty of Florida Blanca, Spain ceded to the United States all her rights and claims north of latitude 42 degrees north and Russia.

The first Russian settlements in the area had been established in 1784 on Kodiak Island. This was followed by several others along the Pacific Coast of North America particularly after 1799 when the Russian-American Company was granted exclusive trading privileges north of the 65th parallel.

In 1821, Alexander I of Russia issued a Ukase granting rights of "commerce, whaling and fishing, and of all other industry" on the North American coast between Bering Strait and latitude 51 degrees north to Russian subjects exclusively and prohibiting foreigners from approaching the coast within 100 miles. Protests were lodged by the United States, who denied in toto the Russian claim south of latitude 55 degrees north and even felt that she had some claim to the coasts as far north as 61 degrees north, and Great Britain, who claimed the coast to approximately 58 degrees north.²¹

20. Douglas, op. cit., p. 13.

21. Davis, op. cit., p. 596.

The conflicting interests of Russia, the United States and Great Britain in this area were partly resolved politically by treaty. In 1824 by a convention between Russia and the United States, the former renounced all claims to territory south of 54 degrees 40 minutes N., and in 1825 Russia and Great Britain reached an agreement on the boundary between their respective territories, which became known as the Alaska boundary.

In the negotiations over this boundary, the Russian Government was guided in its negotiations by the representations of the Russian-American Company and the British Government by the representatives of the Hudson's Bay Company. The boundary which the negotiators were seeking to define was thus very largely the boundary between the area of operations of these companies.

The Russians were particularly interested in retaining control of the Pacific coast of North America north of 55° N., which was the southern limit mentioned in the trading charter of 1799. Their most southern and easterly settlement in 1821 was at the site of the present Sitka. Great Britain, however, was anxious that the territory which she claimed in the interior should not be shut in by a coastal strip controlled by another power. The Hudson's Bay and North West Companies certainly had no posts on the Pacific coast between the 51st and 60th parallels but it was recognized by both parties that the Mackenzie River area was within their jurisdiction. In the first informal stages of the negotiations, Great Britain proposed Cross Sound at approximately 58° N. and Lynn Canal as the boundary on the coast and a due north line from the head of the

Lynn Canal at approximately 135° W. as the boundary on the mainland. The Russians proposed 54° N. as the coastal boundary and whatever longitude would leave the Mackenzie River on the British side of the frontier.

The Russians insisted that the southeastern portion of the boundary should be a line roughly parallelling the coast at some distance inland but the further south and east the Russian demands went, the further westward did the British push the meridional boundary. At successive stages of the negotiations, the 139th, 140th and 141st meridians were all mentioned. Ultimately the 141st meridian was selected as the boundary, probably because it was the line running north from Mount St. Elias. This was one of the few outstanding and unmistakable features in a relatively unknown land and so supplied a point of reference for both the northern part of the boundary as well as the southeastern part. Throughout the negotiations, however, the land boundary was really subordinate to the question of the extent of Russia's maritime jurisdiction and, therefore, the shifting of the land boundary a few miles in one direction or the other was not regarded as of great importance by either nation.²² Articles III and IV of the treaty of February 28, 1825, defined the line of delimitation between the Russian-British territory as follows:

"III. . . . Commencing from the southernmost point of the island called Prince of Wales Island, which point lies in the parallel of 54 degrees 40 minutes, north latitude, and between the 131st and 133rd degree of west longitude (meridian of Greenwich), the said line shall ascend to the north along the

22. Joint Report by the Survey upon Survey and Demarcation of the International Boundary between United States and Canada along the 141st Meridian from the Arctic Ocean to Mount St. Elias. Ottawa, The International Boundary Commission, 1918, p. 206.

channel called Portland Channel, as far as the point of the continent where it strikes the 56th degree of north latitude; from this last-mentioned point, the line of demarcation shall follow the summit of the mountains situated parallel to the coast as far as the point of intersection of the 141st degree of west longitude (of the same meridian); and, finally, from the said point of intersection, the said meridian line of the 141st degree, in its prolongation as far as the Frozen Ocean, shall form the limit between the Russian and British possessions on the continent of America to the north-west.

IV. With reference to the line of demarcation laid down in the preceding Article it is understood:

1st. That the island called Prince of Wales Island shall belong wholly to Russia.

2nd. That whenever the summit of the mountains which extend in a direction parallel to the coast, from the 56th degree of north latitude to the point of intersection of the 141st degree of west longitude, shall prove to be at the distance of more than 10 marine leagues from the ocean, the limit between the British possessions and the line of coast which is to belong to Russia, as above mentioned, shall be formed by a line parallel to the windings of the coast, and which shall never exceed the distance of 10 marine leagues therefrom."²³

The boundary between British territory and the United States, however, remained unsettled until the Oregon Treaty of 1846. The arrangement made for joint occupation in 1818 had been extended in 1827 for an indefinite period. In the meantime, the Hudson's Bay Company had been exploring, exploiting and consolidating in the areas between Russian territory and the 49th parallel and in 1841 the Governor of the Company approved the choice of a new site for Fort Vancouver because he came to the conclusion that when the International Boundary was fixed it should go through the strait of Juan de Fuca.²⁴ But by 1846 American immigration

23. Quoted by James White, "Boundary Disputes and Treaties", Canada and Its Provinces, Vol. VIII, Toronto, The Publishers Association, 1913, p. 927.

24. T. A. Rickard, Historic Backgrounds of British Columbia, Vancouver, Wrigley Printing Co., 1948, p. 283.

into the disputed area had increased to such an extent that by that date there were 700 American settlers there as against 400 British.²⁵ Klotz²⁶ says that in 1845 some 3,000 Americans arrived in the area from the Missouri and Mississippi valleys. The British Government, feeling that the whole area might be lost to them, offered the 49th parallel but reserved the whole of Vancouver Island. This parallel was probably chosen since it had been suggested by the United States in 1818, and then because it was a convenient extension of a boundary already agreed upon in that it bisected the area in dispute. The United States agreed to this suggestion and the boundary extension was described as follows:

"From the point on the forty-ninth parallel of north latitude, where the boundary laid down in existing treaties and conventions between the United States and Great Britain terminates, the line of boundary between the territories of the United States and those of Her Britannic Majesty shall be continued westward along the said forty-ninth parallel of north latitude to the middle of the channel which separates the continent from Vancouver's Island; and thence southerly through the middle of the said channel, and of Fuca's Straits, to the Pacific Ocean: Provided, however, that the navigation of the whole of the said channel and straits, south of the forty-ninth parallel of north latitude, remain free and open to both parties."²⁷

5. Further adjustments in the east

Meanwhile back in the east, still further boundary adjustment had been taking place between the British colonies. In 1820, Cape Breton Island was re-annexed to Nova Scotia; in 1825, Anticosti Island was again separated from Newfoundland and again annexed to Lower Canada, and in

25. Davis, op. cit., p. 597.

26. Klotz, op. cit.

27. Douglas, op. cit., p. 21.

1840 Upper and Lower Canada were re-united to form one Province of Canada.

Disputes were still occurring between the British colonies and the United States over the interpretation of the United States boundary treaty of 1783, particularly with regard to the section of the boundary between New Brunswick and Maine. An attempt had been made to settle the matter peaceably in 1827 when it was referred to arbitration under a convention between Great Britain and the United States. The award of the arbiter, the King of the Netherlands, was made in 1831 but was not accepted by both countries. In 1831 a group of people attempting to hold an election under United States laws were arrested by New Brunswick authorities. In 1836 a Canadian justice of the peace was arrested by United States authorities for endeavouring to carry out his duties in what he believed to be British territory. Finally, an American official was arrested by New Brunswick authorities when he attempted to arrest British subjects who were cutting timber in the Arcostook region which resulted in little short of actual warfare between New Brunswick and Maine—the so-called Arcostook War.²⁸

In 1842, however, when Lord Ashburton, on behalf of Great Britain, paid a special visit to the United States to settle boundary problems, final agreement was reached not only on the doubts that had sprung from the Treaty of 1783, but also on difficulties arising out of the Oregon Treaty of 1846, and hence the boundaries of British North America with

28. White, op. cit., p. 814.

the United States from the Bay of Fundy to the Gulf of Georgia were delimited satisfactorily, apart from minor details.

6. The West Coast

In spite of the Oregon Treaty of 1846, the British still considered it necessary to consolidate their territory on the Pacific Coast north of the 49th parallel. Vancouver Island was made a colony under the Hudson's Bay Company in 1849, provided it would facilitate colonization by British settlers, and as Ireland²⁹ has pointed out, Governors Blanshard and Douglas were empowered by their commissions to exercise jurisdiction not only over Vancouver Island, but also all adjacent Islands between the 49th and 52nd degrees of North latitude.

The matter was accentuated by the discovery of gold in the area. As early as 1850, Governor Blanshard had reported the existence of gold on Queen Charlotte Island which in 1852 resulted in Governor Douglas being commissioned as Lieutenant-Governor of the Island. Although this commission was not intended to sanction the colonization of the island, the act became important in 1858 when the remainder of what is now Southern British Columbia became another crown colony. This step had been forced upon the British Government through the discovery of more gold on the Fraser River and in the Cariboo district. This resulted in an influx of an estimated 30,000³⁰ miners into an area which only had a white population of about 750, of whom 300 were at Victoria. The Indian

29. Ireland, op. cit., p. 270.

30. Rickard, op. cit., p. 302.

population was about 15,000 and one of the dangers of the gold rush was that it could produce difficulties between the natives and the whites and lead to disorder. But a far greater political danger was the fact that most of the incoming miners were Americans and Governor Douglas was fearful of them establishing an independent government which might become annexed to the United States. The British Government, therefore, on July 1, 1858, introduced a Bill to provide for the government of New Caledonia. The boundaries then laid down were: on the south, the frontier of the United States; on the west the Pacific Ocean; on the north, the 55th parallel; and on the east, the watershed between the streams which flowed into the Pacific and those which flowed into the Atlantic and Arctic Oceans.

However, an amendment was proposed extending these boundaries because it was thought that the gold that was found on the Fraser River was merely the debris of the gold that existed in the Rocky Mountains. The final act "to provide for the Government of British Columbia" therefore established the boundaries as follows:

"British Columbia shall, for the purposes of this Act, be held to comprise all such territories within the dominions of Her Majesty as are bounded to the South by the frontier of the United States of America, to the East by the main chain of the Rocky Mountains, to the North by Simpson's River and the Finlay branch of the Peace River, and to the West by the Pacific Ocean, and shall include Queen Charlotte's Island and all other Islands adjacent to the said territories except as hereafter excepted No part of the Colony of Vancouver's Island, as at present established, shall be comprised within British Columbia for the purposes of this Act."³¹

31. Ireland, op. cit., p. 274.

The expiration of the Hudson's Bay Company's Licence in 1859 left some of the territory of British North America not included in Rupert's Land or in the British Pacific colonies without a formal government³² but in 1862 reports of further gold discoveries on the Stikine River were confirmed and eventually the British Government decided to declare the Governor of British Columbia, administrator of the Territory of Stickeen, delimited by an Order-in-Council as follows:

" . . . the said Stickeen territories shall comprise so much of the dominions of Her Majesty as are bounded to the west and south-west by the frontier of Russian America, to the south and south-east by the boundary of British Columbia, to the east by the 125th meridian of west longitude, and to the north by the 62nd parallel of north latitude.³³

Ireland³⁴ could find no explanation for the eastern and northern limits, but suggests that they were to be extensive enough to include the whole of the Stikine watershed and any future gold discoveries to the north.

But by this time, the British Government, in striking contrast to their policy immediately after the American Revolution, were encouraging unions of smaller administrative units and in 1863 the decision was reached to amalgamate the western mainland possessions, and British Columbia was to comprise

"all such territories . . . as are bounded to the South by the territories of the United States of America, to the West by the Pacific Ocean and the frontier of the Russian

32. It was, in fact, under the direct jurisdiction of the Imperial Government under the provisions of the Indian Territories Act of 1859.

33. Appendix, British Columbia Statutes, 1871, p. 190.

34. Ireland, op. cit., p. 277.

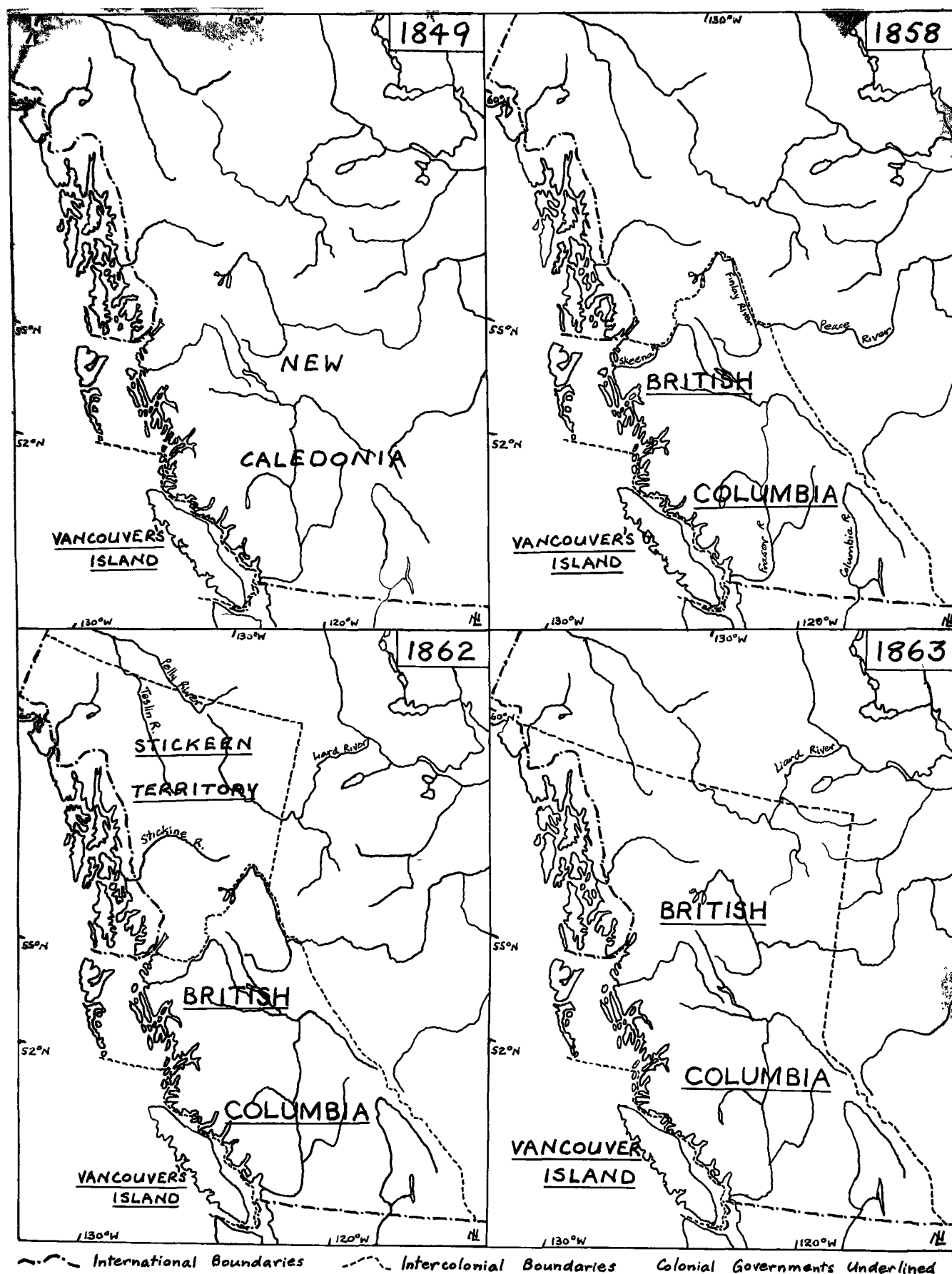


Fig. 9. The evolution of the Boundaries of British Columbia.

Territories in North America, to the North by the sixtieth parallel of north latitude, and to the East, from the boundary of the United States northwards, by the Rocky Mountains and the one hundred and twentieth meridian of west longitude, and shall include Queen Charlotte Island and all other Islands adjacent to the said Territories, except Vancouver Island and the Islands adjacent thereto."³⁵

No explanation was offered for the withdrawal from the 62nd to the 60th parallel as the northern boundary but again Ireland³⁶ suggests that the fact that the latter parallel is the nearest convenient one to the commencement of the boundary along the 141st meridian, established in the 1825 treaty with Russia, may have influenced this decision. The extension of the eastern boundary from the 125th to the 120th meridian was made so as to include the gold districts discovered in the Peace River area in 1862. British Columbia and Vancouver Island were united as one colony in 1866 when the latter expressed a willingness to unite with the mainland and hence the boundaries of British Columbia as they are known to-day came into being.

Thus immediately prior to Confederation, the boundaries of British North America between the United States of America and the Russian territory of Alaska were delimited, apart from a few minor sections. British North America itself was politically divided by the boundaries of British Columbia, Canada, New Brunswick, Nova Scotia, Prince Edward Island and Newfoundland. The remaining area was under the control of the Hudson's Bay Company, and was made up of Rupert's Land and the Northwest Territory.

35. Great Britain, Statutes, 29-30 Vict., Cap. 67, quoted in Report of the Commission Appointed to Delimit the Boundary Between the Provinces of Alberta and British Columbia, Part 2, p. 1.

36. Ireland, op. cit., p. 279.

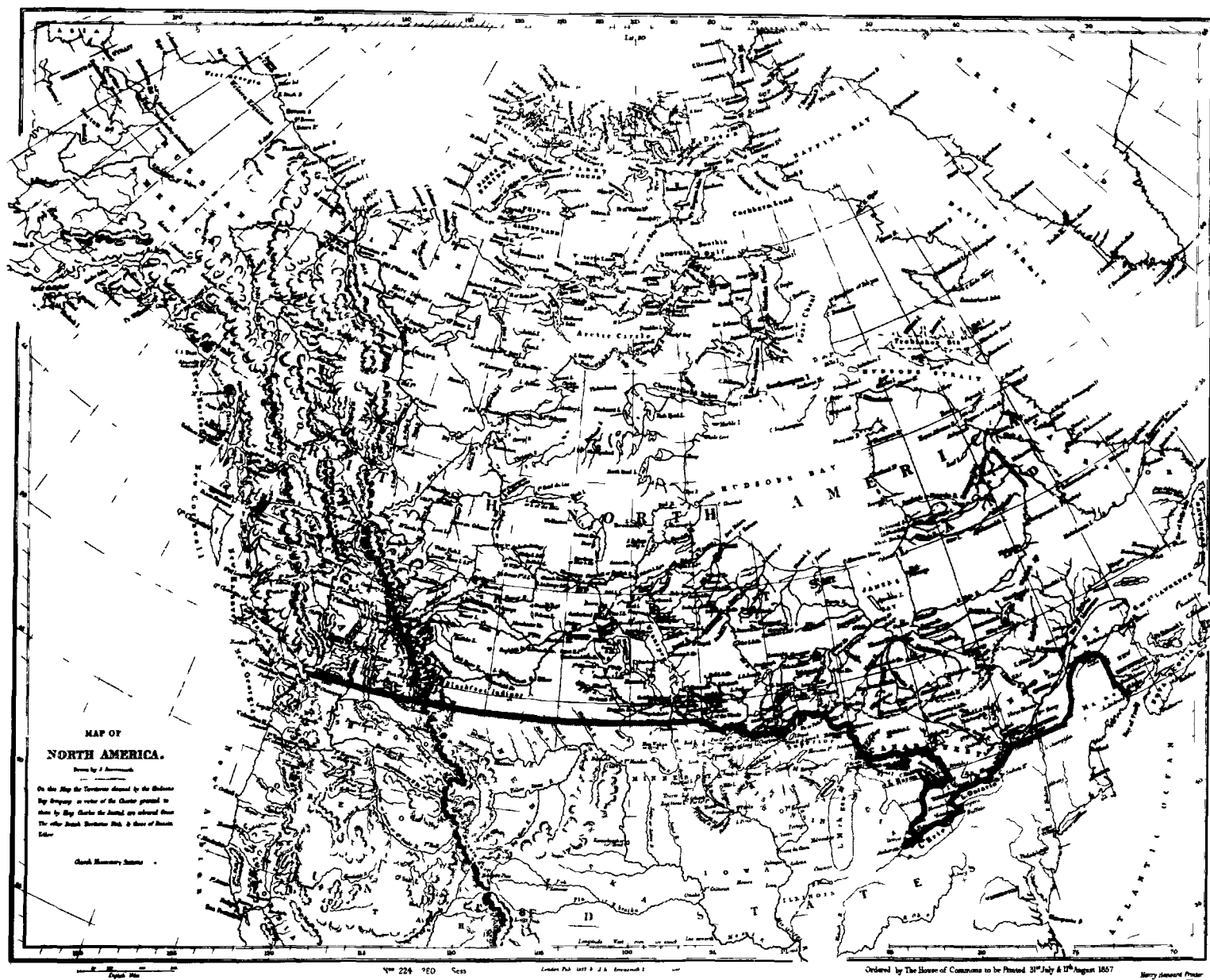


Fig. 10. Map of part of North America, 1857, showing extent of territories (in grey) claimed by Hudson's Bay Company.

CHAPTER III

INTERNATIONAL AND NATIONAL BOUNDARIES

1. Confederation

The year 1867 marks the beginning of the political development of Canada as a separate sovereign state, for by the terms of the British North America Act, a federal union of the Provinces of Canada, New Brunswick and Nova Scotia came into being. These political units retained the boundaries that had already been established with the exception that the Province of Canada was divided into the Provinces of Ontario and Quebec, the line of division between them being identical with the line of division which had existed between Upper and Lower Canada from 1791 to 1840, as defined after the Constitutional Act.

In 1868, the Rupert's Land Act authorized the acquisition by the Dominion of Canada of Rupert's Land and the North-Western Territory although the full-title to these territories was not transferred from the Hudson's Bay Company to Canada until 1870, and they were not actually transferred until 1871. A few days after this, British Columbia entered the federal union and in 1873 Prince Edward Island followed suit. The boundaries of British Columbia remained exactly as previously defined and the boundaries of Prince Edward Island, of course, presented no difficulty.

What was an outstanding problem, however, was the limit of "Rupert's Land and the North-Western Territory" particularly on the north, and in 1878 the Canadian parliament presented an address to the British Queen

requesting a definition of the northeasterly, northerly and northwesterly boundaries of Canada.¹ This resulted in an Imperial Order-in-Council, dated July 31st, 1880, which included the following statement:

"From and after September 1, 1880, all British territories and possessions in North America, not already included within the Dominion of Canada, and all islands adjacent to any of such territories or possessions, shall (with the exception of the Colony of Newfoundland and its dependencies) become and be annexed to and form part of the said Dominion of Canada . . ."²

This, in effect, passed British rights to the Arctic Islands to Canada, but it did not definitely describe the territory added to Canada.

However, within Canada no official recognition appears to have been given to the fact that any territory had been added to it until 1895, when an Order-in-Council was passed constituting certain provisional districts. But the description in this Order-in-Council was defective since although the districts of Yukon and Mackenzie were so delimited as to include the northern part of the continent with all the islands within three geographical miles, the description of Franklin was not so worded as to include all the islands more than three miles from the mainland. Yet the Order-in-Council maintained that its effect was to divide into provisional districts all the unorganized and unnamed portions of Canada. Its actual effect, however, was virtually to declare that certain islands in the Arctic Ocean were not part of Canada, and an amending Order-in-

1. W. R. King, Report Upon the Title of Canada to the Islands North of the Mainland of Canada, Ottawa, Department of the Interior, 1905, p. 6.

2. Quoted in King, ibid., p. 10.

Council dated December 18, 1897, corrected the former description of the districts of Yukon and Mackenzie so that they included the islands for twenty miles from the coast, and Franklin all the others thus:

"all those lands and islands comprised between the one hundred and forty-first meridian of longitude west of Greenwich on the west and Davis strait, Baffin bay, Smith sound, Kennedy channel and Robeson channel on the east which are not included in any other provisional district."³

Thus it is from 1897, from the Canadian point of view at least, that the present land area definitely extended to the Arctic Ocean, although at this time no specific mention seems to have been made of any claim to undiscovered islands, nor was the North Pole specifically mentioned.

2. The Alaskan boundary

The year 1867 was also important from the point of view of Canada's boundary development because in that year the United States purchased Russia's North American territorial possessions. The landward boundaries of Alaska were those described in the convention of 1825 between Russia and Great Britain. The language of this description is clear with regard to that part of the boundary running along the 141st meridian, but disputes arose over the interpretation of the remainder of the description. The original description was probably based on Vancouver's chart, the information on which had been greatly supplemented since 1794. The description was defective in the light of this newer

3. Ibid., p. 16. For a fuller extract from the Report of the Privy Council approved by the Governor General in Council on December 18th, 1897, see Appendix 1.

information and the resulting disputes were accentuated when the value of the natural resources of the area were discovered. The discovery of gold in the valley of the Klondike River in 1896 emphasized the importance of the Chilkoot and White passes, at the head of the Lynn Canal, as routes to the upper Yukon. Miners in tens of thousands were entering the gold fields and since Canada claimed the territory at the head of the Lynn Canal while United States revenue officers ruled that their regulations forbade the landing of British vessels anywhere on the shores of that inlet, friction ensued.

The importance of finally defining the boundary was recognized and, in 1899, a joint commission provisionally agreed that the summits of the Chilkoot and White passes and a point on the Chilkat River at its junction with the Klehini river were points upon the boundary. A convention between Great Britain and the United States in 1903 created an Alaskan Boundary Tribunal to attempt further settlement, and an agreement was reached. The boundary thus adopted may be defined as follows:

"It commences at Cape Muzon. Thence it crosses in a straight line to the mouth of Portland Channel (Canal), this entrance being west of Wales Island, and passes up the channel to the north of Wales and Pearse Islands to the 56th parallel of latitude. Thence the line runs from one mountain summit to another, passing above the heads of all fiords. At the head of Lynn Canal it traverses White and Chilkoot Passes. Thence by a tortuous southwesterly course it reaches Mount Fairweather and thence follows the higher mountains around Yakutat Bay to Mount St. Elias."⁴

3. Arctic boundaries

Further developments in connection with the Polar boundaries of Canada occurred on February 20th, 1907, when Senator Pascal Poirier,

4. Douglas, op. cit., p. 44.

speaking in the Canadian Senate, moved that the time had come for Canada to make a formal declaration of possession of the lands and islands situated in the north of the Dominion, and extending to the North Pole. The senator based his proposal mainly on the fact that discovery of the Arctic Islands had been made chiefly by the British whose rights Canada had inherited. After Confederation some fifteen expeditions had been made to the Canadian Arctic and these, together with the efforts of R. E. Peary to reach the North Pole, after 1898, were focussing attention on the far north of Canada. One of the most important and extensive journeys to the Arctic had been made by Otto Sverdrup in 1898-1902. Although Sverdrup was Norwegian his entire expedition was financed by the Canadian government and the Norwegian government formally relinquished any claim to the islands which he discovered. Senator Poirier could also have had in mind the Order-in-Council of 1897.

In the course of his speech Senator Poirier maintained that all the islands between 141 and 60 degrees west longitude up to the North Pole were Canadian territory. He suggested that the division of the Arctic area according to what has since become known as the "sector principle" would reduce international conflict in the area; that the Arctic islands might prove a valuable asset to Canada should minerals be discovered there or the climate get warmer and finally he drew attention to the fact that Canada's east and west coasts were restricted by the southward extension of Alaska and the northern extension of Newfoundland's dependency, Labrador, which was not then part of Canada, and that it might eventually become necessary "to have the North Pole as a way out of the Dominion."

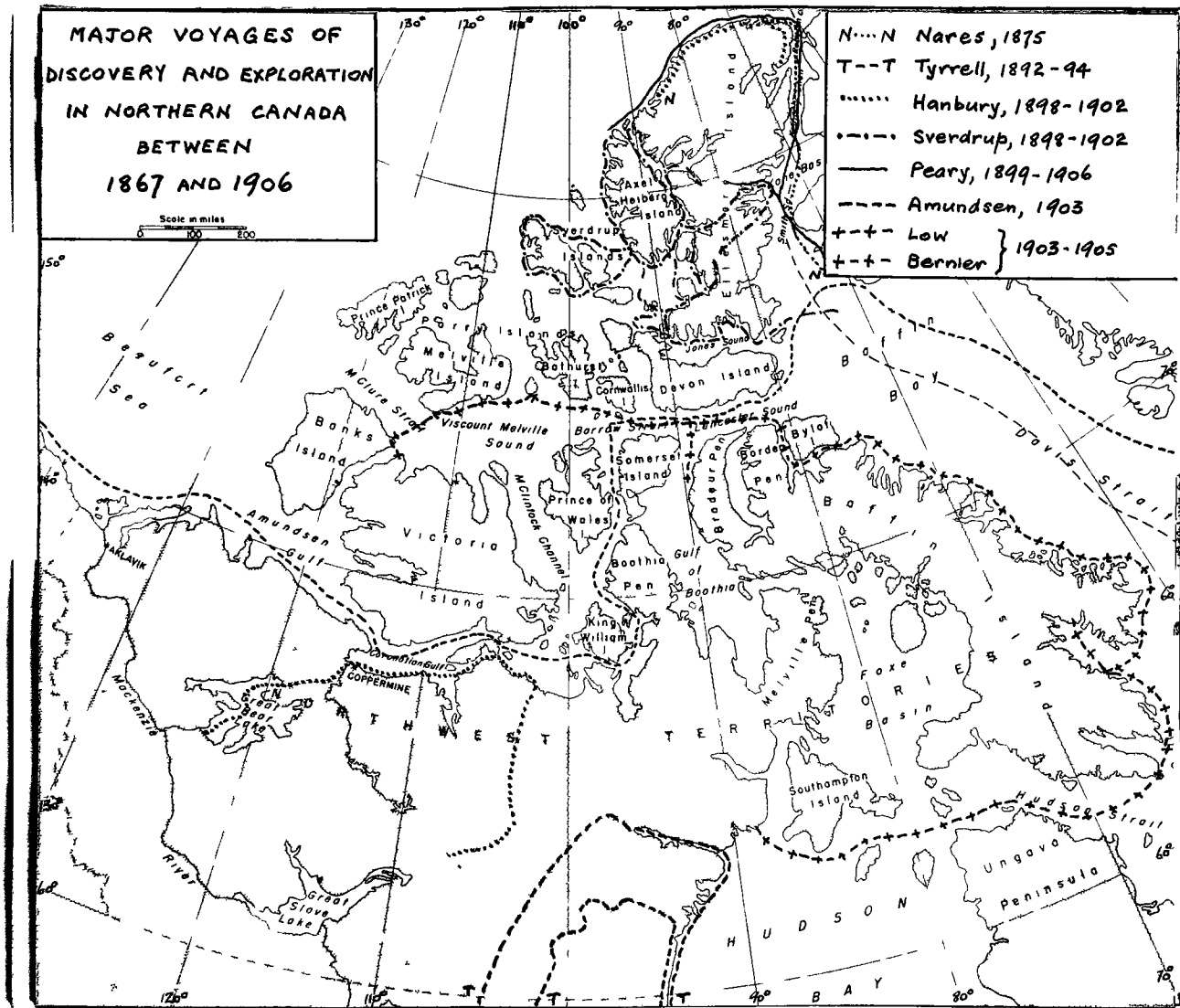


Fig. 11

This proposal has assumed great significance in modern times not only because it applies to Canadian claims over a particular portion of the earth's surface but also because it propounded the "sector principle". While, as a result of the senator's statements, Canada is generally credited as having been the first country to lay claim to a sector of either of the Polar regions, it can be pointed out here that the so-called sector principle is merely a variation of a theme quite common in the evolution of Canada's boundaries.

It has already been shown that in little known areas of what is now Canada proclamations of sovereignty had been made from the earliest times and that the areas included in such proclamations were often defined merely by parallels of latitude or longitude or both. The Treaty of Tordesillas began with a line of longitude; the early French boundary documents with lines of latitude. The sector claim merely used two lines of longitude as the E-W limits of a proclamation of sovereignty. The southern limit was an area which was "known" and over which sovereignty was established. The northern limit was the pole. Thus the "sector principle" was merely a variation of a standard method used throughout the history of Canada to extend political sovereignty from a settled area to an unknown area. To claim unknown lands was not new. Jeffreys, in 1761, for example, maintained that Canada's limits to the west extended "over countries and nations hitherto undiscovered".⁵ The Duke de la

5. T. Jeffreys, A Description of New France; or the French Dominions in North America, quoted in Statutes, Documents, Papers. . . . of the Province of Ontario, p. 55.

Rochefoucault went even further and stated that Upper Canada comprised all the known and unknown countries extending as far as the Pacific and was bounded northwards by unknown countries.⁶ Salmon⁷ went still further:

"as to Canada, or New France, the French would scarce admit it had any bounds to the north on this side of the pole".

Hence not even the idea of Canada extending to the Pole was new in Poirier's speech.

What made Senator Poirier's speech so notable was the fact that it was a public utterance, whereas previous official records of the northern limits of Canada had been by Order-in-Council; and the fact that it was a statement of sovereignty made in the 20th century but in the manner of the 16th century.

Perhaps because he was speaking in the 20th century, M. Poirier's proposal was not adopted and the Minister of the Interior dissociated himself from it.⁸ Nevertheless, lines delimiting the sector have subsequently appeared on political maps of Canada published by the Federal Government. These, it is presumed, however, should merely be regarded as lines of allocation, which are "delimited through the high seas or unexplored areas for the purpose of allocating lands without conveying sovereignty over the high seas".⁹

6. Duke de la Rochefoucault, Travels in Canada, 1795, quoted in Statutes, Documents, Papers . . . of the Province of Ontario, p. 55.

7. Salmon's Modern History, quoted in Statutes, Documents, Papers . . . of the Province of Ontario, p. 54.

8. Debates of the Senate of the Dominion of Canada, 1906-7, p. 276.

9. Jones, op. cit., p. 149.

4. Territorial waters

Senator Poirier's proposal might have raised a discussion on the whole question of territorial waters since although his sector claim is presumed to apply only to land within the sector, the presence of the sector boundaries on official maps almost infers a claim to the "high seas" forming part of the Arctic Ocean, over which it has always been presumed that it is impossible for sovereignty to exist.

(a) The fisheries disputes

Territorial waters, as such, had been involved incidentally, in disputes between Great Britain and the United States over the North Atlantic Coast fishery since 1782. Following the American Revolution the inhabitants of the United States had been given equal rights with British subjects to fish in all British North American waters, except that the Americans were not permitted to dry and cure fish on the island of Newfoundland. At the conclusion of the War of 1812, the British claimed that the United States forfeited these rights and in 1818 a new treaty was agreed upon which restricted the Americans to fishing.

"on that part of the southern coast of Newfoundland which extends from Cape Ray to the Rameau Islands, on the western and northern coast of Newfoundland, from the said Cape Ray to the Quirpon Islands, on the shores of the Magdalen Islands, and also on the coasts, bays, harbours and weeks from Mount Joly on the southern coast of Labrador, to and through the straits of Belle Isle and thence northwardly indefinitely along the coast,. . . ."10

Elsewhere, the United States renounced the liberty of fishing or drying or curing fish "on, or within three marine miles of any of

10. Quoted by N. B. Wormwith, "The Fishery Arbitrations", Canada and its Provinces, Vol. VIII, Toronto, The Publishers Association, 1913, p. 684.

the coasts, bays, creeks or harbours of His Britannic Majesty's dominions in America not included within the above mentioned limits".¹¹

In this treaty no explanation or definition of the term "bays" was given nor any method of determining the line from which the three marine miles was to be measured. In interpreting the treaty Great Britain contended that "bays" meant all those waters which, in 1818, every fisherman and mariner knew as bays, and claimed that the three mile limit should be measured from a line joining the headlands of such waters. The United States, on the other hand, maintained that the bays should be confined to small indentations and that the three mile limit should be measured from a line following the sinuosities of the coast.

As a result, trouble resulted whenever the British authorities seized American vessels for alleged illegal fishing, and disputes of varying intensity occurred which have been systematically presented by Wormwith.¹² Ultimately, Great Britain and the United States agreed to submit all points in controversy to arbitration by the Hague Tribunal for settlement in accordance with International Law. Of the seven awards which the tribunal made that concerning territorial waters was as follows:

"In the case of bays, the three marine miles are to be measured from a straight line drawn across the body of water at the place where it ceases to have the configuration and characteristics of a bay. At all other places the three marine miles are to be measured following the sinuosities of the coast".¹³

11. Ibid., p. 685.

12. Ibid., p. 686-708.

13. Ibid., p. 716.

They also recommended a series of lines drawn from headland to headland of the bays in dispute, marking out definitely the points beyond which American fishermen could not go.

In a treaty signed by Great Britain and the United States in 1912 it was agreed that as far as they were applicable to the Dominion of Canada these recommendations would become applicable. Hudson Bay and Newfoundland were specifically excluded from the agreement.

(b) Water boundaries with the United States

While the fisheries controversy had been going on, water boundaries with the United States had been creating difficulties. The first of these was again a result of the interpretation of the language of a treaty, this time over the boundary through the Gulf of Georgia to the Pacific Ocean described in the Oregon Treaty of 1846. This matter was finally settled after reference to an arbitrator—the Emperor of Germany, whose award was rendered in 1872.

On the opposite side of the continent there was still some doubt as to the exact course of the boundary in Passamaquoddy Bay. This was corrected by the treaty concluded between Great Britain and the United States on May 21, 1910.

"which laid down the position of the line by courses and distances, starting from a point between Treat Island and Campobello Island, . . . and running thence in a general southerly direction to the middle of Grand Manan Channel. Popes Folly Island and the lighthouse between Wood ward Point and Cranberry Point were left within United States territory."¹⁴

14. Douglas, op. cit., p. 22.

(c) The extent of Canadian territorial waters

Territorial waters again became a significant problem in October 1932 when representations were received by the Commissioner of the Royal Canadian Mounted Police

"to the effect that the activities of the Preventive Force in dealing with smugglers had made it necessary to consider the question of the extent of Canadian Territorial Waters."¹⁵

Territorial waters mean the marginal sea within three marine miles of the coast of Canada and of base lines delimiting the national waters of Canada, determined in accordance with international law and practice. National waters mean the waters which form part of the national territory of Canada. The problem which faced the Canadian government was that the boundaries between the national waters and territorial waters, where they were adjacent, needed to be defined for the areas not considered by the Hague Tribunal, and in 1937, an Order-in-Council was passed which set forth

"the unanimous views and recommendations of a Committee of the Privy Council in relation to the delimitation of territorial waters in respect of the St. Lawrence estuary; the bays, gulfs and straits in the Maritime Provinces and on the Pacific Coast, and Hudson's Bay and Strait".¹⁶

These "views and recommendations" are included in Appendix 2, but it is noteworthy that in the case of the bays, gulfs and straits in the Maritime Provinces the base lines were to be drawn in accordance with the recommendations of the Hague Tribunal. It is also to be noted that the Gulf of St. Lawrence and the Bay of Fundy were not regarded as

15. Minutes of a Meeting of the Committee of the Privy Council, approved by His Excellency the Governor General on December 18th, 1937.

16. Ibid.

territorial waters but Hudson Bay and strait were. This was presumably on the grounds that together they constituted an "historic bay". From a strictly geographical point of view Hudson Bay and strait can hardly be considered territorial since the entrance to them is about 32 miles wide, but historically, sovereignty was asserted over the area by Great Britain and France and was implied by the Hudson's Bay Company's charter. Hudson Bay and strait had specifically been included in the Districts of Ungava, Keewatin and Franklin as defined by the Order-in-Council of 1897,¹⁷ and were declared to be territorial waters of Canada by Act of Parliament in 1906.¹⁸

Finally, it will be noted that no action was to be taken with regard to Arctic waters. Senator Poirier's "sector" therefore still remains in an indefinite official state but it has recently come to take on added meaning with the possibility that large areas of sea ice may be used as airfields. If this becomes a reality, then the question of sovereignty over the ice in "Poirier's sector" will have to be answered.

5. International adjustments

Article V of the Treaty concerning the boundary between the United States and Canada concluded in 1908 provided for the survey and demarcation of the boundary. As a result of such detailed investigations, the necessity for certain minor adjustments was brought to light. These were made the basis of a further treaty which was signed at Washington on February 24th, 1925.

17. See Appendix I.

18. Statutes of Canada, 4 Edward VII, Cap. 13.

The first of these adjustments concerned the Lake of the Woods. Surveys showed that the line drawn south from the northwestern point of the lake intersected the water boundary in Northwest Angle Inlet in five places.

"adjacent to and directly south of the said northwesternmost point and that there were two small areas of United States waters in Lake of the Woods, comprising a total area of two and one-half acres, entirely surrounded by Canadian waters".¹⁹

No permanent monuments were ever erected on the boundary lines north of the most southerly of these points of intersection, so that the southernmost of them was adopted in lieu of the previously established northwesternmost point. By this change Canada gained the two and one-half acres of water area.

The second adjustment concerned the lines between monuments established on the 49th parallel east of the Rocky Mountains. They had been established as curved lines, following the parallel, in 1908 but were now changed to straight lines. By this change Canada lost about thirty acres of land.

The third adjustment was made to extend the boundary in Passamaquoddy Bay seaward to the limit of territorial waters of Canada and the United States. By this, Canada gained a water area of about nine acres.

6. The Labrador boundary

Accepting the "Sector Theory" as having settled Canada's northern boundaries, the only major outstanding boundary problem by 1927 was on

19. Treaty between the United States of America and His Britannic Majesty of February 24, 1925, quoted in Joint Report upon the Survey and Demarcation of the Boundary between the United States and Canada from the Northwesternmost point of Lake of the Woods to Lake Superior, Washington, 1931, p. 11.

the east with Labrador, a "dependency" of the island of Newfoundland. The acquisition of this dependency, as has already been pointed out dates from the Royal Proclamation of 1763 but no serious attempt to define its boundaries had been considered necessary until 1902 when the Grand River Pulp and Lumber Company wished to open a trading-store at the western end of Lake Melville and the question of the jurisdiction of the area brought the matter to a head. A review of the events leading up to the eventual decision is pertinent to this study.

(a) 1763-1809

The purpose of the award to Newfoundland by the proclamation of 1763 was that its fishermen could extend their operations to the Coast of Labrador and the adjacent islands. The eastern boundary had been fixed at the St. John River with the belief that the French Canadians had no settlements east of it.²⁰ However, it was later discovered that the French Canadians had a variety of claims upon the Coast of Labrador between the River St. John and the Straits of Belle Isle, and that by far the greater part of that coast was "impracticable" for a Cod Fishery.²¹ Consequently, when the Governor of Newfoundland issued a regulation in 1765 forbidding the sedentary fishermen of Quebec to fish on the coast of Labrador, they protested, and the Lords of Trade in London proposed, in 1772, that the southwestern section of the Labrador Coast between the River St. John

20. White, op. cit., p. 913.

21. loc. cit.

and the Ance des Espagnols should be restored to Quebec.²² Ultimately, however, it was decided that this partition would be inadequate to protect the interests of the Quebec fishermen, and the whole of Labrador was transferred to Canada by the Quebec Act of 1774. The preamble of this Act stated that

"And whereas, by the Arrangements made by the said Royal Proclamation [of 1763], a very large extent of country, within which there were several Colonies and Settlements of the Subjects of France who claimed to remain therein under the Faith of the said Treaty, was left, without any Provision being made for the Administration of Civil Government therein; and certain Parts of the Territory of Canada, where sedentary Fisheries had been established and carried on by the subjects of France, inhabitants of the said Province of Canada, under Grants and Concessions from the Government thereof, were annexed to the Government of Newfoundland, and thereby subjected to Regulations inconsistent with the natures of such Fisheries."²³

The body of the act made "Part and Parcel of the Province of Quebec" all such territories which had since February 10, 1763, been part of the Government of Newfoundland, and at the same time confirmed the French-Canadians in the enjoyment of their religion, civil laws and system of land tenure.

Before long, however, it became clear that the British Government was in error, for complaints were soon heard that the Government of Quebec was neglecting the cod-fisheries on the Atlantic coast of Labrador, and that there was in effect no government on the coast. This anarchy

22. Report of the Lords of Trade, 24th June, 1772, quoted in In the Matter of the Boundary Between the Dominion of Canada and the Colony of Newfoundland in the Labrador Peninsula, Vol. IV, London, William Clowes and Sons, Ltd., c. 1927, p. 2018.

This publication will hereafter be referred to as Labrador Boundary Dispute Documents.

23. Quoted in Labrador Boundary Dispute Documents, Vol. III, p. 1118.

encouraged the Governor of Newfoundland to suggest to Great Britain that re-annexation to Newfoundland was

"the most effectual mode of supressing the illicit trade carried on by the Americans who fished on Labrador, continuing a practice which they had originally enjoyed as of right when they were British subjects".²⁴

The British Government acted on this advice and in 1809, the Newfoundland Act was passed which provided for the re-annexation to Newfoundland of

"such Parts of the Coast of Labrador from the River Saint John to Hudson's Streights, and the said Island of Anticosti, and all other smaller Islands so annexed to the Government of Newfoundland by the said Proclamation of the Seventh Day of October One thousand seven hundred and sixty-three (except the said Islands of Madelaine)".²⁵

(b) 1809-1927

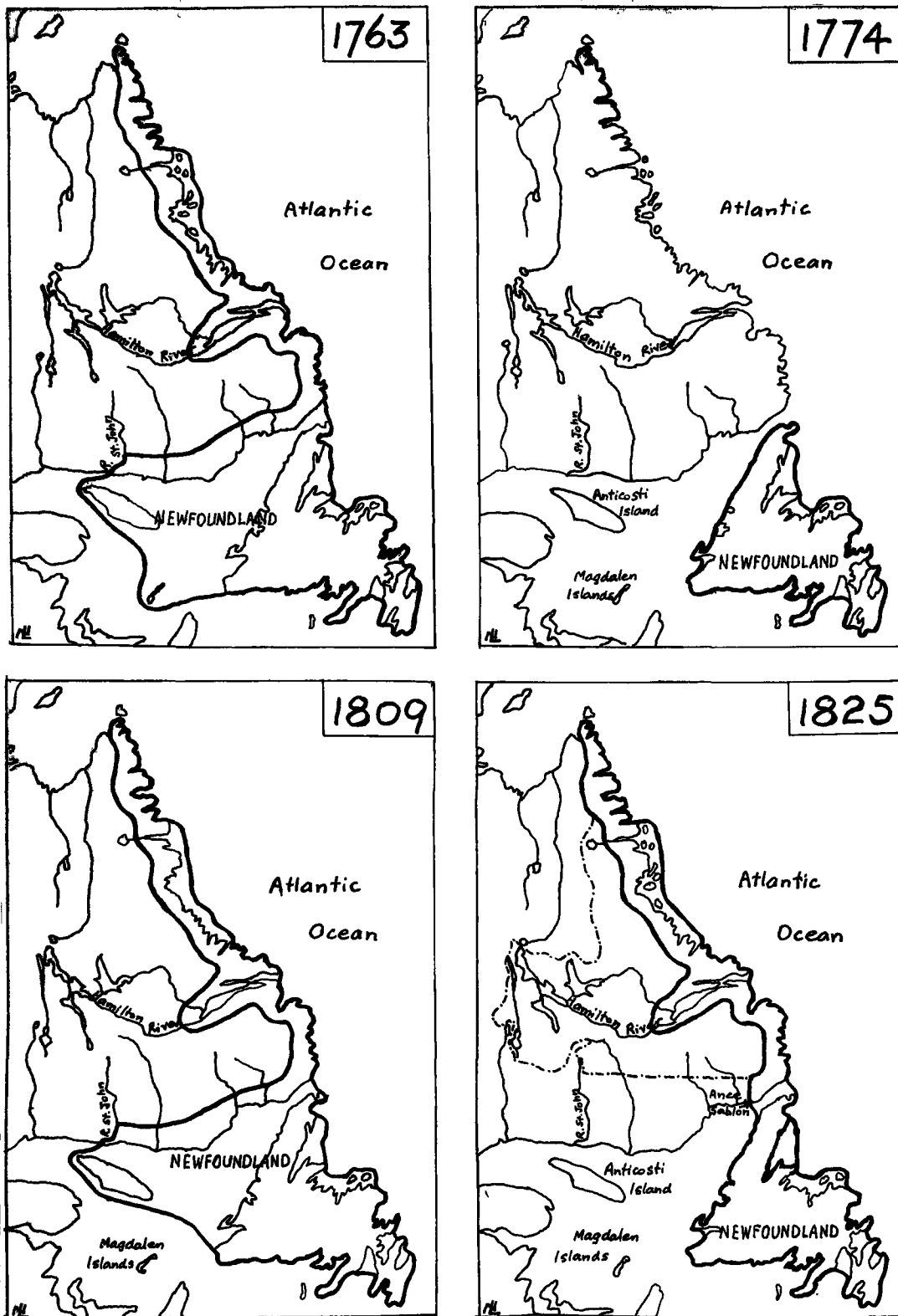
This settlement once again completely failed to safeguard the position of the Quebec fishermen of the north shore of the St. Lawrence and their complaints were aggravated by such acts as the Judicature Act of 1824 which empowered the Governor of Newfoundland to institute courts which administered laws with which they were unfamiliar. Eventually a compromise was reached and the British North America (Seignorial Rights) Act was passed in 1825. It enacted that

"so much of the said coast as lies to the westward of a line to be drawn due north and south from the bay or harbour of Ance Sablon, inclusive, as far as the fifty second degree of north latitude, with the island of Anticosti and all other islands adjacent to such part as last aforesaid of the coast of Labrador, shall be, and the same are hereby re-annexed to and made a part of the said province of Lower Canada".²⁶

24. Holloway to Castlereagh, 9th September, 1807, ibid., p. 1194.

25. Ibid., Vol. I, p. 195.

26. Ibid., Vol. I, p. 210-11.



— The approximate limits of Newfoundland and its dependencies, in diagrammatic form only

- - - - The approximate landward boundary between Canada and Newfoundland after 1927

Approximate Scale (Miles)
100 50 0 100 200 300 400

Fig. 12. Boundary evolution in Newfoundland

Thus Labrador was "tossed back and forth like a shuttlecock"²⁷ but in each of these see-sawings back and forth it is significant that each time control passed back to Newfoundland, the territory it regained was reduced by an area which was predominantly used by French Canadians who undoubtedly objected to English law. That any territory ever passed back to Newfoundland indicated the dislike of Newfoundland fishermen for Quebec law. By the Labrador Act of 1809 Newfoundland lost the Islands of Madelaine and by the Labrador Act of 1825, Anticosti and part of the north shore of the St. Lawrence. But the Atlantic coastal strip was constantly re-annexed to Newfoundland.

"demonstrating that the strip annexed to Quebec in 1825, had the same depth—whatever it may be—as the original strip of 1763. It is obvious that this strip must have been sufficiently wide for the administration of justice, so far as it affected the fishermen."²⁸

However, no attempt was made to clearly define the inland boundary of Labrador. The issue was first raised in 1888, by Robert Pinsent, a judge of the Supreme Court of Newfoundland when he observed a discrepancy between the extent of Newfoundland's jurisdiction in Labrador as defined by the Newfoundland Letters Patent of 28th March, 1876, and as shown by a map of Labrador published in 1880 by the authority of the Canadian Minister of the Interior.

The Letters Patent appointed Sir Stephen Hill Governor of the island of Newfoundland, the islands adjacent, "and all the coast of Labrador from the entrance of Hudson's Straits to a line to be drawn due

27. R. A. MacKay, Editor, Newfoundland-Economic, Diplomatic and Strategic Studies, Toronto, Oxford University Press, 1946, p. 160.

28. White, op. cit., p. 916.

north and south from Anse Sablon on the said coast to the fifty-second degree of north latitude, and all the islands adjacent to that part of the said coast of Labrador. . . ."29

This appeared to Pinsent to allot a much smaller area of Labrador to Newfoundland than the map indicated and he considered that the matter should be rectified so that there would be no doubt as to the jurisdiction of the courts of Newfoundland.³⁰ The Department of the Interior reported that the line was marked as a dotted line and described as "supposed" or "undefined".³¹ The discovery, however, resulted in two attempts at more precise definition, but came to nothing as the question was, at that time, of little practical importance. But at the beginning of the nineteenth century the existence in the interior of Labrador of timber which could be used for paper making was realized. The Grand River Pulp and Lumber Company was engaged in this industry and in 1902, obtained fifty year leases from the Government of Newfoundland for 297 square miles of timber areas on both the north and south sides of the Hamilton River in Labrador.³²

The Provincial Government of Quebec on hearing of this, maintained that the area concerned was under their jurisdiction and warned the company that all the territory south of the Hamilton River belonged to the Province of Quebec, that the right to cut timber there could be acquired only from them and that any timber cut upon the territory in question

29. Extract from Letters Patent, Labrador Boundary Dispute Documents, Vol. II, p. 754.

30. Mr. Justice Pinsent to Governor Blake, 22nd May, 1888, ibid., p. 341.

31. J. Johnston, Geographer to A. M. Burgon, 10th June, 1889, quoted in Labrador Boundary Dispute Documents, Vol. II, p. 347-349.

32. Ibid., Vol. I, p. 132.

without a license from the Quebec Department of Lands, Mines and Fisheries would be considered a violation of the law and dealt with accordingly.³³

The Quebec government also referred the matter to the Government of Canada. In the latter's opinion

"nothing can be included within the Newfoundland Labrador but coasts and islands; and . . . "Coast" cannot be possibly so interpreted as to include the territory through which the Hamilton River flows, hundreds of miles from the ocean".³⁴

The Newfoundland government denied this interpretation,³⁵ but proceedings were actually taken against some of the alleged "poachers"³⁶ and ultimately the Governments of Canada and Newfoundland agreed to submit the matter to the Judicial Committee of the Privy Council.

(c) The case

Newfoundland contended that the boundary should be the line drawn due north from Anse Sablon as far as the fifty-second degree of North latitude, thence northwards along the crest of the watershed of rivers flowing into the Atlantic Ocean, the Cape Chidley.³⁷

Canada submitted that the boundary was a line delimiting the area of the coast accessible and useful for the fisheries and proposed that

"though it involve some sacrifice of territory on her part, the boundary be located and defined as a line to be drawn from

33. Deputy Minister of Lands, Quebec, to Grand River Pulp and Lumber Company, 5th December, 1902, ibid., p. 146.

34. Report of a Committee of the Honourable the Privy Council, 10th March, 1903, ibid., p. 129.

35. Governor of Newfoundland to J. Chamberlain, ibid., p. 135.

36. Debates, House of Commons of Canada, 1911-12, Vol. III, Col. 5270.

37. Labrador Boundary Dispute Documents, Vol. I, p. 36.

the eastern headland of the bay or harbour of Blanc Sablon, on the south, to Cape Chidely on the north, at a distance from high-water mark on the sea-coast of the peninsula of Labrador of one mile."³⁸

Both sides based their cases on the interpretation of Statutes, Orders-in-Council and Proclamations, but the Judicial Committee supported the "height of land" argument on several grounds. First of all

"It is consistent with the doctrine of international law by which the occupation of a seacoast carries with it a right to the whole territory drained by the rivers which empty their water into its line. . .; and it is certainly difficult, in the absence of any specified boundary or of any special feature (such as a political frontier), which could be taken as a boundary, to suggest any point between the seashore and the watershed at which a line could be drawn".³⁹

Secondly,

"the line of the watershed running from Cape Chidley southward was for a considerable distance the eastern boundary of the Hudson's Bay territory, and so the watershed might for that distance form a political as well as a natural boundary for the "coast" of Labrador".⁴⁰

Thirdly, the language of the Imperial Act of 1825

"construed in its plain and national meaning, points directly to the inference that the expression 'coasts of Labrador' as used in 1763 and 1809 was understood by Parliament in 1825 to have comprised the country back to those limits."⁴¹

The Committee also considered that the Canadian contention that the boundary should be drawn one mile from high-water mark was unsound for three reasons. First, a large part of this mile wide strip lay at

38. Ibid., p. 60.

39. Ibid., Vol. XII, p. 1015.

40. Ibid., p. 1016.

41. Ibid., p. 1017.

the summit of high cliffs inaccessible from the sea and, therefore, useless for the fishery which, according to Council's argument had been the reason for allotting the coast of Labrador to Newfoundland. Second, access to wood for repairs was essential for the proper conduct of the fishery and sufficient wood could be obtained for this purpose only if the fishermen were free to cut timber for an average distance of three miles and a maximum distance of five miles from high-water mark. This was confirmed by the practice invariably followed by the Newfoundland Government which, when granting timber concessions on the Island of Newfoundland itself, always reserved a margin of at least three, and sometimes five, miles for the use of fishermen. Third, the one mile limit was impractical because

"there are places where a broad peninsula is joined to the mainland by a neck of not more than two miles in width and in each of these instances the one-mile strip would meet in the neck of the peninsula and cut off by an interposed barrier of Newfoundland soil all access to the Canadian enclave on the broader part of the promontory."⁴²

However, in the south, the Privy Council did not feel that the boundary claimed by Newfoundland was warranted by the terms of the statute of 1825. For these and other reasons,

"Their Lordships are of the opinion that, according to the true construction of the Statutes, Orders-in-Council and Proclamations referred to in the Order of Reference, the boundary between Canada and Newfoundland in the Labrador Peninsula is a line drawn due north from the eastern boundary of the bay or harbour of Anse Sablon as far as the fifty-second degree of north latitude, and from thence westward along that parallel until it reaches the Romaine River, and then northward along the left or east bank of that river and its head waters to their source and from thence due

42. Ibid., p. 1018.

north to the crest of the watershed or height of land there, and from thence westward and northward along the crest of the watershed of the rivers flowing into the Atlantic Ocean until it reaches Cape Chidley."⁴³

As a result, Woody Island, a small island lying opposite of Anse Sablon and claimed by both Canada and Newfoundland, was awarded to Canada.

Thus, the long-standing dispute was settled. Newfoundland's sovereignty was confirmed over an area of approximately 110,000 square miles of Labrador, and the eastern boundary of Canada was defined.

7. From sea to sea

Not for long, however, was Canada to have a land boundary on the east for, in 1949, Newfoundland joined the confederation of provinces and became a part of Canada.

The boundaries of the new province of Newfoundland remained as they had been when Newfoundland was a separate "State" except that any "territorial waters" which she had passed to the control of the Dominion Government. Exactly what these territorial waters were may be a matter of doubt as Gushue⁴⁴ has pointed out. It has been mentioned earlier that the agreement between Great Britain and the United States in 1912 did not cover Newfoundland waters but they were covered by the recommendations of the Hague tribunal and Gushue suggests that these cannot be successfully challenged.

43. Ibid., p. 1026.

44. Raymond Gushue, "The Territorial Waters of Newfoundland", The Canadian Journal of Economics and Political Science, Vol. 15, No. 3, August 1949, p. 344-352.

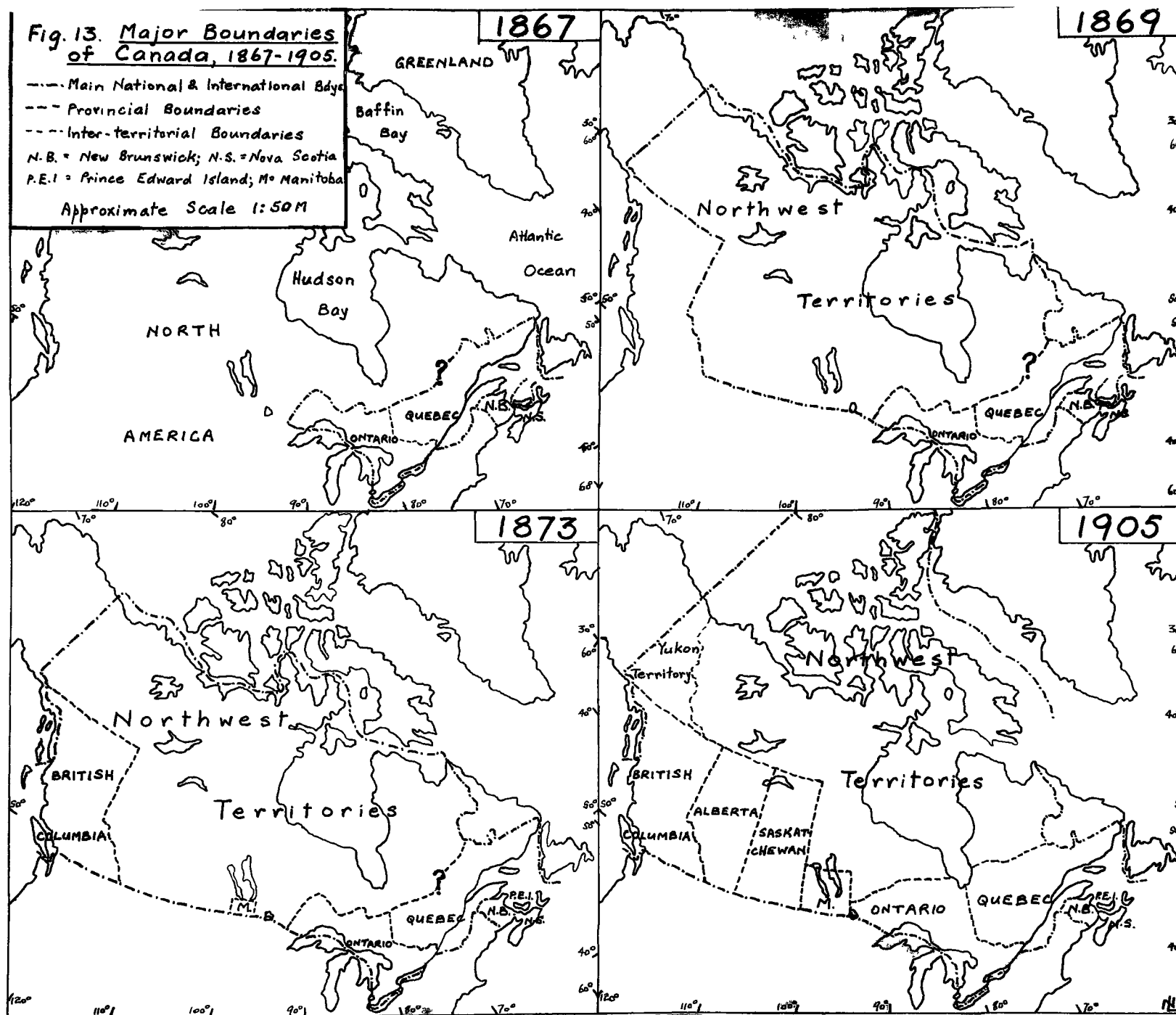
But the entry of Newfoundland into Confederation also raised other problems with regard to Canada's territorial waters, which, in the east, had last been defined by the Order-in-Council of 1937. Should this now be changed? Could, for example, the Gulf of St. Lawrence now be declared a "mare clausum", as had been done with Hudson Bay in 1937? The answer to this question must await official deliberation for the Department of External Affairs, in conjunction with other government agencies, is at present reviewing Canada's position on territorial waters as a result of recent developments such as the entry of Newfoundland into Confederation.⁴⁵

Canada has subscribed to the view that her territorial waters include the marginal sea within three marine miles of the base lines on the coast. But the configuration of Canada's coast is such that if this is strictly adhered to there is an international passage through such water bodies as Hudson Strait and Hudson Bay, the channels between many of the Arctic Islands and between Vancouver Island and the Queen Charlotte Islands and the mainland. Little wonder that when the USSR announced⁴⁶ that it had extended its territorial waters to twelve miles so as to include the Gulf of Riga, the Gulf of Finland, the White Sea and the Sea of Azov, the Canadian Department of External Affairs announced that it was "interested".⁴⁷

45. Personal correspondence of the author, letter from the Department of External Affairs, dated January 21, 1950.

46. East Europe and Soviet Russia, Vol. VII, No. 297, September 7, 1950, p. 12.

47. Ottawa Evening Citizen, circa. November 17, 1950.



But if the entry of Newfoundland created problems with regard to territorial waters, it also refocussed attention on its boundary with Quebec which in 1949 ceased to be an International boundary and became an interprovincial one. The maps published by the Province of Quebec still do not show this boundary "a cause de. . . ." Our attention will therefore now be turned to an examination of the ways in which the other interprovincial boundaries of Canada evolved.

CHAPTER IV

SETTLING THE OLDER PROVINCIAL BOUNDARIES

By 1873, several different types of boundary situations existed in Canada with regard to the provinces and territories, which are summarised in Table 1. The limits of Prince Edward Island were known exactly, because of its physical nature, but it had no interprovincial boundaries. The interprovincial boundary between New Brunswick and Nova Scotia was delimited and demarcated and had been since 1858. The boundaries of British Columbia and Manitoba and the New Brunswick-Quebec boundary were precisely delimited, as was the boundary between Quebec and Ontario. But the western and northern boundaries of Ontario and the northern and eastern boundaries of Quebec were but loosely delimited and it was this vague terminology which led to the first problems Canada had to face with regard to her major internal boundaries. Although the interprovincial boundaries between Nova Scotia, New Brunswick, and Quebec were settled by 1873, their settlement had, by no means, been a simple matter and an examination of the problems which confronted these earlier interprovincial disputes provides the philosophical background to the remaining problems connected with Ontario and Quebec with which the Dominion was virtually confronted at the time of its creation.

1. The Nova Scotia-New Brunswick boundary

The present boundary between New Brunswick and Nova Scotia was established in 1858-59, but there had been a division between these two portions of historic Acadia long before that. Such a division was first

TABLE I

THE MAJOR INTERNAL BOUNDARY SITUATION IN CANADA IN 1873

	Boundary	Condition		
		Demarcated	Precisely Delimited	Vaguely Delimited
International	Canada-United States of America	x		
	Canada-Alaska			x
	Canada-Newfoundland			x
Interprovincial	Quebec-New Brunswick	x		
	New Brunswick-Nova Scotia	x		
	Prince Edward Island	x		
	Ontario-Quebec		x	
	Manitoba-Ontario		x	
	British Columbia-Territories		x	
	Manitoba-Territories		x	
	Quebec-Territories			x
	Ontario-Territories			x

contemplated by Sir William Alexander in 1624 "the country of New Scotland, being divided into two Provinces".¹ Alexander's own map (Fig. 2) shows Alexandria, the present New Brunswick and Caledonia, the present Nova Scotia.

During the period of French occupation, between 1632 and 1636, two grants were made in Acadia. In 1632, the Company of New France granted the Bay of Fundy and the River St. Croix to De Razilly and, in 1635, they granted the territory at the mouth of the St. John River to Charles La Tour. After the death of De Razilly in 1636, his rights in Acadia devolved upon his brother who sold them to Charnisay, one of De Razilly's lieutenants. Charnisay immediately became aggressive as to these rights which led to disputes with La Tour since the boundaries between their areas of jurisdiction overlapped. The matter was referred to the King of France who, in 1638, established boundaries between his two lieutenants in a letter to Charnisay as follows:

" . . . vous soyez mon Lieutenant général en la côté des Etchemins à prendre depuis le milieu de la terre ferme de la Baie Française en tirant vers les Virgines, et Gouverneur de Pentagoet; et que le charge du sieur de La Tour mon Lieutenant général en la côté d'Acadie, soit depuis le milieu de la Baie Française jusqu'au détroit de Canseau."²

These boundaries, although still not stated with absolute precision, in effect awarded the peninsula to La Tour and the mainland to Charnisay.

1. G. Patterson, "Sir William Alexander and the Scottish Attempt to Colonize Acadia", Proceedings and Transactions of the Royal Society of Canada, Vol. X, Section II, 1892, p. 88.

2. Quoted by Ganong, op. cit., p. 176.

Such a division was also tacitly recognized as existing between the territories of the English and French during the time when the limits of Acadia were under discussion, prior to 1755. Its final choice in 1784, according to Ganong³, however, was probably not influenced by its earlier use.

The causes leading to the separation of New Brunswick and Nova Scotia in that year were several and somewhat controversial. However, at the close of the American Revolution, large numbers of Loyalists, over 28,000 according to Egerton⁴, moved into the then Nova Scotia. Most of them went to the mainland portion and a few to Cape Breton Island and Prince Edward Island. On the mainland, the best area of good agricultural land was in the valley of the St. John River, then unoccupied, and it was to these lands, between the mouth of the river and the neighbourhood of the modern town of Woodstock, that the Loyalists went. Their settlement, however, was attended with many difficulties and trouble. Apart from the hardships of pioneer life, much dissatisfaction and ill-feeling developed among the settlers owing to the method of distributing land and other administrative acts of the colonial government. Some of these difficulties were due to the fact that St. John was so far from Halifax, and ultimately the settlers demanded separation from the Halifax government. This was received favourably in England and a decision was made in 1784 to effect

3. Ibid., p. 262.

4. Egerton, op. cit., p. 37.

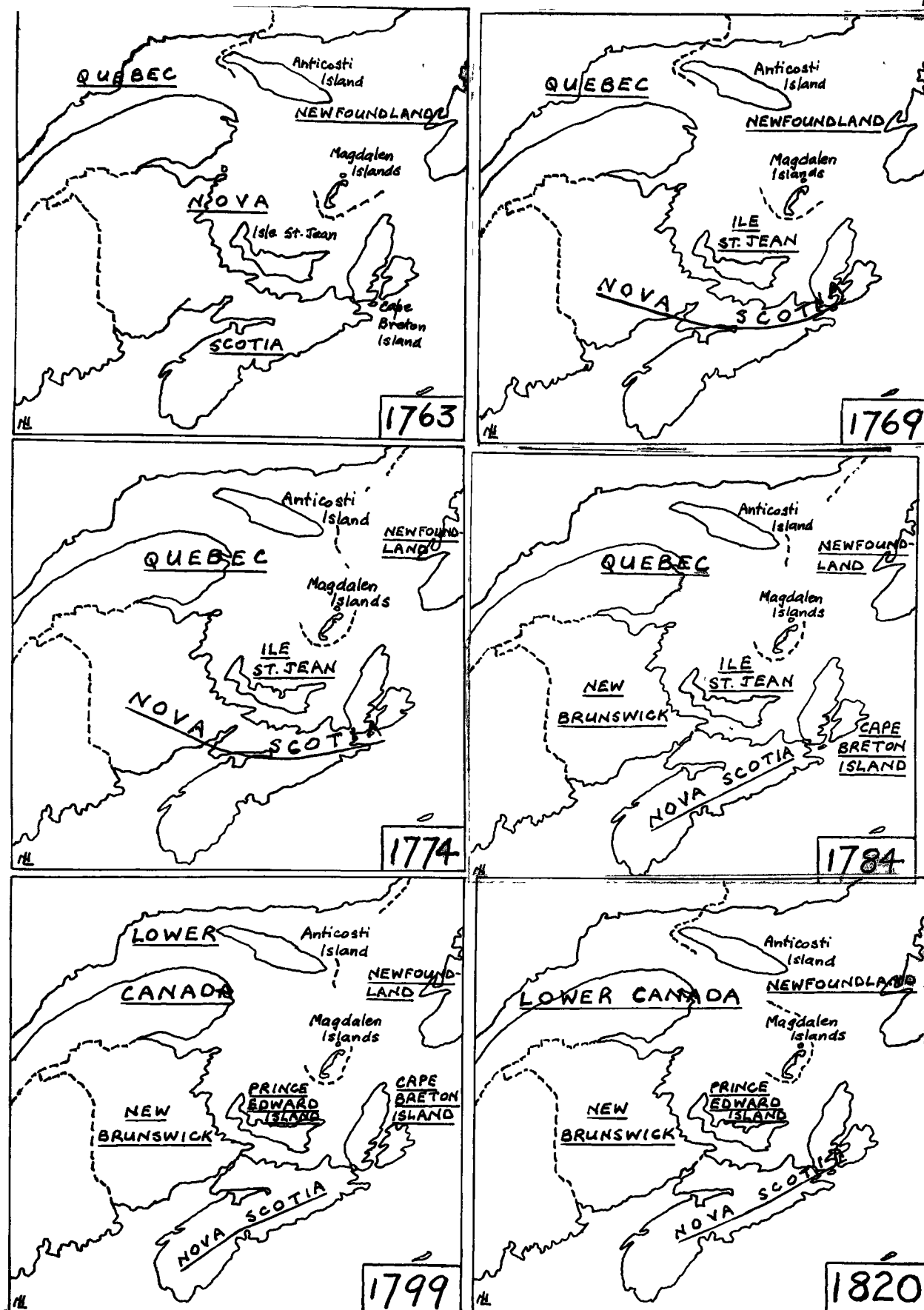


Fig. 14. Boundary evolution in the Gulf of St. Lawrence Region.

the division of territory. Lower⁵ maintains that these changes turned in part on the official English interpretation of the revolution, which credited the success of the rebels to the ease with which they were able to combine in Continental Congresses and took the view that small, separate colonies would show less independence than large ones. He maintains that the principle of "divide and rule" was a strong motive for creating three provinces out of one, in 1784, by giving separate governments to Cape Breton Island, the peninsula of Nova Scotia and New Brunswick. At least three suggested dividing lines between the latter were made but the final line of delimitation between New Brunswick and Nova Scotia was described in the commission dated August 16, 1784, to Thomas Carleton as Captain General and Governor-in-Chief of New Brunswick thus

" . . . to the south by a line in the centre of the Bay of Fundy, from the River St. Croix aforesaid to the mouth of the Musquat River, by the said river to its source and from thence by a due east line across the Isthmus into the Bay Verte. . . ."⁶

This boundary appears to have been entirely satisfactory to New Brunswick, but it did not suit the authorities at Halifax at all, and the most determined efforts were made to change it. The arguments put forward by the House of Assembly of Nova Scotia in 1792 stated that the division line was vague and indeterminate because of the many sources of the Musquat River and that it

5. A. M. Lower, Colony to Nation, A History of Canada, New York, Longmans, Green and Co., 1946, p. 121-122.

6. Quoted in Statement of the Evidence Submitted. . . .in Reference to the Boundary between the Province of New Brunswick. . . .and the State of Maine, c. 1908, p. 23.

"renders the situation of the Inhabitants of the adjoining Countries of Cumberland and Westmoreland, extremely inconvenient and perplexing as their Lands are severed into small Pieces, by the direction of said Boundary Line and Part of them thereby made Subject to both Governments, and the great difficulty of ascertaining the Limits of the respective Jurisdictions of the Courts in those Counties, has proved a source of Continual Vexation and Controversy among the Inhabitants. . . .that from the foregoing Inconveniences [Nova Scotia] is deprived of a material part of its Revenue, and no Assessments can be levied or Collected while it remains in its present Situation, and while the Laws can be so easily evaded."7

This aroused spirited opposition in New Brunswick, and an address of protest from the New Brunswick legislature in 1793 maintained that there had been no complaints from the inhabitants regarding any inconvenience due to the boundary. Furthermore, it stated that the boundary was

"the most natural boundary that could be pointed out between the two provinces, its whole length being less than seventeen miles and the part where any possible uncertainty can exist not exceeding one-fifth of that distance and that through wilderness land."8

The controversy dragged on officially for another ten years or so, but no changes were made in the boundary of 1784 and so the matter appears to have ended.

Ganong in reviewing the controversy states that while, no doubt, the motives of Nova Scotia were "the primal and universal interest for self-aggrandizement", they had some grounds for claiming the settlements at the head of the Bay of Fundy.

7. Quoted by Ganong, op. cit., p. 365.

8. Loc. cit.

"These settlements, notably those from Sackville to Amherst, were formed between 1761 and 1765 by New Englanders (with later additions from Yorkshire, England), large numbers of whom settled in those years in the present province of Nova Scotia, while but few settled elsewhere in the present New Brunswick. Of the Loyalists who came in 1783, only a few went to these New England settlements at the head of the Bay, but they settled on the St. John and made there a Loyalist province. In Nova Scotia, however, fewer Loyalists settled, and the New Englanders had a proportionally greater share in the government. It was natural, therefore, that the government of Nova Scotia should view these settlements as belonging rather to old Nova Scotia than to the new Loyalist government of New Brunswick."⁹

The definition of the boundary as ultimately accepted by Nova Scotia and New Brunswick and enacted by the legislatures of both provinces as well as the Imperial government was as follows:

"Commencing at the mouth of the Missiguash River in Cumberland Bay, and thence following the several courses of the said river to a post near Black Island, thence north fifty-four degrees twenty-five minutes East, crossing the South end of Black Island two hundred and eighty-eight chains to the South angle of Trenholm Island, thence North thirty-seven degrees East eighty-five chains and eighty-two links to a post, thence North seventy-six degrees East, forty-six chains and twenty links to the portage, thence South sixty-five degrees forty-five minutes East, three hundred and ninety-four chains and forty links to Tidnish Bridge, thence following the several courses of said river along its northern upland bank to its mouth, thence following the northwesterly channel to the deep water of the Bay Verte, giving to Nova Scotia the control of the navigable waters on Tidnish River."¹⁰

This does not precisely follow the boundary described in Carleton's commission. The minor changes were probably made so as to effect a compromise which would benefit both provinces. In the upper reaches of the Missiguash the boundary runs in such a way as to give the entire river to Nova Scotia. It does not start from the source of the river but

9. Ibid., p. 367-68.

10. Ibid., p. 369.

some two miles to the southwest of it, thus leaving the entire highway and the grants along it, to New Brunswick.

Probably in compensation for the allotment of this territory to New Brunswick, the line does not continue to the sea but stops at the Tidnish river, which was given to Nova Scotia.¹¹

2. The New Brunswick-Quebec boundary

The northern boundary of New Brunswick, until 1784, was the northern boundary of Nova Scotia. As already discussed, this had been defined, in 1763, as the watershed between the rivers which drained into the river St. Lawrence and those which drained into the sea. In 1784, the commission to Thomas Carleton, as first governor of New Brunswick, described the northern and western boundaries of the new province as follows:

" . . . bounded on the westward by the mouth of the River St. Croix, by the said river to its source, and by a line drawn due north from thence to the southern boundary of our Province of Quebec, to the northward, by the said boundary as far as the western extremity of the Bay des Chaleurs".¹²

Shortly after this a controversy broke out between the surveyors general of Quebec and New Brunswick mainly because the seignior of Madawaska and part of Temiscouata were south of the watershed and therefore, according to Carleton's commission, should have gone to New Brunswick. But Quebec had been exercising some jurisdiction over these areas for many years. It was under their authority that the seignior of Madawaska had been granted in 1683; in 1763 Quebec had issued a proclamation prohibiting

11. Ibid., p. 370-71.

12. Quoted in Statement of the Evidence Submitted. . . .in Reference to the Boundary between the Province of New Brunswick. . . .and the State of Maine, p. 23.

all Canadians from interfering with the Indian hunting grounds above the Great Falls of the River St. John and in 1784, an Indian had been tried by the Quebec authorities, for a murder committed at Madawaska.

But at this time, the International Boundary between British and American territory was in dispute and it was quite apparent to the authorities that if the northern watershed were fixed as the boundary between New Brunswick and Quebec then so must be the Quebec-United States boundary. In these circumstances, neither New Brunswick or Quebec would gain Temiscouata and Madawaska. These areas would go to the United States. Quite apart from the loss of this territory per se, it would also have meant that the invaluable line of communication through it, connecting the Maritime Provinces with the other British colonies, would be sacrificed. In those days, when the rivers were the only highways, the St. John and Madawaska rivers afforded the only practical link between Quebec and Halifax. In summer it was shorter, safer and cheaper than the sea route to the St. Lawrence and in winter it was the only possible route.

An attempt at settlement occurred in 1787 but was fruitless and New Brunswick assumed jurisdiction over the Madawaska district and granted licences of occupation to a number of Acadians. Shortly after this, however, Governor Carleton in a letter to Lord Granville stated that

"if it should be thought advisable to fix a more accurate partition I beg leave to propose that it might run from the western extremity of the Bay of Chaleurs by the River Restigouche to its source, and from thence by a direct line through the middle of lake Tamasquata to be continued westwardly till it reaches the same range of highlands that form the present boundary".¹³

¹³. Carleton to Granville, October 1, 1790, quoted in Ganong, op. cit., p. 380.

This suggestion of Carleton's with regard to the Restigouche was followed up by occupation, whether intentional or not. Quebec exercised jurisdiction north of its mouth and New Brunswick south of it, and as a result the river became the recognized boundary by the people living in the area.

But it was certainly never officially recognized and the signing of the Ashburton Treaty in 1842 revived the problem because that treaty effected a compromise with respect to the international boundary with the United States and territory remained in British hands south of the highlands and west of the due north line but which legally had probably never been part of New Brunswick or Quebec (by this time the Province of Canada). The main activities in the area were concerned with lumbering in which not only individual citizens were interested but also the provincial governments since they derived a large part of their revenues from stumpage on timber cut on public lands. But since the two provinces could not agree on the disposition of the territory the British government appointed a commission to examine the situation which rendered its report in 1848. It recommended a division of the territory in dispute by prolonging the straight line of the treaty of 1842 to 47°50' N., and continuing the boundary east along this parallel to the Kedgewick River, which would then form the boundary with the Restigouche to the Bay of Chaleur.

Part of the Restigouche River was retained as the boundary because each province had settled for some distance on its side of the river. The remaining part of the boundary was suggested because

"A considerable portion of the country that lies to the west of the due north line, between the north highlands and the newly-settled United States line, the Commissioners believe would be beneficially and properly assigned to New Brunswick. . . .

The inhabitants of this portion of the country have chiefly settled under the authority of New Brunswick, and are familiar with the administration of its laws and usages; and the St. John and its tributaries, the Madawaska, and the St. Francis, offer to them, through New Brunswick, the most eligible mode of transport to market for their timber and other products of the country.

Over this territory New Brunswick for many years past has claimed and exercised ownership and jurisdiction; has assisted its inhabitants in distress; and during the struggle with the neighbouring State of Maine on the Boundary question, actively and at much inconvenience and expense maintained her jurisdiction and possession, and, by her energy, for many years assisted in frustrating the attempts at actual occupation made by parties from the State of Maine; while Canada, removed from the scene of disquietude, remained passive."¹⁴

But while New Brunswick was prepared to agree to the recommendations of the report, Canada dissented. The British government then, in 1850, suggested that two arbitrators be appointed, one by each province, to decide the question. This was agreed upon, and in 1851 they rendered their decision which became the foundation of the boundary as it exists today. In their final judgement the arbitrators made adjustments to the satisfaction of both sides and the disputed boundary was finally settled by Imperial Act of Parliament in 1851, as follows:

"That New Brunswick shall be bounded on the West by the Boundary of the United States, as traced by the Commissioners of Boundary under the Treaty of Washington dated August 1842, from the Source of the Saint Croix to a Point near the Outlet of Lake Pech-la-wee-kaa-co-nies or Lake Beau, marked A. in the accompanying Copy of a Part of Plan 17 of the Survey of the Boundary under the above Treaty; thence by a straight Line drawn to the Southernmost Point of the Fiefs Madawaska and Temiscouata, and along the South-eastern Boundary of those Fiefs to the South-east Angle of the same; thence by a meridional Line Northwards till it meets a Line running East and West, and tangent to the Height of Land dividing the Waters flowing into the River Rimouski from those flowing into the

14. Papers Relative to the Settlement of the Disputed Boundaries between the Provinces of Canada and New Brunswick, London, William Clowes and Sons, 1851, p. 93.

Restigouche River; thence along this meridional Line to the 48th Parallel of Latitude; thence along that Parallel to the Mistouche River; and thence down the Centre of the Stream of that River to the Restigouche; thence down the Centre of the Stream of the Restigouche to its Mouth in the Bay of Chaleurs; and thence through the Middle of that Bay to the Gulfs of the Saint Lawrence; the Islands in the said Rivers Mistouche and Restigouche to the Mouth of the latter River at Dalhousie being given to New "Brunswick".¹⁵

This final boundary took account of Canada's desire for the Fiefs of Madawaska and Temiscouata, while keeping the upper St. John for New Brunswick. With this in mind, the southern limit of the Seigniory of Madawaska at once became the southern boundary of Canada. Then it was natural to also award to Canada the territory between this seigniory and the international boundary on the west for such territory was naturally tributary to her, and would be of little use, and would give very awkward form to New Brunswick.

The next part of the boundary was the northern watershed always claimed by New Brunswick, although it does not follow the natural windings of the watershed but lines tangential to its windings.¹⁶ The next part of the line is the parallel of 48°. Ganong¹⁷ considers that this was not only chosen because it was an even parallel but because it was also thought to form almost another tangent line to the highlands and that it was chosen instead of the 47°50' of the commission of 1848 in

15. A Bill Intituled An Act for the Settlement of the Boundaries between the Provinces of Canada and New Brunswick, 14 and 15 Vict., 24 July, 1851, p. 2.

16. At least it was thought at that time that these lines were tangential to the watershed and would be easy to mark on the ground.

17. Ganong, op. cit., p. 407.

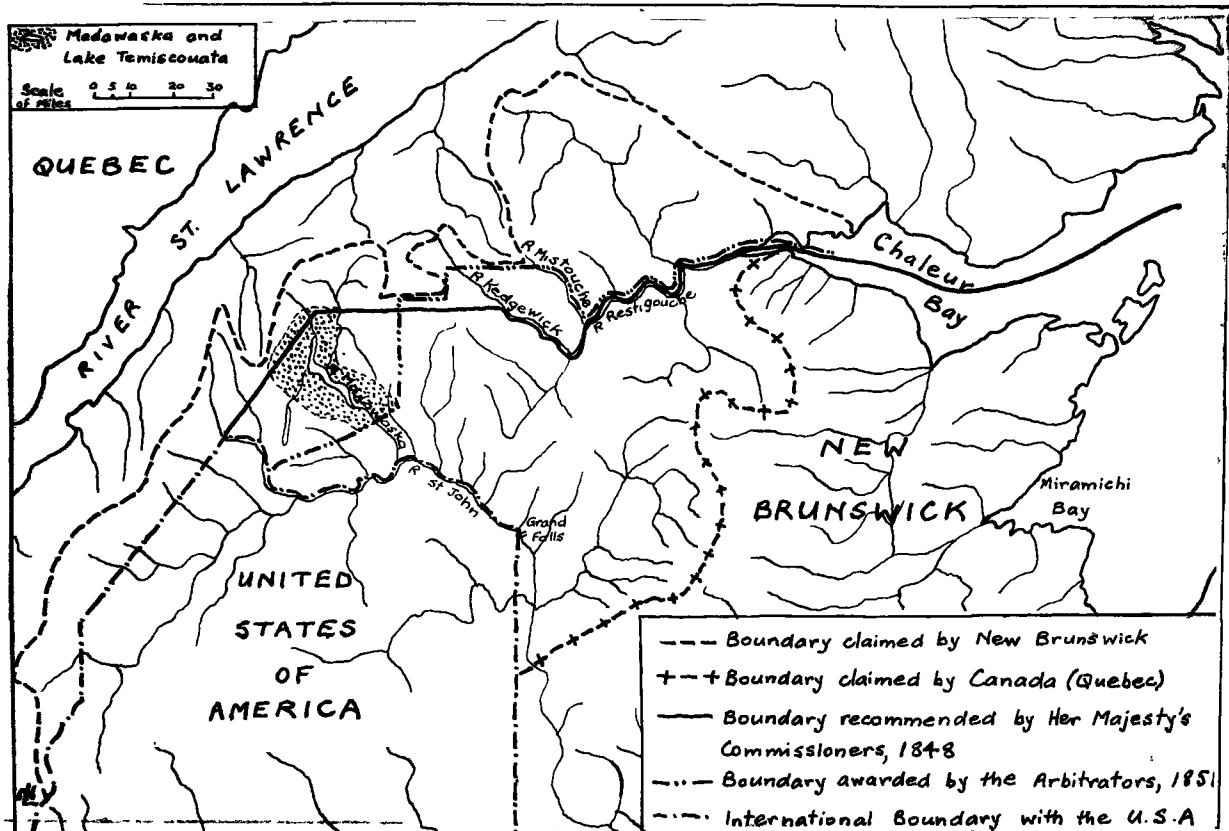


Fig. 15. The Quebec-New Brunswick Boundary controversy (after map to accompany and illustrate the Report of Her Majesty's Boundary Commissioners 1848).

order to give some additional territory to New Brunswick in compensation for the loss of part of the Madawaska area. Also as compensation to New Brunswick the Mistouche (later identified with the Patapedia) was chosen as part of the river boundary since it was the first large river east of the Kedgwick, which formed part of the boundary claimed by Canada.

3. The limits of Quebec and Ontario

The development of the interprovincial boundary between Quebec and Ontario has already been described since it was exactly the same boundary as was established when the Province of Canada was divided into Upper and Lower Canada in 1791. The remaining boundaries of these provinces had also been described in 1791 but in such vague terms that they became outstanding problems after 1867.

These problems were related to the fact that the precise limits of "Rupert's Land" and the "North Western Territory" appear "never to have been determined upon authority".¹⁸ According to the Hudson's Bay Company, Rupert's Land extended to the watershed of all waters falling into Hudson's Bay. A map drawn by the Company's geographer, Arrowsmith, serves to exhibit this claim in detail (Fig. 16). This line appears to mark the utmost limit to which Rupert's Land under any reasonable construction could extend.

On the other hand, the Hudson's Bay Company had submitted, on July 10, 1700, a statement to the Lords of Trade and Plantations stating that they were willing to accept the following limits to their territory:

18. King, op. cit., p. 3.

"The limits which the Hudson's Bay Company conceive to be necessary as boundaries between the French and them in case of an exchange of places, and that the Company cannot obtain the whole Streights and Bay which of right belongs to them, viz.,

- (1) That the French be limited not to trade by wood-runners, or otherwise, nor build any House, Factory, or Fort, beyond the bounds of 53°⁰, or the Albany River, vulgarly called Chechewan, to the northward, on the west or main coast.
- (2) That the French be likewise limited not to trade by wood-runners, or otherwise, nor build any House, Factory, or Fort, beyond Rupert's River, to the northward, on the east main or coast.
- (3) On the contrary, the English shall be obliged not to trade by wood-runners, or otherwise, nor build any House, Factory, or Fort, beyond the aforesaid latitude of 53°⁰, or Albany River, vulgarly called Chechewan, southeast towards Canada, on any land which belongs to the Hudson's Bay Company.
- (4) As also the English be likewise not to trade by wood-runners, or otherwise, nor build any House, Factory, or Fort, beyond the Rupert's River, to the southeast, towards Canada, on any land which belongs to the Hudson's Bay Company".¹⁹

The Lords of Trade replied, requesting the Company to state whether it would consent to a reduction to latitude 52 $\frac{1}{2}$ °N., if the French refused to accept these limits, and the Company, on January 29, 1701, agreed to accept the Canuse (East Main River—latitude 52°14'N) as the boundary on the east coast.

(a) The limits of Ontario

Prior to the surrender to Canada of all territorial rights and claims of the Hudson's Bay Company, Ontario claimed a large area north and west of Lake Superior, on the grounds that the Constitutional Act of 1791 defined Upper Canada as including "the utmost extent of the country

¹⁹ Statutes, Documents and Papers. . . of the Province of Ontario,
p. 123.

commonly called or known by the name of Canada" and that a proclamation by Governor Simcoe in 1792 divided Upper Canada into electoral districts and defined Kent, the westernmost one, in similar phraseology. As a result, Ontario claimed to the Rocky Mountains on the west and the Arctic slope on the north and northwest.

After the transfer, the Government of Ontario became interested in securing a precise definition of its boundaries on the west and north, and on November 3rd, 1869, the Lieutenant-Governor of Ontario in his opening address to the legislature referred to the transfer to the Dominion of the Northwest Territory and suggested an early definition of the boundary line between that Territory and his Province.²⁰

The boundaries on the north depended on the definition of the southern limit of the Hudson's Bay Company's territories. The Dominion maintained that the height of land between the St. Lawrence and Hudson's Bay constituted this boundary which would thus have skirted, at distances varying from 15 to 50 miles, the northern shores of Lakes Superior and Nipigon. The Government of Ontario claimed the boundary that the Hudson's Bay Company had, themselves, been willing to accept in 1700 as a result of the Treaty of Ryswick when it offered to accept the Albany River as the boundary between its territory and that of the French. They maintained that

"The later concessions of the Treaties of Utrecht and Paris enured to the British Crown and not to the Hudson's Bay Company. The Company's servants were thenceforth south and west of Hudson's Bay as British subjects with the same rights and privileges as other traders."²¹

20. Correspondence, Papers and Documents, of Dates from 1856 to 1882 Inclusive, Relating to the Northerly and Westerly Boundaries of the Province of Ontario, Toronto, C. Blackett Robinson, 1882, p. 185.

21. White, op. cit., p. 902.

The western boundary depended upon the interpretation of various Acts of Parliament, Royal Proclamations and Commissions since 1763. Ontario contended that the boundary was a due north line from the source of the Mississippi (approximately 95°14'W) based on Sir Guy Carleton's Commission as Governor of Quebec, issued a few months after the Quebec Act (1774), which described his government as extending from the confluence of the Ohio and Mississippi "northward along the eastern bank of the said river (Mississippi) to the southern boundary" of the Hudson's Bay Company's territories. The Dominion defined this eastern boundary as the prolongation of a due north line from the confluence of the Ohio and the Mississippi. This was based on the phrase in the Quebec Act of 1774 defining the boundary of the then Quebec

" . . . along the bank of the said (Ohio) river westward to the banks of the Mississippi and northward to the southern boundary of the territory granted to the Merchants' Adventurers of England trading to Hudson's Bay".

By this interpretation the boundary would be in approximate longitude 89°09' W. The country between this meridian and that claimed by Ontario, about 275 miles in width from east to west, became known as "The Disputed Territory".

The western boundary contended for by the Dominion would have divided the existing settlements on the shores of Thunder Bay and alienated from Ontario a large area over which it had for some time been exercising jurisdiction. Even by 1857, over 25,000 acres of land had been patented by the Province of Canada on the north shore of Lake Superior west of longitude 88°50' W. By the time of Confederation an additional

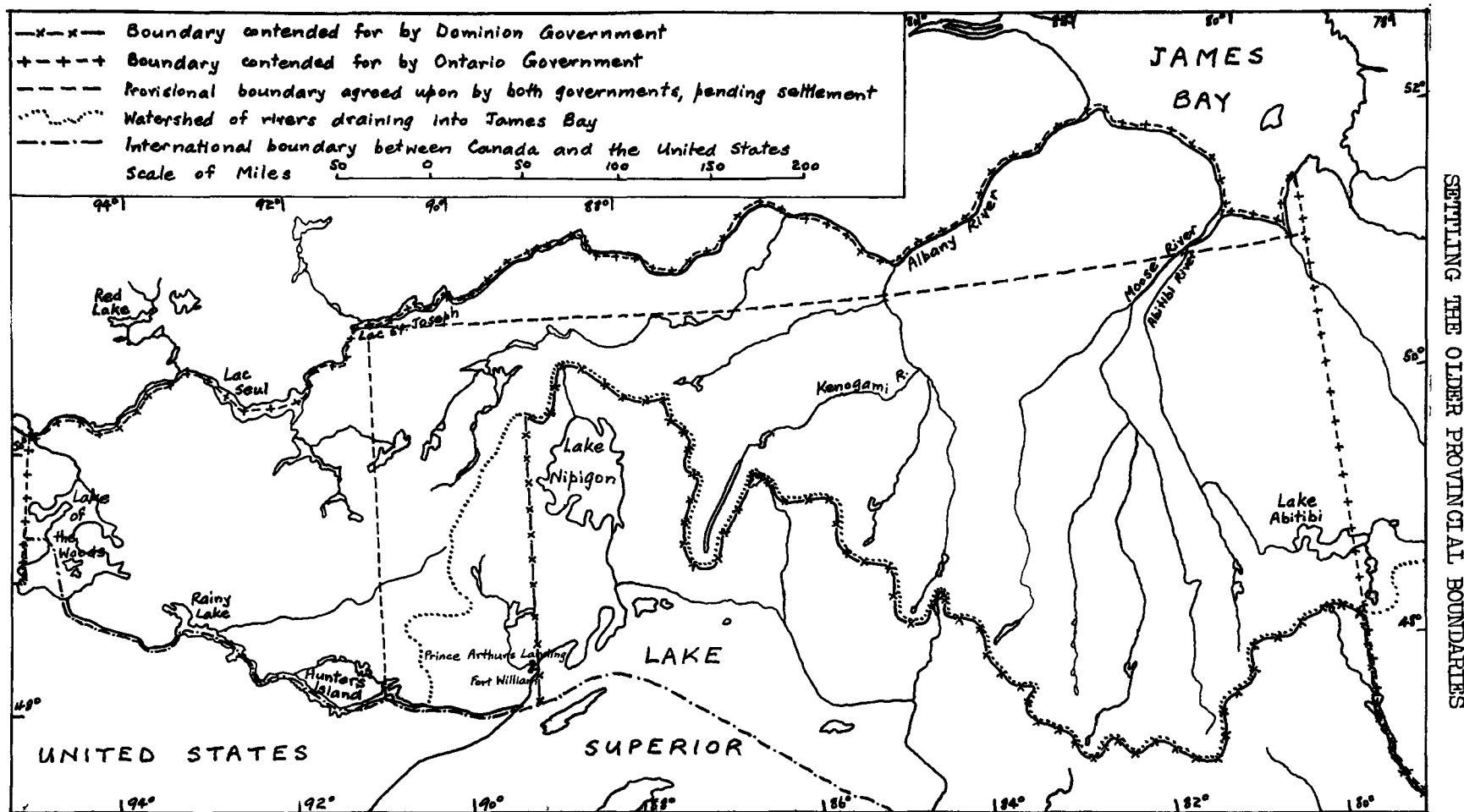


Fig. 16. The Northern Boundaries of Ontario, 1867-1889.

10,000 acres had been patented in the same area, and included the village of Prince Arthur's Landing, the population gathering around Fort William, the site of the projected terminus of the Canadian Pacific Railway, and the Townships of Blake, Crooks, Pardee, Paiponge, Oliver, Neeling and McIntyre. If the "Disputed Territory" were not awarded to Ontario all of this rapidly developing area would be excluded from that province leaving to it only a narrow strip north of the Great Lakes and south of the height of land.²²

In 1872 the Government of Ontario was called upon by the Federal Department of Public Works to pay for the maintenance of a police force at Thunder Bay and for construction at Prince Arthur's Landing. The payments were made, but since the areas to which they referred were being claimed by the Dominion Government, the Ontario Government requested the authority upon which the expenditure in question had been made.²³

This led to provisional conventional boundaries being arranged, and confirmed by Orders in Council of both governments.

These boundaries were:

"on the West:- the meridian line passing through the most easterly point of Hunters Island, then south until it meets the boundary line between the United States and Canada, and north until it intersects the fifty-first parallel of latitude; and the said fifty-first parallel of latitude shall be the Conventional Boundary of the Province of Ontario on the North".²⁴

22. North Western Ontario: Its Boundaries, Resources and Communications, Toronto, Hunter, Rose and Co., 1879, p. 2.

23. Quoted in Statutes, Documents and Papers. . . of the Province of Ontario, p. 346.

24. Ibid., p. 347.

The westerly provisional line thus agreed upon was about 91° W. longitude.

In 1878, in an endeavour to settle the question, three arbitrators were chosen and their conclusions became known as "The Award". The terms of the Award, which were satisfactory to the Province of Ontario, were accepted by that Province on March 11, 1879 by 42 Vict. Cap. 2, but the legislation necessary to give binding effect was not passed by the Federal Government and the Award remained inoperative.

The problem, however, was brought sharply into focus by the extension of the Province of Manitoba. In December, 1880, the Manitoba Legislature passed an Act extending the boundaries of that Province. The Provincial Act was confirmed by the Dominion Parliament on March 21, 1881, by 44 Vict. Cap. 14, and this became effective on and from July 1, 1881, by a Proclamation of the Governor-General issued June 18, 1881.

It was not, however, confirmed by the Province of Ontario for the addition thus granted Manitoba overlapped a portion of the territory over which Ontario had been, for sometime, exercising jurisdiction. Manitoba, naturally, took up the Dominion's point of view and officially added to it much more practical reasons for wishing to have the "Disputed Territory". They desired that their boundaries should be extended eastwards,

"to correspond with the line marked as the west boundary of Ontario, near the eighty-ninth meridian of west longitude; that the requirements of the prairie portions of the Province could be supplied with the timber of the eastern portion; besides which, a port on Lake Superior would thereby be secured to the Province."²⁵

25. Debates, House of Commons of Canada, 1881, col. 1450.

The resulting uncertainty and confusion was reported, in 1881, by the stipendiary magistrate appointed by Ontario to the area in the following terms:

"You can have but little conception of the difficulties and disappointment [the explorers and miners] have met with here. They have expended all their money in exploring and in surveys, expecting an early return for their investment and toil, which they felt sure they would if the boundary question was settled, so that deeds could be procured for their locations. Without a title nothing can be done with mining capitalists, who require to have an undisputed title to the lands in which they risk their money. The delay. . . .in settling the question of the boundary will ruin many, and they will be driven from the locality never to return, causing loss to the merchants and others who have made advances. . . . There is no civil court to collect debts, no land agent to locate settlers, no registry office to record deeds, no timber agent to protect the forest. There are timber locations to be had, but there is no security for the expense of exploring and surveying them. . . ."26

Clearly the matter had to be settled and it was finally agreed to submit the case to the Judicial Committee of the Imperial Privy Council for a definite decision. In 1884 they upheld the award made in 1878, which was declared by the Canada (Ontario Boundary) Act, 1889, as follows:

"Commencing at the point where the international boundary between the United States of America and Canada strikes the western shores of Lake Superior, thence westerly along the said boundary to the north-west angle of the Lake of the Woods, thence along the line drawn due north until it strikes the middle line of the course of the river discharging the waters of the lake called Lake Seul or the Lonely Lake, whether above or below its confluence with the stream flowing from the Lake of the Woods towards Lake Winnipeg, and thence proceeding eastward from the point at which the before-mentioned line

26. Correspondence, Papers and Documents. . . relating to the Northerly and Westerly Boundaries of. . . Ontario, p. 453.

strikes the middle line of the course of the river last aforesaid, along the middle line of the course of the same river (whether called by the name of the English River or, as to the part below the confluence, by the name of the River Winnipeg) up to Lake Seul or the Lonely Lake, and thence along the middle line of Lake Seul or Lonely Lake to the head of that lake, and thence by a straight line to the nearest point of the middle line of the waters of Lake St. Joseph, and thence along the middle line until it reaches the foot or outlet of that lake, and thence along the middle line of the river by which the waters of Lake St. Joseph discharge themselves to the shore of the part of Hudson's Bay commonly known as James Bay, and thence south-easterly following upon the said shore to a point where a line drawn due north from the head of Lake Temiscamingue would strike it, and thence due south along the said line to the head of the said lake, and thence through the middle channel of the said lake into the Ottawa River, and thence descending along the middle of the main channel of the said river to the intersection by the prolongation of the western limits of the Seigneurie of Rigaud, such mid-channel being indicated on the map of the Ottawa Ship Canal Survey made by Walter Shanly, C. E., and approved by Order of the Governor General in Council, dated the twenty-first July, one thousand eight hundred and eighty-six; and thence southerly, following the said westerly boundary of the Seigneurie of Rigaud to the south-west angle of the said Seigneurie, and then southerly along the western boundary of the augmentation of the Township of Newton to the north-west angle of the Seigneurie of Longueuil, and thence south-easterly along the south-western boundary of said Seigneurie of New Longueuil to the stone boundary of the north bank of the Lake St. Francis, at the cove west of Point au Baudet, such line from the Ottawa River to Lake St. Francis being as indicated on a plan of the line of boundary between Upper and Lower Canada, made in accordance with the Act 23 Victoria, chapter 21."²⁷

(b) The limits of Quebec

The northern boundary of Quebec was not defined until 1898.

However, the principles involved in the award were substantially the same as those for determining the northern boundaries of Ontario.

27. British North America Acts and Selected Statutes, 1867-1948, Ottawa, King's Printer, 1948, p. 102.

"Lower Canada, by the Order-in-Council of 1791, included the whole of the mainland east of Upper Canada and lying north of the river and gulf of the St. Lawrence and east and south of the Hudson's Bay Company's territories, the only indeterminate factors being the limits of the latter."²⁸

However, the Imperial Privy Council had already, in 1878, fixed the northern boundary of Ontario in accordance with the boundary that the Hudson's Bay Company had themselves been willing to accept in 1700 as the southern boundary of their territories in Eastern Canada. Although it was regarded by some²⁹ as an extension of the boundaries of Quebec and not merely a precise delimitation, the Dominion Act of 1898 (61 Vict. Cap. 3) and the Quebec legislature agreed with this precedent and defined the northwest boundary of Quebec Province as the Eastmain River from the mouth to its source; thence due east to the Ashuanipi River; thence downstream through the said river and the Hamilton River to the western boundary of Labrador. Unfortunately, the latter was not defined. Its determination depended upon the documents awarding the coast of Labrador to Newfoundland, the last of which was the Newfoundland Act of 1825.

Just as Ontario's western boundary depended upon an interpretation of various documents issued since 1763, so Quebec's eastern boundary depended upon an interpretation of documents of a similar nature which also stemmed from the Treaty of Paris. But Quebec's eastern boundary was not an interprovincial matter as Ontario's western boundary had been. Quebec's eastern boundary happened to be an International boundary between

28. White, op. cit., p. 911.

29. Debates, House of Commons of Canada, 1911-12, col. 3865.



PROVINCE DE QUÉBEC

DÉPARTEMENT DES TERRES ET FORÊTS
L'HONORABLE J.S. BOURQUE, V.D., D.C.L. MINISTRE
AVILA BÉDARD, I.F., SOUS-MINISTRE

*LA LIGNE FRONTIÈRE QUÉBEC/TERRÉ NEUVE N'EST PAS
INDIQUÉE SUR CETTE CARTE, POUR CAUSE

ÉCHELLE 32 MILLES AU POUCE

1946

GEORGES CÔTÉ, A.G.
DIRECTEUR DES ARPENTAGES

CHS F. CHARTRE
CARTOGRAPHIE

O C É A N



Fig. 17. Part of a Provincial Government Map of the Province of Quebec showing a portion of the Labrador peninsula, 1946.

Canada and Newfoundland and it remained an international dispute until the Imperial Privy Council decision of 1927. There was some dissatisfaction in the Province of Quebec over the decision however, which became more vocal after Newfoundland entered Confederation in 1949³⁰ and the "Labrador boundary" again became an Interprovincial one. Even today maps published by the Province of Quebec do not show the land boundary with the Province of Newfoundland. This may be because it has never been surveyed and demarcated.

But long before the change in Newfoundland's status occurred, there were other boundary problems to be faced by the Government of Canada, which concerned the areas not included in any of the Provinces.

30. See, for example, "Cette Frontière", La Presse, for December 23rd, 1949.

CHAPTER V

THE "UNORGANIZED" NORTHWEST

Apart from the problems which Canada as a whole had inherited with regard to the precise limits of the Provinces of Ontario and Quebec, she also inherited the problem of the creation of administrative units within the unorganized territory formerly controlled by the Hudson's Bay Company when she acquired Rupert's Land and the North West Territories in 1870. The problems related to the creation of the administrative units were of a different nature from those mentioned in the previous chapter, due to the fact that the establishment of their boundaries was not primarily dependent upon historical documents and treaties.

1. Early boundary problems in the territories

In 1870 the Dominion Government acquired the title to thousands of square miles of territory which contained a population of only 48,000.¹ The information possessed on its topography, soil and climatic conditions was very vague and the Government had practically no reliable data or statistics on the area.² To paraphrase Sir John A. Macdonald's³ words, the government had one great country before them to do as they liked.

It might well be questioned here as to how the Hudson's Bay Company had administered this huge territory. The truth is that it was not primarily concerned with administration but with the fur trade.

1. Eighth Census of Canada, Vol. I, Ottawa, Department of Trade and Commerce, 1950, p. 1027.

2. Annual Report of the Department of the Interior for 1891, Part VI, Ottawa, King's Printer, p. 31.

3. Debates, House of Commons of Canada, 1883, col. 874.

However, even this demanded organization and with many blank sections on the fringes of their map, the Company divided British North America into four great departments:

1. The Northern Department of Rupert's Land, embracing the area between the United States boundary to the south, the unknown Arctic on the north, Hudson Bay on the east, and the Rocky Mountains on the west.
2. The Southern Department, extending from James Bay southward to the provinces of Upper and Lower Canada and east to include East Main, the eastern coast of Hudson Bay.
3. The Montreal Department, covering the Company's business in Upper and Lower Canada, the King's Ports and, later, Labrador.
4. The Columbia Department, covering the valley of the Columbia River, and, after 1825, the Canadian Pacific slope called New Caledonia.⁴

These departments were subdivided into districts, the boundaries of which approximately followed watersheds since the waterways were the arteries of communication and trade in the fur trade period. Figure 18 shows these departments and districts as they appeared on a map produced by Arrowsmith, the Hudson's Bay Company's Cartographer, in 1832. But

"it was not the general practice to set exact geographic limits for fur-trade districts. . . . Even the fur-traders themselves varied greatly, not only in the limits they suggested. . . .but also as to the number of districts. . . . and because of such contradictions and their indefiniteness, the limits of the fur-trade districts of the North West and Hudson's Bay Companies exercised little direct influence on official boundary delineations."⁵

4. Hudson's Bay Company, A Brief History, Hudson's Bay Company, 1934, p. 23-24.

5. Ireland, op. cit., p. 269-70.

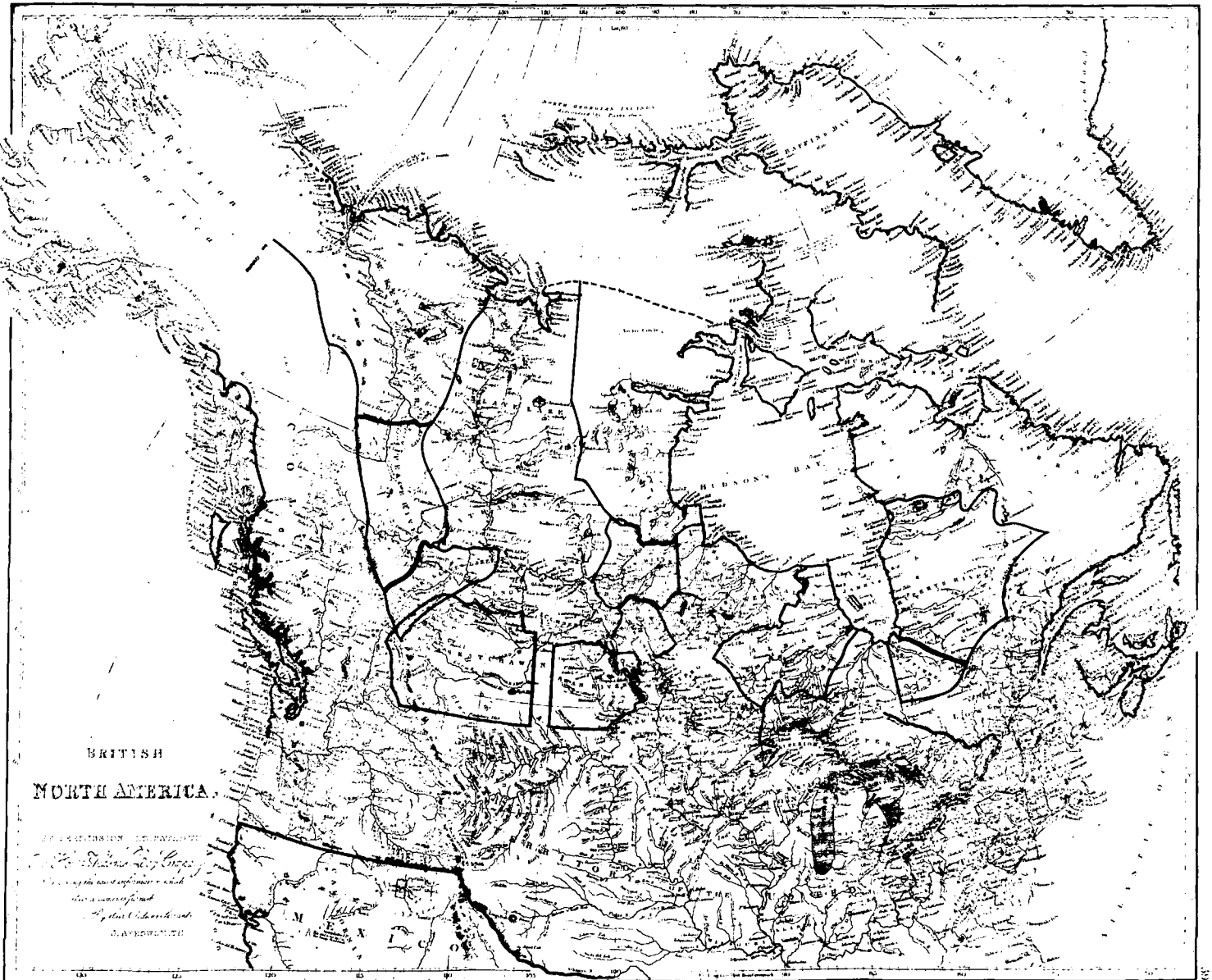


Fig. 18. British North America, 1834, showing Hudson's Bay Company's divisional boundaries.

The Dominion Government was in a different position from the Hudson's Bay Company. It was not only interested in settlement, it had to encourage settlement in order to preserve Canada as a separate political entity. Its primary consideration therefore was to devise a system under which the country could be rapidly and accurately subdivided into land holdings⁶ and which would forestall the confusion threatened by rapid immigration. As a result, a system of surveys was approved by Order-in-Council more than a year before the transfer of the territories.⁷

The lines resulting from these surveys were the first formal boundaries in the "unorganized" Northwest Territories, but in themselves, they did not constitute boundaries with the functions under discussion here. But with the rapid immigration and land settlement new governments were necessitated. There were several ways in which "unorganized territory" could be "organized".

- (1) Separate provinces could be created out of "unorganized territory".
- (2) Parts of the "unorganized territory" could be included in an existing province, merely by extending the former boundaries of the province, to include the desired portion of "unorganized territory".
- (3) The "unorganized territory" could be divided into tracts and named and then each tract could be given limited jurisdiction over its own affairs either
 - (a) with the administrative centre in a neighbouring province or
 - (b) its own administrative centre or
 - (c) the administration controlled completely from Ottawa.

6. J. A. Dennis, "A Short History of the Surveys Performed Under the Dominion Lands System, 1869 to 1889", Annual Report of the Department of the Interior for 1891, Part VI, p. 31.

7. This initial system was, however, subsequently amended.

Each of these alternatives was adopted, the creation of Manitoba occurring first.

2. The creation of Manitoba

The establishment of Manitoba rested upon the settlements established in the Red River Valley by Lord Selkirk. This was the only settled area in the territories at the time of their transfer to Canada and the demand for some measure of self-government was ultimately too strong to be resisted by the Dominion Government.

The area which Selkirk selected for settlement in 1811 and subsequently established as Assiniboia included the alluvial bed of glacial Lake Agassiz where the headwaters of the three greatest waterways of the continent were to be found in closest contiguity.⁸ In 1834, however, the settlement reverted to the Hudson's Bay Company and "the boundaries were changed from the meticulous details of Selkirk's grant to a circular tract with a radius of fifty miles from Fort Garry".⁹ As created by the Dominion Act of 1870 (33 Vict. Cap.3) the Province of Manitoba hardly included much more than this as its boundaries were the parallels of north latitude 49° and 50°30' and the meridians of west longitude 96° to 99° and hence covered about 14,340 square miles. But defined in this way, the boundaries did not correspond with the Dominion system of rectangular survey, and in 1877, by the 40 Vict. Cap. 6, they were changed in order to accomplish this.

8. A. S. Morton and Chester Martin, History of Prairie Settlement and Dominion Lands Policy, Toronto, the MacMillan Company, 1936, p. 212.

9. Ibid., p. 209.

The remainder of the unorganized territory was provided with its own Lieutenant-Governor and, as settlement increased, his powers were extended and his advisory body changed. But it was soon clear that even this did not provide adequate machinery for the proper administration of the residents. In 1876 a plan for the erection of four provinces between Manitoba and British Columbia was prepared at the request of the Minister of the Interior but was not proceeded with, probably because it was considered premature. The greatest inconvenience was felt where the settlement had increased most notably, namely immediately west and east of the boundaries of Manitoba. The latter was dealt with first.

3. The creation of Keewatin

It has already been pointed out that the western and northern boundaries of Ontario were in dispute almost as soon as the Dominion of Canada was created. In order to provide for government in this general area west of Ontario, a large portion of the Northwest Territories, covering about 395,000 sq. mls., was detached and set apart as a separate district with its own autonomy under the name of the District of Keewatin, on October 7th, 1876, by virtue of the proclamation of the Keewatin Act. (39 Vict. Chap. 21). The Act was intended to be temporary in character, being merely intended to give good government to the area east of Manitoba and west of Ontario, and was as follows:

"Whereas it is expedient, pending the settlement of the western boundary of Ontario, to create a separate Territory of the Eastern part of the Northwest Territories: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

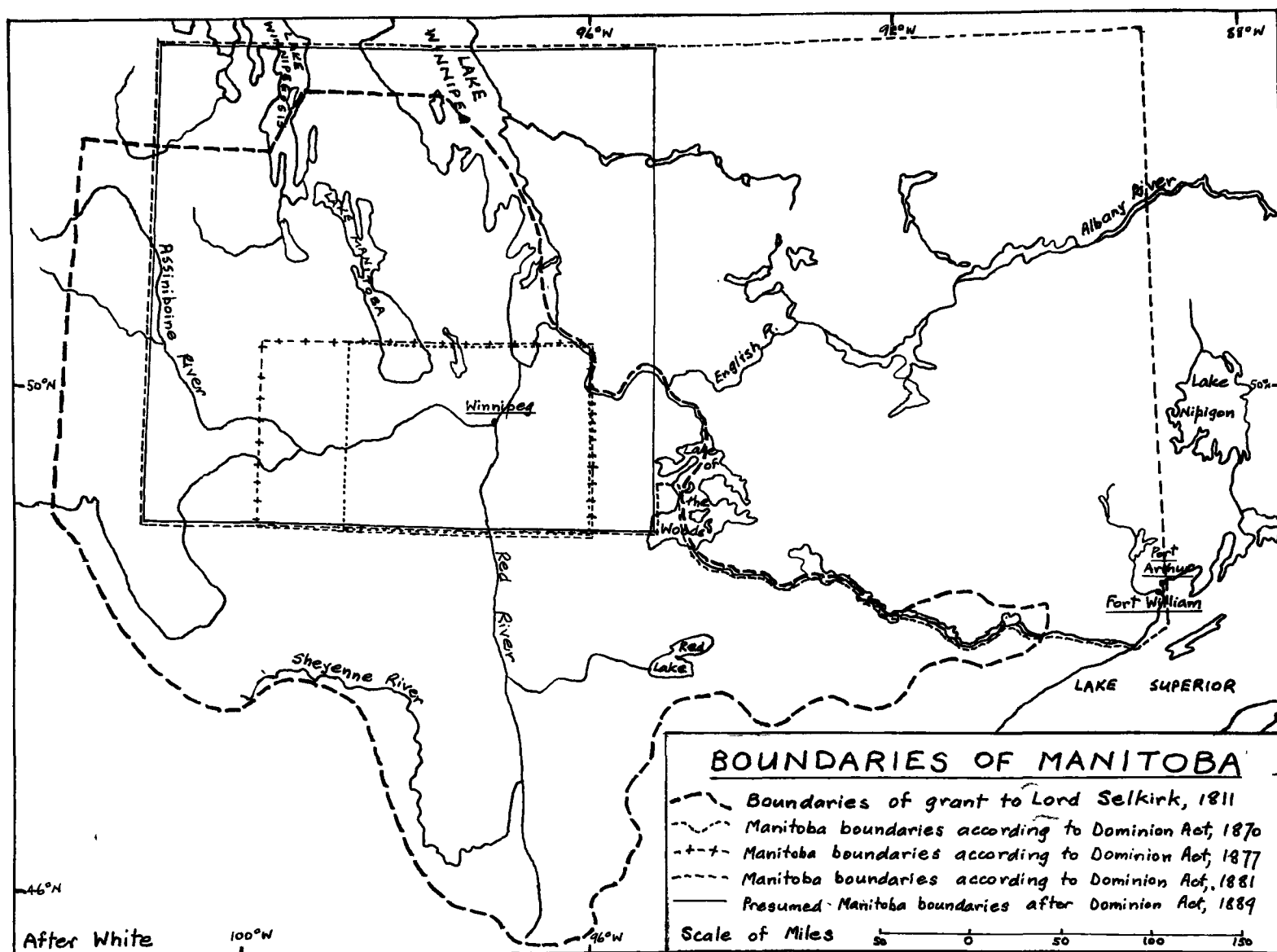


Fig. 19. The evolution of the boundaries of Manitoba, 1811-1881.

1. All that portion of the Northwest Territories, bounded as follows, that is to say:

Beginning at the westerly boundary of the Province of Ontario, on the international boundary line dividing Canada from the United States of America; then westerly, following upon the said international boundary line, to the easterly boundary of the Province of Manitoba; thence due north, along the said easterly boundary of Manitoba, to the north-east angle of the said Province; thence due west, on the north boundary of said Province, to the intersection by the said boundary of the westerly shore of Lake Manitoba; thence northerly, following the said westerly shore of the said lake, to the easterly terminus thereon of the Portage connecting the southerly end of Lake Winnipegosis with the said Lake Manitoba, known as "The Meadow Portage"; thence westerly, following upon the trail of the said Portage, to the westerly terminus of the same, being on the easterly shore of the said Lake Winnipegosis; thence northerly, following the line of the said easterly shore of the said lake to the southerly end of the portage leading from the head of the said lake into "Cedar Lake", known as the "Cedar" or "Mossy Portage"; thence northerly, following the trail of the said portage, to the north end of the same on the shore of Cedar Lake; thence due north, to the northerly limits of Canada; thence easterly following upon the said northerly limits of Canada, to the northerly extremity of Hudson's Bay; thence southerly, following upon the westerly shore of the said Hudson's Bay, to the point where it would be intersected by a line drawn due north from the place of beginning, and thence due south, on the said line last mentioned, to the said place of beginning; shall be, and is hereby set apart as a separate district of the said Northwest Territories by the name of the District of Keewatin."¹⁰

Until the question of the boundary between Ontario and Manitoba was settled in 1889, the eastern boundary of Keewatin was always in doubt.

The Lieutenant Governor of Manitoba became Lieutenant Governor of the new District of Keewatin with a council of six persons to aid in the administration of the affairs of the District. Their services were soon called upon when it was discovered, shortly before the district was

10. Statutes of Canada, 39 Vict., Cap. 21, 1876.

officially proclaimed, that an epidemic of smallpox had been in existence for some months previously on the west side of Lake Winnipeg among the Icelanders who had settled there during 1875 and the summer of 1876. Before it was realized that the disease was smallpox, it had spread among the Indians in the vicinity. Consequently on the 31st of November 1876, the six members of the Council of Keewatin were named as a Board of Health for the District. When this Board was organized, the spread of smallpox throughout Keewatin, Manitoba and the Northwest Territories seemed inevitable and the fact that the disease was localized and confined between comparatively narrow limits was due to the energy of the Board of Health and its officers,¹¹ which at least demonstrated the need for organized government in the area.

4. Problems further west

At the same time as Keewatin was created, Livingston(e) on the Swan River became the administrative centre for what remained of the Northwest Territories, which was removed further west, in 1878, to Battleford. All transactions in real property had to be recorded in the office of the Registrar for the Northwest Territories here, and the obvious inconveniences of such an arrangement ultimately caused complaints from the settlers so that in 1880 an Order-in-Council was passed erecting the Turtle Mountain, Little Saskatchewan, Touchwood Hills and Prince Albert sections into registration districts.¹²

11. Annual Report of the Department of Interior for 1877, p. VIII.

12. Annual Report of the Department of the Interior for 1880, p.IV.

The influx of population into these areas also raised the question of the franchise and in the same year three electoral districts were erected—one of which was known as the Prince Albert settlement and two adjoining Manitoba on the west. But the residents of the last two areas at least, were not satisfied with these developments. They had, on various occasions, expressed a desire to be incorporated into the Province of Manitoba which, they contended, was "too circumscribed"¹³, and on July 1, 1881, by Dominion Act, the boundaries of Manitoba were extended so as to become

"on the south the International boundary, on the west the centre of the road allowance between the twenty-ninth and thirtieth ranges west of the Principal meridian as surveyed in the Dominion Lands Survey System; on the north the centre of the road allowance along the twelfth base line of the Dominion Lands Survey System; on the east the easterly limit of the District of Keewatin. . . .that is, the westerly boundary of the Province of Ontario."¹⁴

It thus included

"a considerable proportion of the then settled districts of the Territories and [relieved] the Government of the Northwest of the supervision of the municipal and educational affairs of centres of population such as the Little Saskatchewan, Rapid City and Birtle and the Birdtail Creek and Turtle Mountain settlements."¹⁵

But meantime, settlement continued to increase in what remained of the Northwest Territories. The rate of development was accelerated during the construction of the Canadian Pacific transcontinental railway

13. Ibid., p. IV.

14. Report of the Commissioners Appointed to Delimit the Boundary between the Provinces of Manitoba and Ontario from the Winnipeg River Northerly. Ottawa, Topographic Survey of Canada, 1925, p. 3.

15. Annual Report of the Department of the Interior for 1881, p. V.

which was completed in 1885. In 1882, by an Order-in-Council, the area south of the thirty-second correction line of the Dominion lands system, the Athabasca and Slave rivers the line between the tenth and eleventh ranges of Dominion lands townships west of the fourth meridian and the eighteenth correction line of the Dominion lands system¹⁶ was divided into the provisional districts of Assiniboia, Saskatchewan, Athabaska and Alberta, to be governed by a single Lieutenant-Governor with his capital at Regina, Saskatchewan. These districts were created for federal administrative and postal purposes and were rarely referred to in the local legislature at Regina.¹⁷ However the northern boundary of the area divided into provisional districts was approximately 60° N, west of 111½° W, and 55° N east of that meridian, (Fig. 21) and the particular shape of this line reflects the fact that the pattern of settlement in the area was already being affected by the factors of the physical environment. In particular, it corresponded roughly to the position of the 60° F mean summer isotherm, which happens to represent the northern limit of the climatic and soil conditions which are suitable for mid-latitude agriculture.

The boundaries of the District of Saskatchewan were described as follows:

" . . . to be bounded on the south by the districts of Assiniboia and Manitoba; on the east by Lake Winnipeg and the Nelson River flowing therefrom into Hudson Bay; on the north

16. Sessional Papers of Canada, Vol. XLI, No. 13, 1906-7, Paper 64a, p. 39-40.

17. Personal Correspondence of the Author, letter from C. C. Lingard, Research Secretary, Canadian Institute of International Affairs, dated June 27, 1950.

by the eighteenth correction line of the Dominion land survey system, and on the west by the line of that system dividing the tenth and eleventh ranges of townships numbered from the fourth initial meridian."¹⁸

This description is given in detail, not only to serve as an example of describing the provisional districts but also to show that in the case of Saskatchewan the boundaries overlapped those assigned to the District of Keewatin in 1876. The intention was probably to include the settlements which had sprung up in the "overlapping portion" in the provisional district of Saskatchewan because they were economically and socially akin to the other settlements in that district rather than Keewatin. By an Order-in-Council, dated May 7th, 1886, the "overlapping portion", that is, that part of Keewatin lying between Manitoba and the eighteenth correction line, and west of the Nelson River was reannexed to the Northwest Territories in order to become properly a part of Saskatchewan.

But there were still unorganized and unnamed districts of the Northwest Territories north of those created in 1882 and, in 1895, for the further convenience of settlers and for postal purposes, the Minister of the Interior recommended that four such districts be established and named Ungava, Franklin, Mackenzie and Yukon and that changes be made in the boundaries of the districts of Athabaska and Keewatin so as to enlarge their areas.

18. Sessional Papers of Canada, 1906-7, Paper 64a, p. 39.

The first five of these proposals took account of the increase in population of various parts of the Northwest Territories by extending Athabaska eastwards so as to include the area north of Saskatchewan, east of Keewatin and south of the sixtieth parallel¹⁹ and dividing all of the remainder of the territories into districts. Keewatin itself however had been something of a special problem.

5. The reorganization of Keewatin

It will be recalled that by 1895, the Ontario-Manitoba boundary dispute had been settled. The decision which gave to the Province of Ontario the territory south of the Albany River and as far west as Lake of the Woods, limited the District of Keewatin to the territory lying directly north of the Province of Manitoba, and fixed its eastern boundary at the longitude of a line running north from the western boundary of the Province of Ontario. This left an area between Keewatin and James Bay and north of Ontario as part of the Northwest Territories, but when the creation of new districts in the territories was being contemplated, prior to 1895, this area was something of a problem. There seemed to be little doubt that the area should be associated with Keewatin but the problem was how to rearrange the boundaries of Keewatin so as to effect this.

The Lieutenant Governor of Keewatin recommended the addition of this area to Keewatin since it was only accessible through Hudson's Straits or by the rivers which flow into Lake Winnipeg and could therefore

19. Actually, the thirty-second correction line of the Dominion Lands System, which was almost sixty degrees north.

only be effectively governed in the manner in which the District of Keewatin was governed.²⁰

The result of this recommendation was that three proposals were considered by the Federal Government in 1892. The first was the proposal of the Lieutenant Governor. The second was that the Keewatin proposed by the Lieutenant Governor should be limited on the north and west by Lake Winnipeg and the Churchill River. The reason for this was that boundaries would give a territory within the jurisdiction of the Lieutenant Governor of Manitoba who was also the Lieutenant Governor of Keewatin, within which the greater part of the population then in Keewatin was to be found, and which could be administered with convenience from Winnipeg because of the comparative facility with which it could be reached by water from that point through the Red River and Lake Winnipeg and its tributaries. However, the boundaries of Keewatin according to this proposition would have been rather irregular and involved a lengthy description. Because of this the third proposition suggested the 99th meridian west as the western boundary instead of the longitude of the Mossy Portage meridian.

However, it was by no means a universally held view that the area under consideration was not already part of Manitoba under the Ontario-Manitoba boundary decision of the Imperial Privy Council of 1895²¹,

20. File No. 37906, Department of the Interior, Ottawa.

21. Debates, House of Commons of Canada, June 22, 1892.

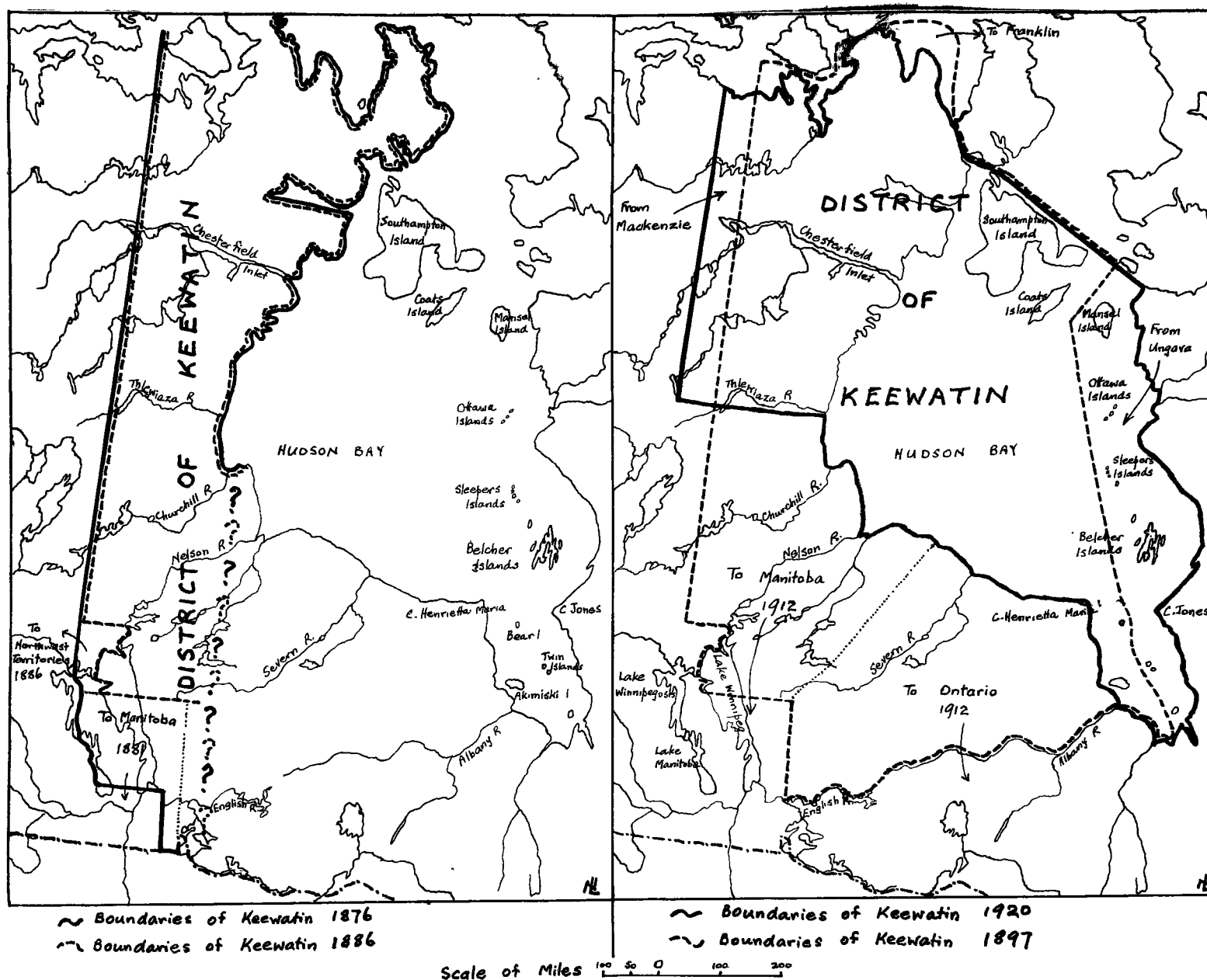


Fig. 20. The evolution of the boundaries of Keewatin.

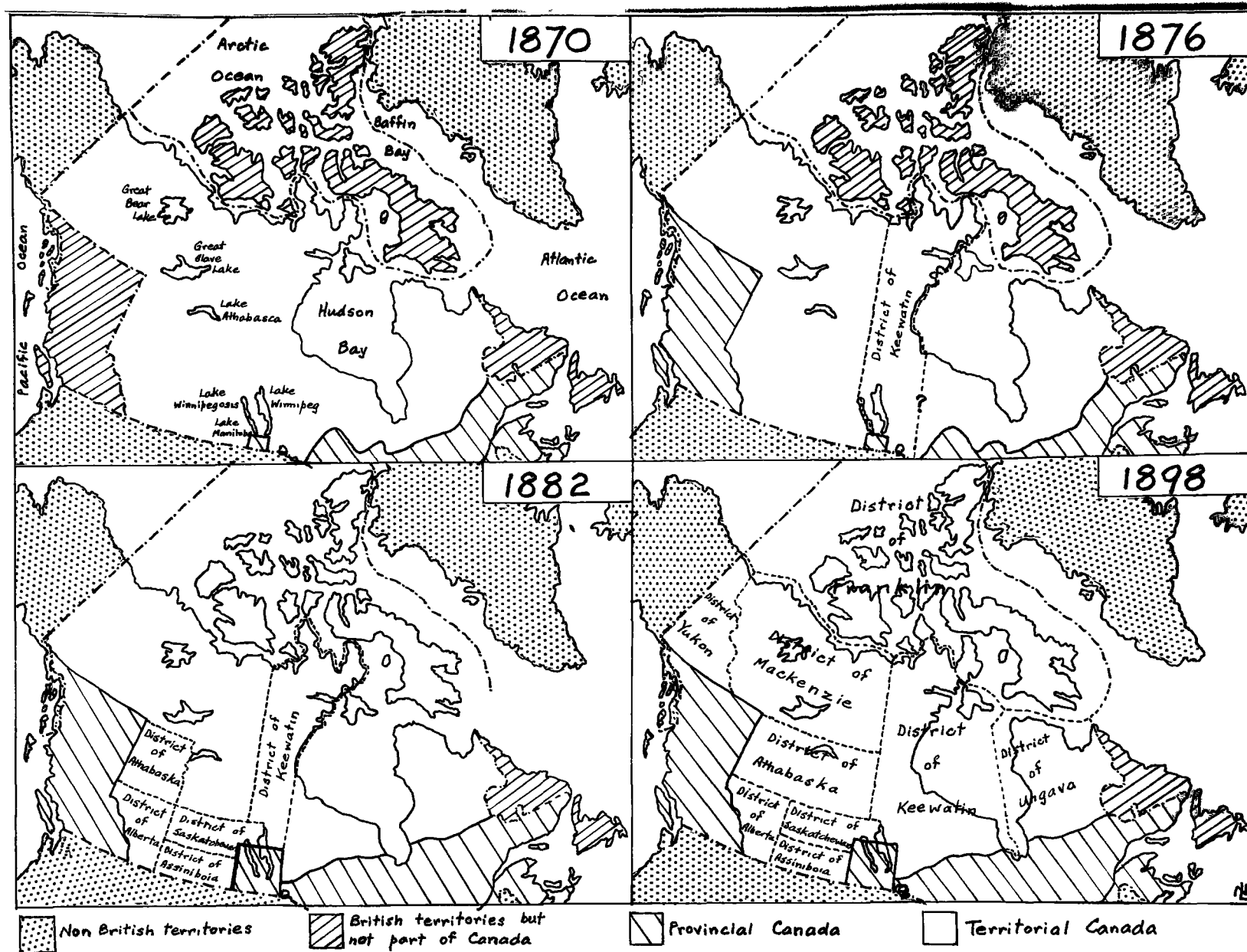
and the matter was not therefore immediately proceeded with. Two more boundary proposals were then made. One was to the effect that the eastern limit of Keewatin should be the prolongation, due north, of the dividing line between Ontario and Quebec. The other was that the western boundary of Keewatin should be the 2nd meridian of the Dominion Lands system (102° W longitude). This would have meant reattaching part of the District of Saskatchewan to Manitoba and was not recommended since

"[it] is only an imaginary line and in such a case. . . . a geographical boundary like Lake Manitoba and the Nelson River is decidedly better; and again it would not improve the map at all, as it would leave in the District of Keewatin a narrow wedge of the Porcupine Hills country jammed in between Saskatchewan and Manitoba".²²

The ultimate recommendation chose a western boundary between the 2nd meridian and 99° W, namely 100° W, and included the area between Hudson Bay and the northerly boundary of Ontario in Keewatin.

These, and the other changes in territorial boundaries suggested by the Minister were made by Order-in-Council in 1895, which also recommended that the Keewatin boundary changes be authorized by an Act of Parliament. But this legislation was not introduced as discrepancies were found to exist in the descriptions of the district boundaries and in 1897, a further Order-in-Council was passed cancelling the Order-in-Council of 1895 and approving the recommendations of the Minister of the Interior that the districts of Assiniboia, Saskatchewan and Athabaska remain as they were established in 1895, and previous Orders, but the

22. File No. 37906, Department of the Interior, Ottawa.



Approximate Scale 1:50M

Fig. 21. Changes in Territorial Boundaries in Canada, 1870-1898.

boundaries of Ungava, Keewatin, Mackenzie, Yukon and Franklin be slightly changed according to a given description and map²³. These changes in boundaries were made mainly to ensure that all the islands between 141° W and Davis Strait were included in one or other of the provisional districts, which the Order-in-Council of 1895 had failed to do. Ungava, Franklin and Keewatin were also so defined as to embrace the whole of Hudson Bay and Straits. But legislation regarding these changes was never introduced and it would appear, therefore, that the districts, except insofar as they were authorized by the Order-in-Council of 1882, had no legal existence.²⁴

Meanwhile an act of 1887 had given representation to the territories at Ottawa, and an act of 1888 had set up an elected territorial legislature at Regina. These developments clearly pointed toward provincial status for some of the territories, at least, but before that stage was reached further developments occurred in the far northwest.

6. The creation of Yukon Territory

In the report of the Department of the Interior for 1886, it was pointed out that reports had been reaching Ottawa for several years which indicated that that part of the Yukon valley lying within Canada was of great economic value, particularly in regard to its mineral wealth.²⁵

23. Quoted in full as Appendix I.

24. Lawrence J. Burpee, An Historical Atlas of Canada, London, Thomas Nelson and Sons Ltd., 1927, p. 22.

25. Annual Report of the Department of the Interior for 1886, p. XXXIV.

The mineral was, of course, gold and the number of miners entering the area increased rapidly. About 300 were estimated to be in the area in the summer of 1887²⁶ and the number increased to thousands after the famous Klondike strike on August 17, 1896. This influx, as has already been pointed out, led to an international boundary "situation" but it also demanded an adjustment to allow for the proper administration of the area, and in 1897, the District of Yukon was proclaimed a judicial district, with the following boundaries:

"Beginning at the intersection of the 141st meridian of west longitude from Greenwich with a point on the coast of the Arctic Sea, which is approximate north latitude, 69°39', thence due south, on the said meridian. . . .for a distance of about 650 miles, to a point in latitude about 60°10' north, at which it will intersect the disputed boundary between Canada and the United States on the North Pacific coast; thence in an easterly direction, along the said undetermined boundaryto its intersection with the 60th parallel of north latitude; thence due east along the parallel of latitude. . . . for a distance of about 550 miles, to the Liard River, in approximate longitude 123°30' west, thence northerly along the middle line of said river, for a distance of about 10 miles till opposite the highest part of the range of mountains which abuts upon the river near the mouth of Black River; thence to follow the summit of said range in a north-westerly direction to the southernmost source of the Peel River; thence to follow northward the summit of the main range of mountains which runs approximately parallel to Peel River, on the west, as far as the intersection of the said range with the 136th meridian; thereafter to run due north to the Arctic Ocean, or to the westernmost channel of the Mackenzie Delta, and along that channel to the Arctic Ocean; thence north-westerly following the windings of the Arctic Coast,including Herschel Island, and all other islands which may be situated within three (3) geographical miles, to the place of beginning.

26. Annual Report of the Department of the Interior for 1887, p. XX.

Provided, that in respect to that part of the line, between the Liard River and the southernmost source of the Peel River, the summit to be followed is the water-shed summit separating streams entering the Liard River below Black River, or flowing directly into the Mackenzie further north, from streams flowing westward either to the Yukon or to upper branches of the Liard River,

Provided, that in respect to the part of the boundary described as following northward the main range of mountains on the west side of the Peel River, the line shall run along the watershed between streams flowing eastwardly to the Peel River, and those flowing westwardly to branches of the Yukon, Porcupine etc., except where such water-shed shall be more than 20 miles distant from the main stream of the Peel, when the highest range within that distance shall be the boundary".²⁷

But it became increasingly clear that it was also necessary to make special provision for the maintenance of law and order in the District because about 90% of the people in the territory were non-British subjects and few of them intended to settle there permanently. Indeed the intention of many of them was to "make a fortune" and return to their families in other parts of the world.²⁸ Consequently, on June 13, 1898, the District of Yukon was constituted a separate Territory with the same boundaries as had been assigned to it when it had been proclaimed a judicial district.

These boundaries are different from those assigned to the provisional districts further south in that in the east they attempt to follow topographical features rather than parallels of latitude and longitude. The very vagueness of their description however indicates

27. Schedule to Statutes of Canada, 61 Vict. Cap. 6, 1898.

28. Debates of the Senate of the Dominion of Canada, 1898, p. 859.

how little was known of the geography of the Yukon in 1898. The intention was to make them largely correspond with the watershed between the Yukon and Mackenzie river systems²⁹. The reason for this, presumably was because the gold being mined was alluvial or "stream gold" and since the purpose of the creation of the separate territory was to bring law and order to the mining settlements and activities, the territory had to include all the possible gold mining areas i. e. the Yukon river, its tributaries and associated waterways. In this respect the boundaries of the Yukon Territory were similar in purpose to the extension of the boundaries of British Columbia to the 120th meridian west and the 60th parallel in 1863. In the case of British Columbia however, the delimitation was made purely in terms of latitude and longitude so as to include all the possible potential alluvial gold areas.

Boundary evolution in the Northwest Territories between 1870 and 1898 therefore saw two different types of boundaries emerge. The first type was based on lines of the Dominion Lands system—the only types of boundaries possible in an area which was being rapidly settled by agriculturalists in a region which lacked marked physical features. The idea of boundaries which approximately followed lines of latitude and longitude was then extended into those parts of the territories which were north of the area of likely agricultural development, partly, it appears now, to substantiate Canadian sovereignty in the north. The second type of boundary was basically a watershed one, in the Yukon Territory.

29. Debates, House of Commons of Canada, 1898, Col. 6747.

The boundaries of Keewatin showed a combination of both these features. This reflected the fact that Keewatin was a "bridge" between the two types of economy—that based on agriculture or exploitation of the plains and that based on the more primitive exploitation of the resources of the forest. The fact that the boundaries of Keewatin were changed and amended so many times and as the result of many different suggestions also reflects the "buffer-like" situation of the territory between the older settled areas of the east and the newly-developed areas of the west.

The creation of the separate Yukon Territory in the extreme northwest of continental Canada resulted from a remarkable increase in population in this area. But even greater increases of population were occurring in the areas further south, and continued the necessity for additional boundary changes.

CHAPTER VI

NEW PROVINCES AND RESULTING ADJUSTMENTS

During the period 1897 to 1905, the Territories developed remarkably rapidly. In the years immediately following Confederation, the small population had been scattered and consisted largely of a few small communities centred about the old trading posts and the new North-West Mounted Police posts. With the active immigration policy which followed, Manitoba received most of the New Canadians until the Canadian Pacific Railway was constructed in the early eighteen-eighties, but after this, population spread westward at an unprecedented rate. The immigration proceeded under the direction of the Federal Government, but the task of rendering the country habitable, through the provision of local works and improvements, was the responsibility of the Territorial government. The problems created as a result of the latter, which were mainly financial, gradually became almost unsurmountable, and it was because of this that the territories began to look forward to provincial status.¹

The various opinions and arguments advanced on this question have been dealt with by Lingard.² They do not concern this study, however, except insofar as they have a bearing on boundary evolution and significance. The question here was, if the territories, or any parts of them, were to be created into provinces, what should the boundaries

1. C. Cecil Lingard, Territorial Government in Canada. The Autonomy Question in the Old North-West Territories, Toronto, University of Toronto Press, 1946, p. 8-9.

2. Ibid.

of the latter be?

1. New Provinces

Several proposals were put forward regarding the possible boundaries for new provinces. The people of the Territories themselves were by no means unanimous even with respect to the number of provinces, and in their Assembly there were those who advocated one province, two provinces and three provinces besides a small group in the country who were in favour of the annexation of a portion of the Territories to Manitoba.³ The Dominion government had, at times, considered four provinces. Each of these will be examined briefly.

(a) Annexation to Manitoba

During the controversy over her eastern boundary Manitoba had contended that she should be extended westwards to the 2nd meridian of the Dominion Lands system (102° W) and had made repeated requests to the Dominion government to have this brought about. In 1883 the Executive Council of the Province of Manitoba expressed this desire officially which was forwarded to Ottawa in 1884. In 1884 a further Order in Council was passed by the Executive Council of Manitoba to the same effect, which was followed two weeks later by a resolution passed by the Legislative Assembly of the Province deputing the members of the Executive Council to proceed to Ottawa to procure from the Government of Canada a settlement of what they maintained were their rights to have the boundaries of the Province extended. In 1901, the Manitoba legislature passed a further

3. Ibid., p. 68.

resolution requesting the extension of the province into adjacent districts which possessed agricultural, commercial and educational interests in a great measure common to its own, and including as much of the territory as might be consistent with economical and efficient government.⁴ An even stronger and more lengthy resolution but along similar lines, was passed by the Provincial Legislature in 1902. This resolution contended that it was "of the highest importance" to the Province of Manitoba and the Northwest Territories that the former should be increased by an extension of boundaries so as to embrace and include a portion of the districts of Assiniboia and Saskatchewan and northwards to Hudson Bay.⁵ Still further resolutions in similar terms were adopted by the Manitoba legislature in 1905 and 1906.

Some support for a westward extension of Manitoba had come from Alberta. In 1897 the City Council of Calgary passed a resolution that:

"The material interest and prosperity of the districts would be best promoted and the multiplication of Governments avoided by adding that portion of Assiniboia lying between the Province of Manitoba and the Third meridian to Manitoba and erecting the remainder of Assiniboia, Alberta and Saskatchewan into one Governmental District with Provincial powers".⁶

On March 16, 1901, the Calgary Albertan contained an Ottawa despatch, reporting the same proposal, with the addition that Calgary should become the capital of the new Province.

However, the majority of the inhabitants of the territories were opposed to any annexation. Premier Haultain maintained that

4. Sessional Papers of Canada, 1906-7, Paper 64a, p. 9.

5. Ibid., p. 10.

6. File No. 37906, Department of the Interior, Ottawa.

"The Territorial laws were better suited to western conditions than those of Manitoba. As for local institutions, Manitoba had the Ontario municipal system, which the speaker considered was not suited to western settlement. . . .The system of local improvement districts, which they possessed, was a considerable advance in the direction of the organization he had in view. The North-West should fashion its own local institutions in line with its needs and not introduce the "cumbersome" and "expensive" system in use in Ontario."⁷

Manitoba refused to give up, however, and in 1905, a delegation from that Province to Ottawa presented the request of a united legislature for an extension of their boundaries "as far west as Regina" and northward to include Fort Churchill, the Nelson River, and the territory tributary thereto. They argued that the westward extension would comprise a region whose agricultural conditions were similar to their own, and that they were entitled to an area equal in size to any province about to be formed.⁸

(b) Two Provinces

The suggestion of Thomas McKay and T. O. Davis was that two provinces should be erected divided by a line running east and west along the southern boundary of the District of Saskatchewan. They

"referred to the differences in physical and climatic conditions between the north and the south. The south, they stated, was a flat, treeless prairie, adapted to large farming operations such as grain-growing and ranching, while the north was rolling, well watered, and possessing abundant wood and hay, making it suitable for mixed farming and smaller holdings. The dividing line between these conditions, would, they submitted, coincide with the northern boundary of Assiniboia extended westward to the Rocky Mountains. However, the north and south would each possess transportation facilities in the Canadian Pacific and Canadian Northern Railway Companies, each operating transcontinental lines running east and west."⁹

7. Lingard, op. cit., p. 132.

8. Ibid., p. 134.

9. Ibid., p. 72.

Groups in Calgary and Edmonton¹⁰ advocated two provinces divided by a boundary running north and south. They considered that legislation beneficial to the eastern and northern portions of the Territories, where the raising of cereal crops was practically the sole activity, was injurious to the south-west areas of the Territories, where cattle and horse ranching prevailed.

But the principal reason, apart from these arguments, appeared to be the sectional ambitions of Calgary and Edmonton, both of which desired to be capitals.

(c) Three Provinces

A group in Prince Albert advocated three provinces—Assiniboia and the southern part of Alberta (by extending the northern boundary of Assiniboia to the Rockies), northern Alberta and the Peace River country (by extending the western boundary of Saskatchewan to the northern boundary of Athabaska) and Saskatchewan and eastern Athabaska.

"The division into three provinces, they submitted, would meet the wishes and aspirations of the people, would simplify the question of rivalry over location of the capital, and would maintain a balance among the different members of Confederation."¹¹

(d) One Province

"The Territorial Premier always favoured the erection of one strong united province, and believed that "the desire for division was simply founded upon local ambitions for capital establishment. He held that there was no point in the Territories, however remote, which could not "in these days of telegraph, telephones and railways" be administered by one western government. . . . He could not recall a single occasion, during the last eleven years,

10. See Calgary Herald, December 12, 1900 and March 21, 1901; Regina Leader, December 14, 1904; Macleod Gazette, January 10, 1902.

11. Lingard, op. cit., p. 73.

when there had been any conflict of interest upon any question raised in the House. He admitted that diversity of interests, of conditions, of climate, and of population existed, but remarked that the situation merely called for diversity of treatment. . . . and that no one could map out a province, however small, which would not have diversity of interests.¹²

In a draft bill which placed the views of the Executive Council of the Territories before the Federal Government "one province" was envisaged made up of the Districts of Assiniboia, Saskatchewan, Alberta and that part of the District of Athabasca lying to the south of the fifty-seventh parallel of north latitude.¹³

(e) Four Provinces

As has been mentioned, the Dominion Government had at times considered the erection of four provinces out of the Northwest Territories. Their proposals are worth presenting because of the light they shed on the principles of boundary making which Ottawa considered important and also because they provide a better understanding of the decision which was ultimately made.

In 1876 the Deputy Minister of the Interior had informally submitted a plan for the division of the Northwest Territories into Provinces based upon the projected route of the Canadian Pacific Railway (Fig. 22 f). This route passed north of Fort Pelly and the elbow of the Saskatchewan river and continued westerly to the Rockies via Edmonton. The suggested arrangement of provinces would have enabled each to share

12. Ibid., p. 74.

13. Ibid., p. 38.

equally the advantages of the Railway which would have crossed them all at right angles about their respective centres.

The abandonment of this route resulted in a second plan of division (Fig. 22 e) into provinces in 1881 as the railway was ultimately constructed so as to pass south of Fort Ellice and Qu'Appelle and towards the Rockies by the valley of the south branch of the Saskatchewan. The suggestion was also based on the following "great objects".¹⁴

1. Reasonable areas for the different Provinces
2. The equalization of such areas as far as practicable
3. Securing to each province as nearly as possible an equal share of the great national resources of the Territories. This included prospective advantages as far as could be foreseen.

The areas of two of these suggested provinces were estimated at 95,000 sq. mls. each, and the areas of the other two 100,000 sq. mls. and 122,000 sq. mls. respectively. It was recognized that Provinces Three and Four were smaller than One and Two but it was felt that this was more than counterbalanced in Province Two by the existence of a very considerable amount of unavailable land, embraced in the mountains, and in the swampy country said to exist on the headwaters of the Athabaska River, and in Province One by the large tract of swampy country said to exist within the height of land, north of the Lesser Slave Lake, and between the Athabaska and Peace Rivers.

14. File No. 37906, Department of the Interior, Ottawa.

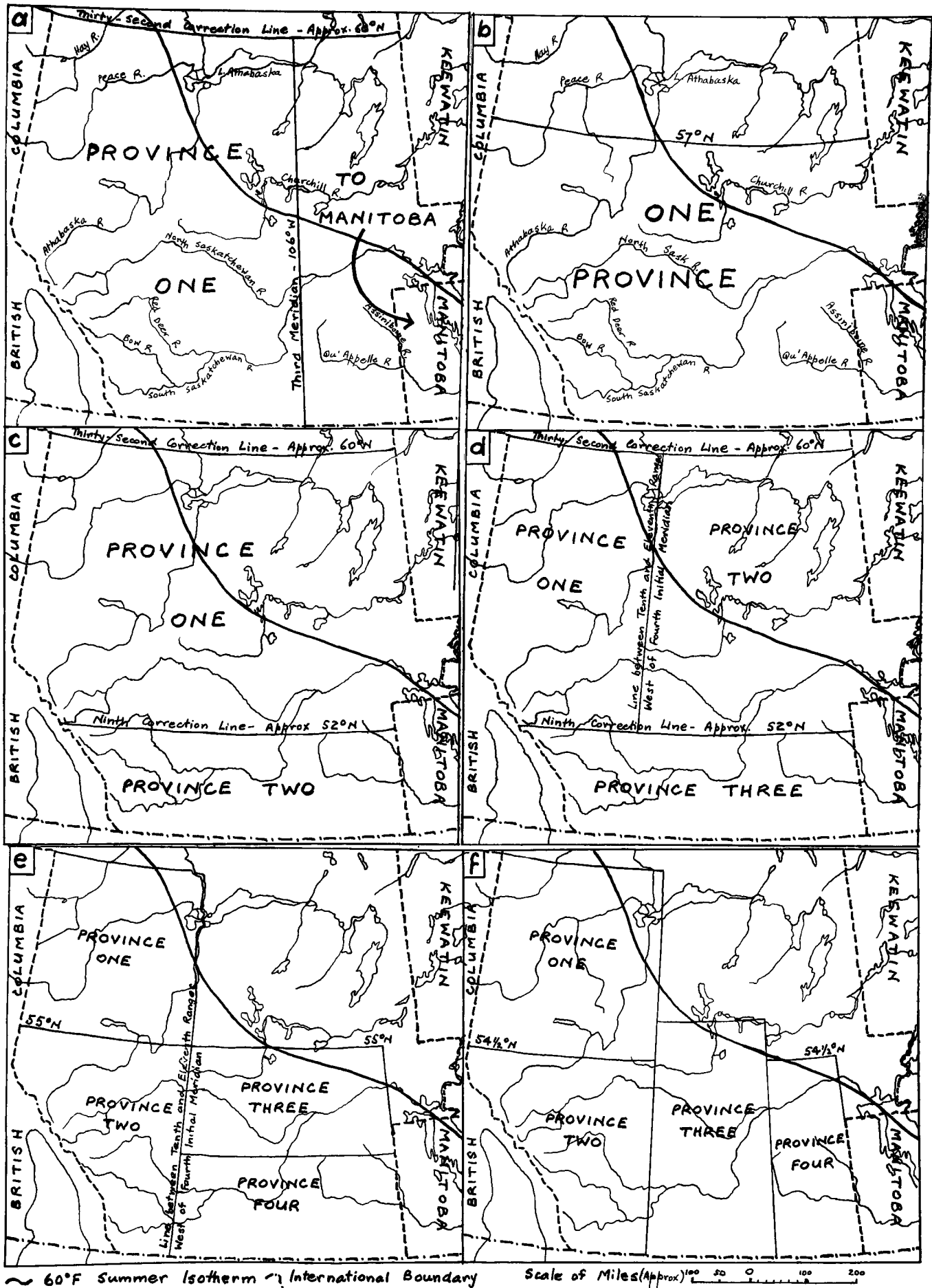


Fig. 22. Suggested New Provinces in Western Canada, Prior to 1905.

The known natural resources of each of these areas was also examined and described and the whole considered in relation to the position of the summer isotherm of 60° F, as it was known at that time, which was regarded as the northerly limit of the area which was climatically suited to the growing of cereals to advantage.

(f) The Decision

In 1905, Sir Wilfred Laurier introduced the legislation in the Parliament of Canada which provided for the creation of two Provinces. Manitoba's request to be extended westward so as to include a strip of the Northwest Territories had been dismissed on the grounds that it would be against the wishes of those occupying the strip of territory and also because it was a settled area with defined and well established institutions, occupied by people who had, in the main, resided in the area for a sufficient length of time to become the owners of the property they occupied.¹⁵

The government¹⁶ took the view that the Northwest Territories covered too large an area for a single province. They also were of the opinion that the area north of approximately 60° N and west of Keewatin was "absolutely unfit for agriculture", and that although it possessed indications of mineral wealth, without agriculture there could be little hope of "thick and permanent settlement", and consequently stable provincial government. It was the intention, therefore, to give provincial autonomy

15. Sessional Papers of Canada, Vol. XXXIX, No. 14, Paper 102, 1905, p. 8.

16. Debates, House of Commons of Canada, 1905, col.

to that portion of the Territories situated between the American boundary and the sixtieth parallel of north latitude, and between British Columbia and Keewatin. This area, comprising 550,345 square miles, was still, in the Government's estimation, too large for a single province when compared with the other members of Confederation, and consequently it was proposed to divide it into two of approximately equal size, by a line running north and south along the fourth meridian (110° W), giving to each of the new provinces an area of 275,172 square miles and a population of 250,000.

The first of the new Provinces was to be called Alberta and was to have the following boundaries:

"commencing at the intersection of the international boundary dividing Canada from the United States of America by the fourth meridian in the system of Dominion land surveys; thence westerly along the said international boundary to the eastern boundary of the province of British Columbia; thence northerly along the said eastern boundary of the province of British Columbia to the northeast corner of the said province; thence easterly along the parallel of the sixtieth degree of north latitude to the fourth meridian in the system of Dominion lands surveys as the same may be hereafter defined in accordance with the said system; thence southerly along the said fourth meridian to the point of commencement."¹⁷

The second was to be called Saskatchewan, with the following boundaries:

"commencing at the intersection of the international boundary dividing Canada from the United States of America by the west boundary of the province of Manitoba, thence northerly along the said west boundary of the province of Manitoba to the northwest corner of the said province of Manitoba; thence continuing northerly along the centre of the road allowance between the twenty-ninth and thirtieth ranges west of the principal meridian

17. British North America Acts and Selected Statutes, Ottawa, King's Printer, 1948, p. 194.

in the system of Dominion lands surveys, as the said road allowance may hereafter be defined in accordance with the said system, to the second meridian in the said system of Dominion lands surveys, as the same may hereafter be defined in accordance with the said system; thence northerly along the said second meridian to the sixtieth degree of north latitude; thence westerly along the parallel of the sixtieth degree of north latitude to the fourth meridian in the said system of Dominion lands surveys, as the same may be hereafter defined in accordance with the said system; thence southerly along the said fourth meridian to the said international boundary dividing Canada from the United States of America; thence easterly along the said international boundary to the point of commencement."¹⁸

There was some criticism of the dividing line. Calgary, Medicine Hat and the western stockmen of Macleod presented a plea against the division of the range country. They submitted that the selection of the fourth meridian would cause great hardship to the ranching industry, and urged an extension of the eastern boundary of the proposed Province of Alberta eastward to the 107th meridian. While opposing the division of the Territories into two provinces, Premier Haultain likewise held the opinion that the dividing line should be seventy-five miles further east. The ranching community of Maple Creek, which found itself within the Province of Saskatchewan, was, however, in favour of the fourth meridian.

The dividing line was purely an arbitrary one. No geographical division existed along which the boundary between the two provinces could be drawn. Indeed, the Department of the Interior prepared a memorandum and a map, which showed that the Province of Alberta was not primarily semi-arid and hence suited only to ranching, nor the Province of Saskatchewan primarily suited to growing grain.¹⁹

18. Ibid., p. 210.

19. Sessional Papers of Canada, Vol. XXXIX, No. 14, 1905, Paper 97, p.

2. Boundary Extensions

The creation of the Provinces of Alberta and Saskatchewan immediately made necessary changes in the boundaries of the Northwest Territories since the new Provinces did not include those portions of the provisional Districts of Saskatchewan and Athabasca lying north of the Manitoba boundary.

These portions either had to remain as separate provisional districts or be incorporated into the District of Keewatin, which was still under the Lieutenant-Governorship of Manitoba. The necessary changes were accomplished in three stages. First of all, on the day that the two new Provinces were proclaimed, (July 20, 1905), an Act amending the "Northwest Territories Act" was assented to. This act declared that the Northwest Territories should comprise Rupert's Land and all of the Northwest Territory except such portions thereof as comprised the provinces of Manitoba, Alberta and Saskatchewan, the District of Keewatin and the Yukon Territory. Secondly, four days later, an Order in Council was passed by the Dominion Government whereby the whole of the territory comprised within the District of Keewatin was included in the Northwest Territories. Thirdly, by the Act of 1906, the boundaries of the territories of Keewatin, Mackenzie, Franklin, Yukon and Ungava were redefined.

But the creation of the two "prairie provinces" also intensified the demands of Manitoba, Ontario and Quebec for a northward extension. British Columbia, Alberta, and Saskatchewan all extended to the sixtieth parallel while the founder provinces of Ontario and Quebec hardly reached James Bay and Manitoba did not even include the whole of Lake Winnipeg.

It has already been mentioned incidentally that Manitoba's earlier demands for an extension westward also included demands for an extension northward to Hudson Bay. The memorial to this effect authorized by the Manitoba legislature in 1905 resulted in a conference between Manitoba government officials and the Prime Minister of Canada but the latter later stated that the northern extension would be held in abeyance until a conference of the representatives of Ontario, Quebec, Saskatchewan and Manitoba could take place with the Dominion government. At this conference the claims of each of the provinces could be examined.²⁰ Ultimately, however, in November 1906, a conference was held with governments of Saskatchewan, Manitoba, Ontario and Canada only.

(a) The Claims of Saskatchewan

Saskatchewan claimed an extension of her boundaries on two scores. In the first place she claimed that her boundaries should be extended eastward so as to include those parts of the Northwest Territories which were formerly part of the provisional districts of Saskatchewan and Athabasca. This claim was based on the fact that this territory was under the control of the administration of the Northwest Territories from its organization until the formation of the province of Saskatchewan when it was not included within the area of that province, and on evidence which showed that at least some of its inhabitants wished to be included within the province of Saskatchewan.²¹

20. Debates, House of Commons of Canada, 1905, Cols. 1428-31.

21. Sessional Papers of Canada, 1906-7, Paper 64a, p. 41.

Secondly, Saskatchewan contended that her boundaries should be extended to the shores of Hudson Bay as a right so that the province could have direct water communication with the Atlantic Ocean by way of Hudson Bay and Hudson Strait. The province had already been given some encouragement to think of such an extension as a right by the Prime Minister²² and it contended that that portion of the Northwest Territories bordering on Hudson Bay and lying between the Nelson River and the sixtieth parallel of latitude should be awarded to it. It was maintained that a "natural" boundary line between the provinces of Saskatchewan and Manitoba would be found in the Nelson River. The claim was supported as follows:

"The awarding to Saskatchewan of the territory north of the Nelson river does not, it is submitted, interfere with the granting of Manitoba's reasonable request to have her boundaries extended to Hudson Bay. From the mouth of the Nelson river to where the province of Ontario touches James Bay there is a coast line of several hundred miles in length with which Manitoba's desire for an extension to the bay can be gratified.

Further, it is submitted, that there is a vast expanse of territory lying south and east of the Nelson river, being part of the Northwest Territories and containing some 208,000 square miles which is available for the purpose of satisfying Manitoba's demand for increased area. . . . If this entire portion were given to Manitoba, that province would contain an area of over 280,000 square miles, a larger area than possessed by any other province of Canada, except the province of Quebec and the province of British Columbia. Even if the province of Ontario is considered to be entitled to recognition in the distribution of this territory, it is maintained, that there is a sufficient area south and east of the Nelson river to satisfy all legitimate claims for an extension of boundaries both of the province of Manitoba and the province of Ontario."²³

22. Debates, House of Commons of Canada, 1905, col.

23. Sessional Papers of Canada, 1906-7, Paper 64a, p. 45-46.

(b) The Claims of Ontario

Ontario claimed a northward extension merely as a matter of right. although she supported Manitoba's request that her boundaries be extended to Hudson Bay. Ontario then suggested that this northward extension should be made by producing the existing eastern boundary of Manitoba northward until it struck the Churchill river, and then following the middle of the channel of that river to its mouth, and that the territory of Manitoba be extended as far north, at least, as the 60th parallel of latitude. For geographical and other reasons the remainder of the territory of Keewatin lying east of the suggested eastern boundary of Manitoba, contiguous to Ontario and bounded on the north and east by Hudson Bay and James Bay should be allotted to the Province of Ontario.²⁴ It was not stated what the geographical and other reasons were.

(c) The Claims of Manitoba

The claims of Manitoba were much more forcefully presented and were supported by much more evidence than in either of the previous cases. The population of the province had increased from 62,260 in 1881 to an estimated 360,000 in 1906, a population in excess of either that of Alberta or Saskatchewan which had each been given an area of approximately 175,000 sq. mls. more than Manitoba, and it was felt that the province was entitled to increased area so as to enable it to occupy the independent position which was contemplated by the spirit of confederation. For these reasons an increase in area was requested which would place it on a

24. Ibid., p. 33.

proportionate equality with the other provinces. It was pointed out that in 1881 the Dominion Government had been willing to increase Manitoba's area from 13,500 sq. mls. to 154,000 sq. mls. and that this increase would have taken place if it had not been for the later Privy Council decision. For this reason, the area lying west of the proposed Manitoba boundary of 1881, and not given to Ontario by the Privy Council decision, was claimed.

It was also maintained that it was the intention of the Federal Government, in 1876, at the time of the passage of the Keewatin Act, to ultimately extend the boundaries of Manitoba to include a large portion of Keewatin, if not the whole of it. This was supported by historical ties for for centuries the only means of communication between the Red River settlements and the outside world was through this territory, by way of Hudson Bay. The powers of the Lieutenant Governor of Manitoba as Lieutenant Governor of Keewatin from 1876 to 1905 and other evidence was presented to show that Manitoba had always been particularly identified with "Hudson Bay and the intervening territory" which was not true in the case of Ontario. It was further submitted that the development and administration of this intervening territory could best be secured by Manitoba since the seat of government of Ontario was far removed from the area and, geographically, Manitoba was also in a much better position than the province of Saskatchewan.

"In addition, both these provinces had . . . limits and extent abundantly sufficient to tax their energies and capabilities and it would

be unwise to further increase their responsibilities".²⁵ With regard to those portions of the districts of Assiniboia, Saskatchewan and Athabasca which were not included in the Province of Saskatchewan when it was formed in 1905, Manitoba requested that they be given to her to preserve geographical symmetry and because it formed part of the territory in which Manitoba had asked an extension of boundaries for over 25 years. Manitoba also pointed out that as the area was sparsely populated the reasons given in 1905 for refusing her the strip of territory in the Province of Saskatchewan immediately to the westward of the boundary of Manitoba did not apply. But the strongest argument for Manitoba in her own view, was that the Legislature of the Northwest Territories prior to the creation of the Province of Saskatchewan had stated that it had no pronounced views on the territory north of Lakes Winnipegosis and Manitoba and that it might be given to Manitoba.

(d) The Claims of Quebec

The claim of the Province of Quebec to a northern extension was made in a memorial from its executive council, dated November 9th, 1907, which requested the Dominion Government to annex to the territory of the Province of Quebec all the area between its northern boundary and Hudson Strait and between Hudson Bay, the Atlantic Ocean, and the "skirt of land" along the Atlantic Ocean which was "supposed to belong to Newfoundland", including the islands in Hudson Bay adjacent to the mainland, and "the following islands and groups of islands: Ottawa, Sleepers, Baker's Dozen,

25. Ibid., p. 27.

Belchers, North Belchers, King George, Mansfield, Charles, the islands of Ungava Bay and the Button islands."²⁶

This claim was substantiated by a number of arguments. First of all, Quebec maintained that the area requested formed, geographically, part of the province because it was wholly isolated from all other parts of Canada by a wide expanse of sea. Furthermore it was maintained that this undeveloped region was necessary to Quebec, in order to protect the timber, fish and game over much of the actual territory of the province because the natives who occupied Ungava, in coming south to hunt in Quebec were the cause of forest fires and the destruction of fish and wildlife. Having caused this havoc they returned to their own region, where they were beyond reach of the regulations made by the government of Quebec for the protection of its natural resources.

Quebec also took the view that because of its geographical position, Ungava had everything to gain in becoming a portion of the province since the government of Quebec was the most suitably situated to administer and develop Ungava's natural resources. Ungava offered to the other provinces neither advantage or interest, and the Dominion government could not adequately administer the area without special and expensive organization.

Finally, the enlargement of its boundaries was claimed by Quebec as compensation for any advantages which Ontario, Manitoba and Saskatchewan would gain if they were extended to the western shore of Hudson Bay.

26. Debates, House of Commons of Canada, 1907-8, Col. 12786.

(e) The Decisions

After due consideration, the claims of Saskatchewan were ignored, because the weight of argument to have territory lying north of Manitoba and west of Saskatchewan allotted to either province was in favour of Manitoba.²⁷ The government of the day was also prepared to admit the claim of Manitoba to have its boundary extended northward to the 60th parallel, but the boundary on the east presented difficulties because the claims of Ontario and Manitoba overlapped.

Manitoba claimed an extension eastward to include the area between the Albany River and Hudson Bay, to a meridian line drawn from the confluence of the Mississippi and Ohio Rivers, this eastern meridian being based on Manitoba's earlier claims in 1881. Ontario claimed an extension westward to the Churchill River.

The government did not think it advisable to agree to Manitoba's claimed eastward limit because the boundary would have been brought into the vicinity of the longitude of Fort William, Port Arthur and Lake Nepigon.²⁷ Neither could it agree to Ontario's claimed western boundary. Sir Wilfred Laurier, speaking in the Dominion Parliament said:

"It is expected that the new railway to Hudson Bay will have its terminus at Churchill; in fact, it cannot have its terminus anywhere else. Churchill is known to be the best of the harbours on Hudson Bay and perhaps the only harbour. . . . If the terminus of the railway is to be at the mouth of the Churchill river it is reasonable to expect that a town of some proportions must eventually grow up at the mouth of that river, and if you have two provinces separated by the Churchill river, Manitoba on the one side and Ontario on the other, and a town growing up upon both sides of the river, it is manifest that complications would arise and that the

27. Ibid., col. 12779.

progress of the city might be materially retarded for the necessity of having legislation either from one province or the other. Therefore, it is far preferable, far more convenient and far more suitable in every possible way that the city be either in one province or the other".²⁸

Ultimately the government came to the "fair" conclusion to fix the northeastern boundary of Manitoba from the then northeast corner of the province over the height of land between the water system of the Hayes river and the Nelson River on one side and the water system of the Severn River on the other side. However, it was discovered that this definition could lead to complications because the height of land between the Hayes river and the Severn river did not extend all the way to the shore of Hudson Bay but that it was met some distance from the shore by another height of land running east and west. Therefore, in order to follow the principles on which this definition was based and yet avoid a controversial description, the boundary had to be expressed differently and it was determined that it should be a straight line from the northeast corner of the then boundary of Manitoba to the east end of Island lake and thence on a straight line to the point where the eighty-ninth meridian of west longitude intersects the shore line of Hudson Bay. A resolution incorporating this and the above northern and western boundaries was passed by the House of Commons in 1908.²⁹ No decision was made in 1908 regarding the extension of Quebec beyond the following proposal:

"That upon the Legislature of the Province of Quebec consenting thereto, it is expedient to extend the boundaries of the said province upon such terms and conditions as may be agreed to by the said Legislature and by Parliament so as to include all the

28. Ibid., col. 12780.

29. Ibid., col. 12814.

territory to the north of the said province now known as Ungava and extending to the waters of James Bay and Hudson Bay, and the entrance thereto from the sea."³⁰

Beyond the passing of these resolutions, however, no further action was taken on these extensions until February 1912, when Bills were passed incorporating the proposed extensions with the exception that Quebec was not enlarged so as to include the coastal islands, as the Province had requested. In fact, no coastal islands were included in any of the three Provincial extensions. One reason was the difficulty of giving a description of such islands which would be sufficiently definite. Another was that the islands might be necessary for Dominion purposes in connection with navigation and defence.³¹ The boundary extensions were described as follows:

Ontario

"Commencing at the most northerly point of the western boundary of the province of Ontario as determined by "The Canada (Ontario Boundary) Act, 1889", chapter 28 of the statutes of 1889 of the United Kingdom (the said westerly boundary being the easterly boundary of the province of Manitoba); thence continuing due north along the same meridian to the intersection thereof with the centre of the road allowance on the twelfth base line of the system of Dominion Land Surveys; thence north-easterly in a right line to the most eastern point of Island lake, as shown in approximate latitude 53°30' and longitude 93°40' on the railway map of the Dominion of Canada, published, on the scale of thirty-five miles to one inch, in the year one thousand nine hundred and eight, by the authority of the Minister of the Interior; thence northeasterly in a right line to the point where the eighty-ninth meridian of west longitude intersects the southern shore of Hudson bay; thence easterly and southerly following the shore of the said bay to the point where the northerly boundary of the province of Ontario as established under the said Act intersects the shore of James bay;

30. Ibid., col. 12814.

31. Debates, House of Commons of Canada, 1911-12, col. 5270.

thence westward along the said boundary as established by the said Act to the place of commencement."³²

Quebec

"Commencing at the point at the mouth of East Main river where it empties into James bay, the said point being the western termination of the northern boundary of the province of Quebec as established by chapter 3 of the statutes of 1898, intituled An Act respecting the north-western, northern and north-eastern boundaries of the province of Quebec; thence northerly and easterly along the shores of Hudson bay and Hudson strait; thence southerly, easterly and northerly along the shore of Ungava bay and the shore of the said strait; thence easterly along the shore of the said strait to the boundary of the territory over which the island of Newfoundland has lawful jurisdiction; thence south-easterly along the westerly boundary of the said last mentioned territory to the middle of the Bay du Rigolet or Hamilton Inlet; thence westerly along the northern boundary of the province of Quebec as established by the said Act to the place of commencement."³³

Manitoba

"Commencing where the sixtieth parallel of north latitude intersects the western shore of Hudson Bay; thence westerly along the said parallel of latitude to the northeast corner of the province of Saskatchewan; thence southerly along the easterly boundary of the province of Saskatchewan to the international boundary dividing Canada from the United States; thence easterly along the said international boundary to the point where the said international boundary turns due north; thence north along the said international boundary to the most northerly point thereof at or near the northwest angle of the Lake of the Woods; thence continuing due north along the westerly boundary of the province of Ontario, by virtue of "The Canada (Ontario Boundary) Act, 1889", chapter 28 of the statutes of 1889 of the United Kingdom, (the said westerly boundary being the easterly boundary of the province of Manitoba) to the most northerly point of the said boundary common to the two provinces under the said Act; thence continuing due north along the same meridian to the intersection thereof with the centre of the road allowance on the twelfth base line of the system of Dominion Land Surveys; thence northeasterly in a right line to the

32. Statutes of Canada, 2 Geo. V, Cap. 40, 1912, p. 246-7.

33. Statutes of Canada, 2 Geo. V, Cap. 45, 1912, p. 248.

most easterly point of Island Lake, as shown in approximate latitude 53°30' and longitude 93°40' on the railway map of the Dominion of Canada published, on the scale of thirty-five miles to one inch, in the year one thousand nine hundred and eight, by the authority of the Minister of the Interior; thence northeasterly in a right line to the point where the eightyninth meridian of west longitude intersects the southern shore of Hudson Bay; thence westerly and northerly following the shores of the said Bay to the place of commencement."³⁴

3. The Provisional Districts

To bring the Provisional Districts into conformity with the changes in boundaries effected in 1905 and 1912, their boundaries were further defined in 1918 by an Order-in-Council which was to take effect in 1920.

Mackenzie was described as the area between the Yukon Territory, the sixtieth parallel of latitude, the continental shore of the Arctic Ocean and the second meridian in the system of Dominion Land surveys.

Keewatin's boundaries were as follows:

"Commencing at the point where the second meridian. . . . intersects the continental shore of the Arctic Ocean, thence easterly along the said shore to the most northerly point of Spence Bay, between Franklin Isthmus and Boothia Peninsula; thence northeasterly in a straight line across Boothia Isthmus to the most southwesterly point of Lord Mayor Bay in the Gulf of Boothia; thence southeasterly along the shore of the said Gulf to the most southerly point thereof; thence southerly in a straight line across Rae Isthmus to the most northwesterly point of Repulse Bay; thence southeasterly along the middle of Repulse Bay to Frozen straight; thence southerly along the middle line of Frozen straight to Fox Channel; thence southeasterly in a straight line to the most northerly point of Cape Wolstenholme in the Province of Quebec; thence southerly following the eastern shore of Hudson Bay to James Bay, thence southerly following the eastern shore of James Bay to the point where it is intersected by the boundary between the Provinces of Quebec and Ontario, thence northerly following

34. Statutes of Canada, 2 Geo. V, Cap. 32, 1912, p. 252.

the western shore of James Bay to Hudson Bay, thence westerly and northwesterly following the southern shore of Hudson Bay to the point where it is intersected by the parallel of the sixtieth degree of north latitude, thence westerly along the said parallel to the second meridian. . . .thence northerly along the said meridian to the point of beginning."³⁵

Franklin was described as consisting of that portion of the Northwest Territories not included in Mackenzie and Keewatin.

It will be noted that Franklin embraced the whole of Hudson Strait and Keewatin the whole of Hudson Bay with a westerly boundary along the second meridian (102° W). The latter boundary was probably chosen as the dividing line between Mackenzie and Keewatin partly for its convenience, as it was merely a continuation of the boundary between Manitoba and Saskatchewan and partly because it roughly divides those areas of continental Canada north of 60° N which are approached by the Hudson Bay-Hudson Strait route from those which are approached via the Mackenzie River and its tributaries. In this sense therefore, the second meridian north of the sixtieth parallel may have been considered as an approximation to a watershed boundary in 1918. However, subsequent knowledge of the general area through which it passes has shown that it is only very approximately this.

With the passage of the Order-in-Council of 1918 the political map of Canada as it existed prior to the Privy Council decision on the Newfoundland-Labrador boundary, came into being (see Fig. 13). In the

35. P. C. No. 655 dated March 16th, 1918, published in the Canada Gazette, Vol. 51, No. 42, 20th April, 1918.

main, however, only the development of the major political boundaries from the point of view of delimitation has been dealt with. A boundary can hardly be described as "fixed" until it has been demarcated in some way or another.

CHAPTER VII

BOUNDARY DEMARCATION AND ADMINISTRATION

The place of boundary demarcation in the general process of boundary evolution has already been described in the introduction to this work. It means the marking of a boundary by some physical means. Boundary delimitation, as the foregoing chapters have shown, is a matter which may be decided upon quite rapidly or may occur after years of deliberation and negotiation, but the marking of a boundary upon the surface of the earth involves different problems.

1. The process of boundary demarcation

The change from delimitation to demarcation is no easy one. It is easiest if the delimitation has been stated in such a manner that demarcation can begin by being merely a matter of routine surveying. Such delimitation however, has not always occurred in Canada.

Hinks¹ attributes faulty delimitations to (a) inexact definition (b) unsuitable definition (c) contradictory definition and (d) unascertainable previous jurisdiction. It has been shown that the earliest boundary delimitations in the northern part of North America were often arbitrary in their essential character and were usually vaguely worded and phrased, often by authorities who were far removed from the area they were dividing. Even if the scene had been visited, detailed knowledge of it was usually

1. Arthur R. Hinks, "Notes on the Technique of Boundary Delimitation", Geographical Journal, Vol. 58, No. 6, December 1921, p. 417.

scanty and maps based on it quite inadequate. In fact many of the early documents expressly included the right, if not an exhortation, to explore in a loosely defined area. What better example is there of this than the charter of the Hudson's Bay Company?

The development from delimitation to demarcation is particularly difficult however if a boundary is defined by natural features of the landscape, unless the definition includes a detailed account of the course of the boundary along the natural feature. Yet it was precisely these outstanding physical features which were seized upon in the relatively unknown parts of Canada in order to provide what were considered to be indisputable points of reference in boundary documents. The northern part of the Ontario-Quebec boundary was supposed to be the due north line from the "head" of Lake Temiskaming. In 1872-73 the surveyors of the southern end of this line found no definite feature which they could agree upon as the "head" of the lake. They found two rivers flowing into the lake from the north, the two mouths being broken up into five channels by four islands, the two outside channels being about $2\frac{1}{2}$ miles apart in longitude.² As a result, a decision, mutually acceptable to the Governments of Ontario and Quebec, had to be made as to the interpretation of the old boundary description.

The almost endless negotiations regarding the northern and western boundaries of New Brunswick are another instance of faulty delimitation

2. Shirley King, "The Ontario-Quebec Boundary: Lake Temiskaming to James Bay", Annual Report of the Association of Ontario Land Surveyors, 1934, p. 143.

based on topographic features. In fact the only two inter-provincial boundaries which are still in some dispute are of this nature—the Quebec-Newfoundland boundary and the Quebec-Ontario boundary between the forty-fifth parallel and Lake St. Francis. The first of these boundaries is primarily a watershed one, but the location of the watershed is very difficult to establish on the ground. When it is realized that the watershed boundary between British Columbia and Alberta, which is one of the best watershed boundaries in the world and yet was described by the surveyors as being "by no means so well defined on the ground as might be supposed,"³ the problem in Quebec-Newfoundland assumes even greater magnitude.

Even when boundaries are delimited in terms of latitude and/or longitude, demarcation is not always a simple matter. The Canada-Alaska boundary along the 141st meridian was completely defined but the requirements for its demarcation could not be completely carried out owing to the physical nature of the terrain.⁴

However, as interest in the New World developed and as its potential value, real or imaginary, came to be indicated to European countries more precise delimitation became necessary and ultimately led to the demand for demarcation. Parallel with these developments came closer and more effective governmental administration as well as new techniques in surveying and mapping, which made the desire to have boundaries marked on the surface

3. Report of the Commission Appointed to Delimit the Boundary Between the Provinces of Alberta and British Columbia, Part I, Ottawa, Office of the Surveyor General, 1917, p. 2.

4. Jones, op. cit., p. 58.

of the earth a practical reality. Thus boundary demarcation came to be regarded as an essential part of all boundary problems.

But because of the way in which it has evolved, boundary demarcation, especially in Canada, is not even merely a matter of surveying and monumenting for its ultimate objective must be the establishment of a true and unalterable boundary according to law so that no possible dispute in regard to its position can arise in the future.⁵ It involves the following steps:⁶

- (a) The determination of the boundary line from documents of delimitation and field surveys.
- (b) The marking of the boundary line on the ground which involves the selection of sites for, as well as the erection of, monuments and markers.
- (c) Plotting the location of the markers on large scale maps.
- (d) Drawing the boundary line on the map in accordance with the treaty of delimitation.
- (e) Describing completely the boundary area from marker to marker as well as the markers themselves.
- (f) Preparing a comprehensive report for transmission to the Governments concerned.

2. The development of boundary demarcation in Canada

(a) National necessity

When the United States of America became independent and the boundary between it and what remained of British territory in North America

5. British North America Acts and Selected Statutes, p. 257.

6. Many more details are included in Instructions to Demarcation Commissions pursuant to the Paris Treaties, quoted in Jones, op. cit., p. 229-239

was decided upon, it passed through some relatively thickly populated areas and demarcation of the "dividing line" became an immediate necessity.

The present boundary between Quebec and New York and Vermont had been demarcated in 1771-74 as a boundary between British Provinces. But this was carried out in a rather crude manner and serious boundary demarcation as it affects the Canada of today really dates from 1783.

The delimitations included in the treaty of peace with the United States however were the subject of much dispute, as has already been pointed out, and the first monument under its provisions for demarcation, was not erected until 1797, at the source of the "true River St. Croix".

The treaty of Ghent, 1814, provided for two Commissioners to ascertain the position of the boundary from the source of the St. Croix River to the St. Lawrence as delimited in the treaty. Their "exploring line" between the source of the St. Croix River and the St. John River was marked and surveyed in 1817 and 1818. This work also included the erection of a monument on the south bank of the St. Lawrence River to mark the western end of the 45th parallel section of the boundary. The commissioners however did not agree on the interpretation of the whole of the St. Croix-St. Lawrence boundary as delimited in the treaty and no decision was reached until 1842 by the so-called "Webster-Ashburton" Treaty.

This treaty not only delimited the boundary more precisely but also provided for the surveying and marking of it. This was carried out from 1843-45. The section of this boundary between the source of the St. Croix River and the St. John River ("The North Line") followed the "exploring line"

of 1817-18 and the 45th parallel ("The West Line") section followed the line surveyed in 1771-74. The resurvey of this latter section disclosed that it diverged greatly, though not consistently, from the line it was supposed to follow,⁷ but it was accepted as the "true boundary".

The Treaty of Ghent, 1814, also provided for the fixing and determining of the portion of the International Boundary from the most northwestern point of the Lake of the Woods to Lake Superior and empowered the commissioners to cause such parts of it as required it to be surveyed and marked. Comparatively little was known about the area involved, as the Mitchell map of 1755 indicated, and the survey made under the Treaty of Ghent was the first systematic one made in the area. It was carried out in 1824 and several places on the boundary were marked by means of monuments.⁸

The next part of the International Boundary to be determined and marked on the ground was the section west of the summit of the Rocky Mountains. This was carried out in 1857-61. At that time however the country adjacent to the boundary was sparsely inhabited and, in the high mountainous sections, settlement appeared unlikely to soon occur. Therefore only the boundary through settled regions and at prominent stream crossings was demarcated, the intervals between marked sections being, in some cases, as much as 25 miles.⁹

7. Joint Report Upon the Survey and Demarcation of the Boundary Between the United States and Canada from the Source of the St. Croix River to the St. Lawrence River, Washington, Government Printing Office, 1925, p. 332.

8. Joint Report Upon the Survey and Demarcation of the Boundary Between the United States and Canada from the Northwesternmost Point of Lake of the Woods to Lake Superior, Washington, Government Printing Office, 1931, p. 217-218.

9. Joint Report Upon the Survey and Demarcation of the Boundary Between the United States and Canada from the Gulf of Georgia to the Northwesternmost Point of Lake of the Woods, Washington, Government Printing Office, 1937, p. XIV.

The "plains section" of the 49th parallel between the Rockies and the Lake of the Woods was first surveyed and marked in 1872-75. The open character of the country rendered operations comparatively simple and the line was marked at frequent intervals.

As transportation facilities improved and increased, the country on both sides of the boundary became more populated, demanding a more definite and complete marking on the ground. In 1898 questions as to the adequacy of the demarcation of the 49th parallel west of the Rockies began to arise and in 1899 similar problems arose regarding the Quebec-New York line. By 1908 the same was true of the 49th parallel east of the Rocky Mountains, especially as many of the original monuments in this section had been merely mounds of earth which had deteriorated greatly since their erection. The boundaries through the water channels to the Atlantic and Pacific Oceans also remained to be marked, although general maps of the boundaries in these areas had been prepared and some range marks had been erected on the Atlantic portion as early as 1893 following the seizure by Canada of seven American fishing vessels on the ground that they were operating in Canadian waters.

Finally, in 1908, a treaty was adopted by Canada and the United States of America providing for a more complete demarcation of the land and water portions of the whole international boundary.¹⁰ It described the boundary in eight sections and provided for the appointment of a joint commission to recover or restore previously established marks and to place

10. Ibid., p. XIV-XV.

new marks in unmarked sections. The boundary through the St. Lawrence River and the Great Lakes was assigned to the International Waterways Commission, and the remainder of the boundary to the International Boundary Commission. The work under the treaty of 1908 was completed in the 1930's.

The treaty of 1908 however did not include the boundary between Canada and Alaska. This boundary was surveyed and demarcated from 1906 to 1913 following an international convention signed in 1906.¹¹

(b) Provincial expediency

Unlike Canada's international boundaries, at least those with non-British territory, her interprovincial boundaries have not been demarcated until it became expedient to do so. This did not take place until settlement occurred or was immediately anticipated in the boundary region or until some administrative problem, usually connected with natural resources, arose in connection with the boundary. The only exception to this was the Quebec-New Brunswick boundary which was demarcated in 1853-55. This was the first of Canada's interprovincial boundaries to be demarcated and it did not run through a densely populated area. But since its establishment depended on the settlement of the Quebec-United States boundary, this demarcation can be said to be more closely tied to international necessity rather than provincial expediency.

11. Joint Report Upon the Survey and Demarcation of the International Boundary Between the United States and Canada Along the 141st Meridian from the Arctic Ocean to Mount St. Elias, Washington, Department of State, 1918, p. 1

The New Brunswick-Nova Scotia boundary was not demarcated until 1859, although the main course of the boundary became recognized by the people who lived near it by about 1800. The delay was partly due to the difficulty of demarcation at the source of the River Missequash. It rises in an area of floating bogs, and the numerous small streams and lakes in the vicinity made it difficult to determine the true source of the river, and its various windings in the upper reaches. Ultimately the boundary did not attempt to follow these windings, but followed compass lines along the general direction of the river.¹² Apart from this, the only other interprovincial boundary which ran through settled country before 1867 was the southern part of the Quebec-Ontario boundary. Since this happened to be mainly the Ottawa river, demarcation was unnecessary until settlement spread north of Lake Temiscaming. This began in 1872-1874 when the "due north line" from Lake Temiscaming was surveyed to the height of land between Hudson Bay drainage and Great Lakes drainage some 42 miles north of the zero point on the lake.¹³

Not until 1897 did further interprovincial demarcation occur. It was pointed out by the Dominion Government in 1887 that "for judicial and other purposes it is very important that the portion of the Ontario-Manitoba boundary extending from the Northwest angle of Lake of the Woods to Winnipeg river be defined at once". This was not done however until 1897

12. Ganong, op. cit., p. 368-369.

13. King, op. cit., p. 144.

by which time the necessity for the survey had become even more urgent.¹⁴

Hardly had this survey been completed than the next began, but this time in a much remoter area, namely northwestern British Columbia, for in 1898, due to the discovery of gold in the Klondike and the consequent migration of people to the area, questions of jurisdiction arose between the government of British Columbia and the Dominion Government. The British Columbia authorities drew attention to this and the Dominion Minister of the Interior directed that the boundary between British Columbia and the newly-formed Yukon Territory be demarcated. This work was carried on during the years 1899-1901 and again in 1907-1908. About 157 miles of boundary were surveyed and marked on the ground. Commencing on the west side of Teslin Lake, the line runs westward to the Tatshenshini River with a break of 9 miles between the Takhim and Hudson Rivers due to the mountainous country. It was not considered necessary to survey the 65 miles over the glacier-covered mountains from the Tatshenshini River westward to the Alaska Border.¹⁵

In the meantime the southeastern portion of British Columbia was being developed. Chief among these developments was the discovery of valuable coal deposits at widely separated points in the region of the boundary which was to follow the watershed of the Rocky Mountains. As the result of

14. Report of the Commissioners Appointed to Delimit the Boundary Between the Provinces of Manitoba and Ontario from Winnipeg River Northerly, Ottawa, Topographical Survey of Canada, 1925, p. 6.

15. A. J. Campbell, "British Columbia-Yukon Boundary Survey", Report of the Deputy Minister of Lands for 1948, Victoria, B. C., 1949, p. 136.

these discoveries, leases of coal lands were issued in the right of the Dominion or the Province of British Columbia. In some instances the descriptions of these leases were based on surveys which assumed a provisional boundary since the watershed was very ill-defined in places. As a result, surveys made by Dominion and Provincial land surveyors were based on differing provisional boundaries and often overlapped. This in turn led to problems of administration, such as the collection of royalties on coal and the control of mining operations under the respective statutes of the Dominion or Province.

In addition the forest resources on either side of the watershed made it necessary to demarcate the boundary so that surveyors in the employ of private persons, timber lessees, fire wardens and game guardians could recognize the limits of their rights or jurisdiction.¹⁶

In 1913, instructions were issued for the demarcation of the boundary between British Columbia and Alberta between the International Boundary and the 120th degree of longitude, and the work was completed by 1916. The instructions issued were very full and one paragraph is particularly enlightening in that it states some specific reasons for the survey being made:

"The portions of the boundary requiring first attention are:

- (a) The Crowsnest Pass, owing to the proximity of mining properties.
- (b) The Vermilion Pass, owing to the construction of the motor road from Banff to Windermere.
- (c) The Howse Pass, owing to the proximity of timber claims.

16. Report of the Commission Appointed to Delimit the Boundary Between the Provinces of Alberta and British Columbia, Part 1, p. 2.

- (d) The Kicking Horse Pass, Simpson Pass and White Man Pass, owing to their lying within or adjacent to populated areas. The first being within the Railway Belt on the British Columbia side may possibly be left out of the category.
- (e) The Athabaska Pass which may possibly become a railway route.
- (f) The S. Kootenay, the N. Kootenay, N. Fork and Kananaskis Passes.
- (g) The Moose Pass, which may become of importance as a feasible route to the North via the Smoky River.
- (h) The Robson Pass, which is of no importance, except as one of the most striking scenic centres of the entire mountain region. Work can be commenced at the Vermilion Pass and carried southward in rotation to the International Boundary".¹⁷

Settlement east of the Rockies however was also spreading northwards and with it the need for the accurate location of provincial boundaries. In 1906, owing to the activity of prospectors, lumbermen, clay-belt investigators and trans-continental railway builders in what was then northern Ontario and Quebec the interprovincial boundary was demarcated for a further 47 miles northward to the Okikodisek River, a point in the neighbourhood of the proposed Grand Trunk Pacific Railway. In the following year the boundary was further demarcated for an additional 51 miles.¹⁸

Presumably for somewhat similar reasons, accentuated by the boundary extensions of 1912, the necessity for further demarcating the boundary between Ontario and Manitoba was discussed by the governments of those provinces and the Dominion during 1913 and 1914 but due to the outbreak of the first World War the matter was left in abeyance until 1920. In that year the Dominion land surveyor who had been surveying mineral claims in the Rice Lake District for several years, reported that claims were being staked near the interprovincial boundary and called attention to the

17. Ibid., p. 8.

18. King, op. cit., p. 144.

necessity for an early demarcation of the line from Winnipeg river northerly through the mining district. It was then considered that the question had now reached a stage where further delay would probably be followed by serious complications and the work proceeded in 1921 and 1922,¹⁹ and the Meridian section of the boundary was completed to the 12th Base Line of the Dominion Lands System.

The northward course of settlement had by this time extended well into the Peace River area of northern Alberta and British Columbia. Bisected as this area was by the meridional boundary between these two provinces, which had never been demarcated, jurisdictional overlapping again occurred, as it had earlier in the watershed section of this interprovincial boundary.

As had occurred before 1913 a provisional boundary line had been run by the government of British Columbia which did not coincide with the surveys made in the area by the Dominion Government. It was also necessary to survey and demarcate the 120th meridian south to its intersection with the "summit of the Rocky Mountains" so as to determine the point at which the interprovincial boundary ceased to follow the "summit".

"Finally it was desired to establish the Boundary across Peace river—that most noble artery of Northland traffic—and the unsurveyed country to the north of it, with a view to the proper administration by the adjoining Provinces of their respective laws".²⁰

19. Report of the Commissioners Appointed to Delimit the Boundary Between the Provinces of Manitoba and Ontario from Winnipeg River Northerly, p.

20. Report of the Commissioners Appointed to Delimit the Boundary Between the Provinces of Alberta and British Columbia, Part III, p. 85.

The survey of the 120th meridian was carried out from 1922-1924 and at the end of their operations the surveyors had reached almost to latitude $57\frac{1}{2}^{\circ}$ N. At this point it was decided to discontinue the survey for the time being, there being about 174 miles of the meridian still to be surveyed through uninhabited and unproductive country.

The years 1929 and 1930 saw the further demarcation of the Manitoba-Ontario boundary from the 12th Base Line of the Dominion Land Survey to Island Lake and in 1930-31 the remainder of the northern boundary between Quebec and Ontario was demarcated. This became necessary owing to the still further extension northward of the activities of trappers, lumbermen, prospectors and railway builders but it resulted in the first demarcated interprovincial boundary to reach Canada's northern coasts, at James Bay.

In 1937, the survey of the Ontario-Manitoba boundary was extended to Echoing River, and the following year active development of the mining and fur industries made it appear necessary for administrative purposes to complete the demarcation of that part of the 110th meridian of longitude (the 4th meridian of the Dominion Land System) which formed an interprovincial boundary. It has already been pointed out that this boundary was not delimited as an interprovincial boundary until 1905, but by 1912 it had been completely demarcated from the International Boundary to the south shore of Lake Athabaska. The great difficulties of producing and measuring a line

across so large a body of water made it seem inadvisable to produce it farther at that time.²¹

World War II brought great activity to the Canadian Northwest. Among these activities was the construction of the Alaska Military Highway from Dawson Creek, B. C., to Fairbanks, Alaska, in 1942 and 1943. It was known that this highway crossed the northern boundary of British Columbia several times but the exact location of the crossings was not known as the boundary had never been surveyed. The matter was brought to the attention of the Dominion and Provincial officials, with the result that Orders-in-Council were passed by both governments which stated:

"That the route of the Alaska Highway, now under construction, crosses and recrosses the sixtieth parallel of north latitude, which is the boundary between the Province of British Columbia and the Yukon and Northwest Territories. . . . The resulting activity, in the vicinity of the boundary area, makes it necessary that the boundary line be surveyed and marked on the ground for administrative purposes".²²

The work was commenced in 1945 on the west side of Teslin Lake, at a boundary monument established in the survey of 1899, and had been extended eastward to almost 127°30' W by 1948, those parts of the boundary known to be nearest the highway having been demarcated first.

The boundary which has most recently been demarcated is the remaining section of the Ontario-Manitoba boundary between Echoing River and Hudson Bay. Its terminal point, where the 89th meridian of longitude intersects the shore of Hudson Bay, was reached during 1948. Even more

21. Waugh, B. W., "Completing the World's Longest Surveyed Straight Line", Canadian Geographical Journal, Vol. XXI, No. 2, August 1940, p. 75.

22. Campbell, op.cit., p. 137.

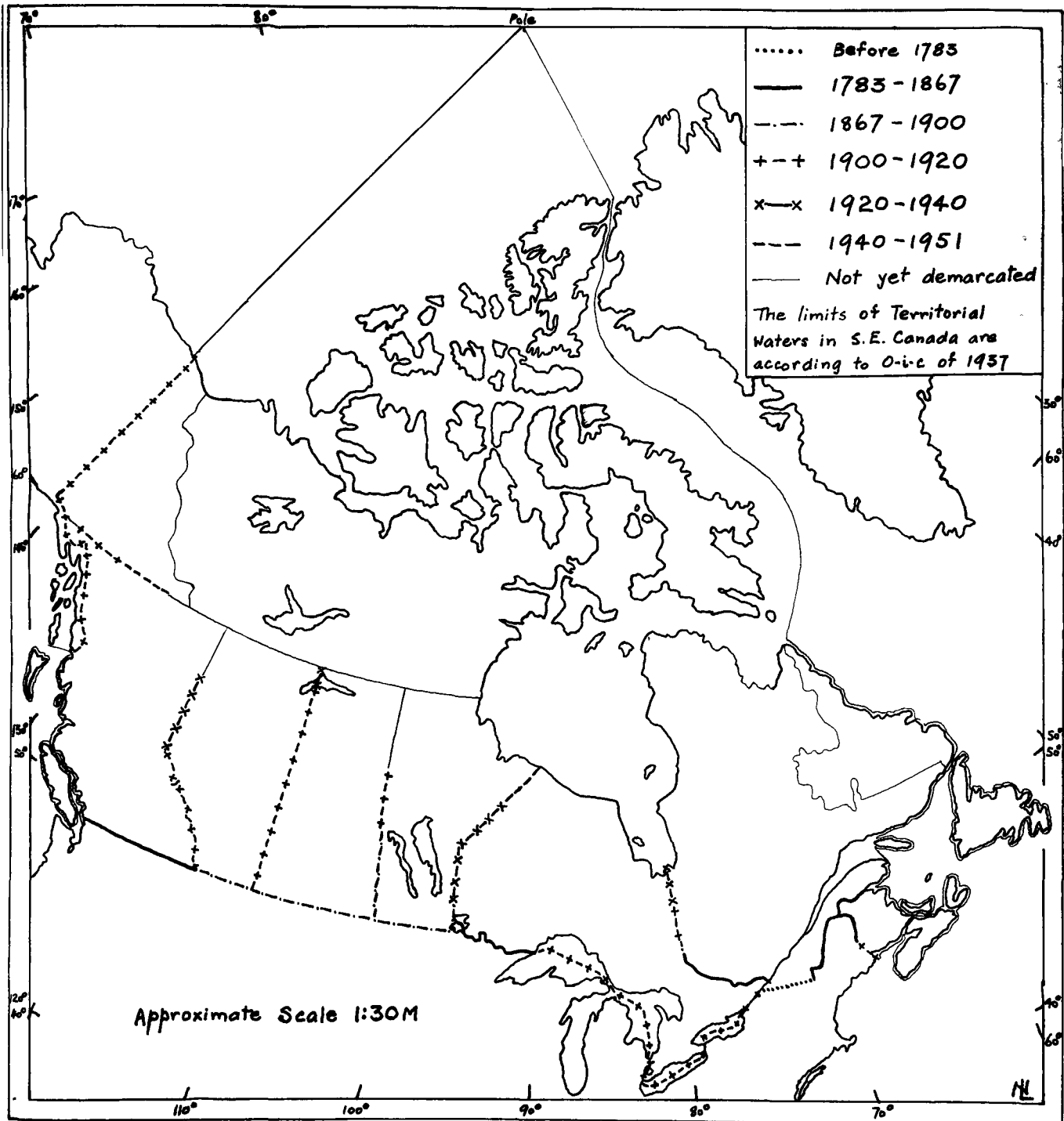


Fig. 23. The Progress of Boundary Demarcation in Canada.

recently, the discovery of minerals in the northern part of the Province of Alberta has led to the beginning of the demarcation of the northern boundary of that province (the 60th parallel of latitude). The demand for mining and oil leases called for precise survey and "accurate ground markings" and the work was begun in January, 1951.²³

(c) The undemarcated boundaries

There are only two undemarcated portions of the international boundaries of Canada. The first is the part which extends through the waters which separate British Columbia from Alaska from Cape Muzon across Dixon Entrance to the entrance of the Portland Canal. The second is the boundary which separates Canadian territorial waters from those of Alaska at the Arctic Ocean. This boundary is not even defined by treaty, although it presumably follows the 141st meridian of longitude out to the three mile limit.

The national boundaries of Canada, that is to say the limits of her territorial waters and the "open" ocean have never been demarcated, or for that matter, fully delimited.

But the interprovincial boundaries have to a very large extent been demarcated. Where demarcation has not yet occurred the provinces have, generally speaking, found it inexpedient to do so. The following comments by the Controller of Surveys for the Province of Saskatchewan are typical:²⁴

23. The Christian Science Monitor, January 22nd, 1951.

24. Personal Correspondence of the author, letter from A. I. Bereskin, Saskatchewan Controller of Surveys, dated May 15, 1950.

"The north half of the Manitoba-Saskatchewan boundary is not yet surveyed. Probably there will not be a need for same until mineral development and increased population in the vicinity of the boundary warrant delineation of the provinces eastern limit. The survey of the northern boundary of the province has not yet been made and, here again, the necessity of same will depend upon mineral development."

The longest interprovincial boundary which remains to be demarcated is that between Quebec and Newfoundland. This is mainly because the delimitation was in dispute for many years and the decision of the Imperial Privy Council in 1927 is still not accepted in some quarters of the Province of Quebec. Even the initial point of the land boundary between the two provinces at Anse Sablon has never been marked. However, the development of the iron ore deposits which straddle this boundary will undoubtedly call for some demarcation before many years have passed.

For the sake of completeness it should also be mentioned that the boundaries between the territories are not demarcated. The main reason is that demarcation is unnecessary since territorial boundaries do not separate areas which have different basic administration. They are all fundamentally under the control of the Dominion Government in Ottawa, and any revenue derived from them accrues to the Federal Government. For similar reasons, as long as the three "Prairie Provinces" did not have control of their natural resources they were not anxious to bear the expense of boundary demarcation.²⁵

25. See, for example, Report of the Commissioners Appointed to Delimit the Boundary Between the Provinces of Manitoba and Ontario from Winnipeg River Northerly, p. 5.

3. Methods of boundary demarcation

Boundaries not naturally marked are usually made visible by the erection of stones, signs, beacons, pillars or monuments.²⁶

(a) Monuments

The type of marker used in Canada has varied a good deal. Generally, because of the great distances involved, as well as the fact that demarcation has often taken place in remote regions where transportation is a limiting factor, boundary pillars have been built of whatever materials could be found at hand. For these reasons the earliest boundary monuments were also constructed simply, although if, as time went on, the boundaries passed through settled areas, the simple and often rudimentary markers were replaced by more complex ones.

The 1771-1774 survey of the 45th parallel was merely a compass line with blazes or marks on the trees. When reexamined in 1843 these marks were still visible but iron monuments were erected along the line at every point of deflection.²⁷

David Thompson who first surveyed and demarcated the portion of the boundary between Lake of the Woods and Lake Superior:

"having arrived at the 49th degree of north latitude. . . . there placed a heap of large stones with several pickets well driven into the ground, at the first angle of this Lake there being no stones within several miles we erected a square monument of Logs of 12 feet high by 7 feet width, the lower

26. Jones, op. cit., p. 210.

27. Joint Report Upon the Survey and Demarcation of the Boundary Between the United States and Canada from the Source of the St. Croix River to the St. Lawrence River, p. 310.

part of Oak, the upper part of Aspin—and nailed to it a Tin Plate marked the North West Corner of the Lake of the Woods No. 1—proceeding northward at the second Angle of the Lake we erected a Pyramid of stones 7 feet high by 4 feet square at the Base and a Cedar post in its centre nailed a Tin Plate pierced."²⁸

The interprovincial demarcation shows the same variety in types of monuments. The original demarcation of the boundary between New Brunswick and Nova Scotia was partly carried out by placing Hackmatac Posts one fourth of a mile apart along the line.²⁹ On the Alberta-Saskatchewan boundary some monuments were merely mounds of sand if no stone was available.³⁰ On the northern part of the Ontario-Quebec boundary aluminum plaques were nailed to line blazed trees.³¹

In recent times, it has become a common practice to mark parts, at least, of the interprovincial boundaries by means of short metal inscribed posts which are planted in the ground, and mounds and trenches or stone mounds which are used as markers (Fig. 29)

Unless the boundary is clearly marked in nature or is in uninhabited or inaccessible country, it is usual to endeavour to make the monuments intervisible. This has usually been interpreted to mean, in Canada, that each monument should be intervisible with one or more other monuments,

28. Joint Report Upon the Survey and Demarcation of the Boundary Between the United States and Canada from the Northwesternmost Point of Lake of the Woods to Lake Superior, p. 218.

29. Plan of Part of the Boundary Between the Provinces of New Brunswick and Nova Scotia Surveyed by Orders of the Commissioners by Alen Munro D.L.S. March 12th, 1858. Photostat copy in Library, Geographical Branch, Department of Mines and Technical Surveys, Ottawa.

30. Saskatchewan-Alberta Boundary, Report of Survey to North Terminal Point, 1938, typewritten report (not published), Ottawa, Department of Mines and Technical Surveys.

31. King, op. cit., p. 150.



Fig. 24. On-shore range mark, ranging the first course of the International Boundary in the Gulf of Georgia. To the right is the monument marking the western terminus of the 49th parallel land boundary, erected in 1861 at a cost of nearly 1500.

Fig. 25 (Right). Cedar post set in 1817, cast iron monument originally erected in 1843 and reset in massive concrete base in 1908, to mark the boundary at the source of the St. Croix River.

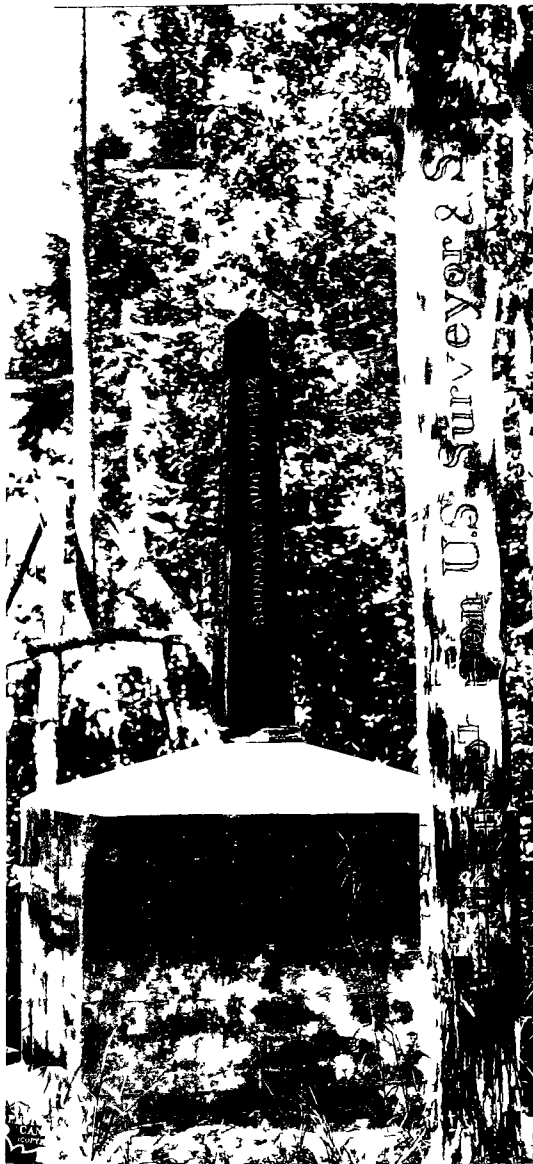


Fig. 26. Boundary Vista and Monument at Boundary Point 90 (Taku River Valley) along the British Columbia-Alaska boundary.

though not necessarily the adjacent monument.³²

Each monument erected along a Canadian boundary is also numbered, usually consecutively from one end of the line, and fully described. The description includes all data which might help to relocate the monument if it becomes misplaced, destroyed or obscured.

(b) The "boundary vista"

Where a boundary crosses wooded or forested land a path or "vista" is normally cut through it in addition to monumenting. The width of the vista varies. Along the Canadian-United States boundary it is usually sufficient to produce a 20 ft. skyline. Along the interprovincial boundaries a 6 ft. skyline is the general rule. The width of clearance necessary on the ground to produce a specified width of vista varies. Along the 120th meridian boundary between Alberta and British Columbia the surface clearance necessary for a 6 ft. skyline was 10-16 ft. according to the nature of the timber.³³

Sometimes, as for example, on the meridian section of the Alberta-British Columbia boundary, ground is cleared for some distance around each monument, partly to make the monument conspicuous but mainly to protect it from forest fire.³⁴

32. Joint Report Upon the Survey and Demarcation of the International Boundary Between the United States and Canada along the 141st Meridian from the 141st Meridian from the Arctic Ocean to Mount St. Elias, p. 187.

33. Report of the Commission Appointed to Delimit the Boundary Between the Provinces of Alberta and British Columbia, Part I, p. 13.

34. Report of the Commission Appointed to Delimit the Boundary Between the Provinces of Alberta and British Columbia, Part III, p. 94.

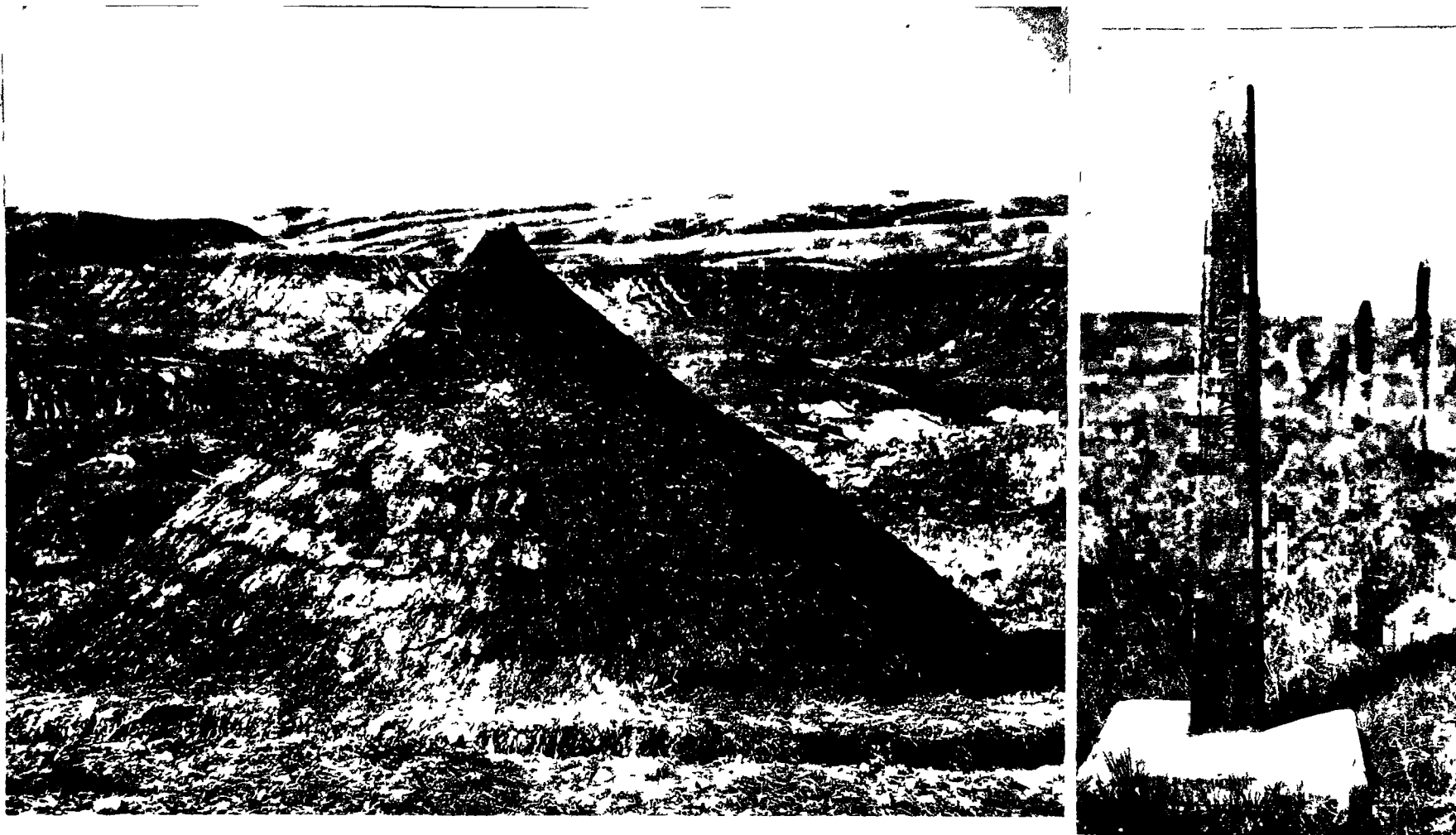


Fig. 28 (Left). One of the mounds erected in 1874 on the prairie section of the International Boundary. In 1910, this mound was replaced by a hollow cast iron monument set in a concrete base like the one shown in Fig. 29 (Right).

(c) Water boundaries

In the case of water boundaries it is not ordinarily possible to erect monuments along them. But it is possible in certain cases to demarcate such boundaries with the help of alignments made by markers placed on the banks or with the help of floating buoys or fixed beacons.

The International boundary between Canadian and United States territorial waters has been demarcated in this manner. By the Treaty of 1908, the International Boundary Commissioners required these portions of the boundary to be marked by permanent range marks established on land. The two main water boundaries in question were 1) that through Passamaquoddy Bay to the Atlantic Ocean³⁵ and 2) that through Georgia, Haro and Juan de Fuca straits to the Pacific Ocean. Within the bays and straits the reference points were marked by large triangular concrete pyramids which serve as range marks or cross-range marks for the courses of the boundary. The boundary further from the shore is referenced to these existing monuments and lighthouses. Some of the lighthouses used as reference marks are frame structures. In order to provide for the recovery of their accurate location should they be destroyed or replaced, concrete witness marks of various designs have been erected and their distances and directions from the lighthouses accurately determined.³⁶

35. The final extension of this boundary to the high seas was not adopted until the Boundary Treaty of 1925.

36. Joint Report Upon the Survey and Demarcation Between the United States and Canada from the Western Terminus of the Land Boundary along the Forty-Ninth Parallel. . . .to the Pacific Ocean, p. 57-58.

The boundary through the Great Lakes and other waterways between the point of intersection of the 45th parallel and the St. Lawrence River and the mouth of the Pigeon River is similarly marked in accordance with the following terms of the Treaty of 1908:³⁷

" . . . the said Commissioners shall so far as practicable mark the course of this entire boundary. . . . by buoys and monuments in the waterways and by permanent range marks established on the adjacent shores or islands, and by such other boundary marks and at such points as in the judgment of the Commissioners it is desirable that the boundary should be so marked".

With regard to the national boundaries, between the territorial waters of Canada and the high seas, an Order-in-Council,³⁸ in 1937 not only defined certain of the limits of Canadian territorial waters but directed that these limits be mapped. It would be almost impracticable to demarcate these boundaries completely but some of the means of demarcation described above and which are possible were not used following this Order-in-Council. In this sense no Canadian territorial waters have been demarcated, although marking their limits on accurate maps is a step in this direction.

4. Maintenance and Administration

A demarcated boundary is a man made structure, and, like other man made structures requires maintenance. Without maintenance a demarcated boundary will deteriorate and perhaps disappear.

37. Ibid., p. 16.

38. Quoted in full as Appendix 2.

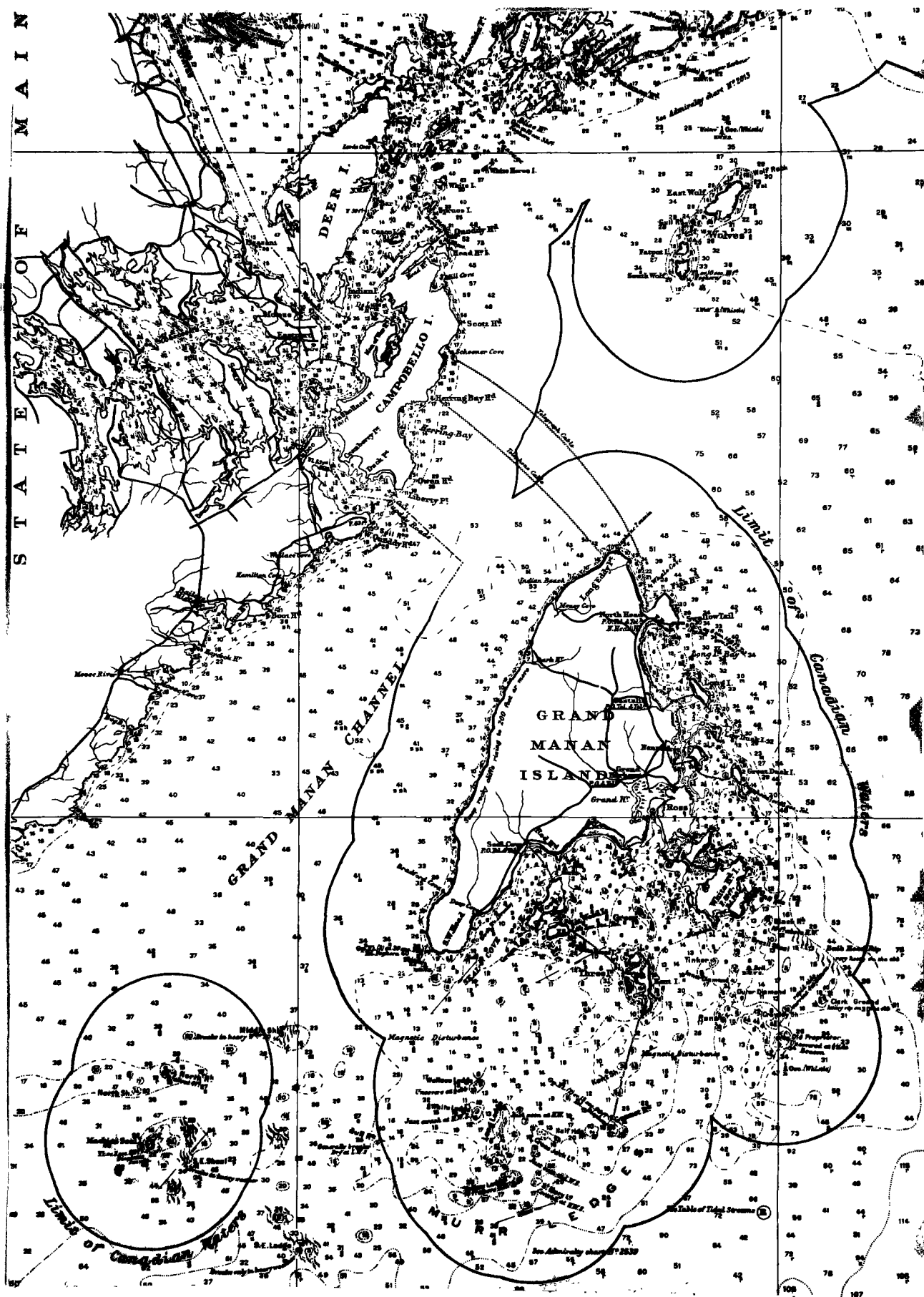


Fig. 30. The Limits of Canadian Waters in part of the Bay of Fundy.
(Part of Canadian Government Customs Act Map No. 11).

In Canada, monuments suffer deterioration from frost. Freezing in cracks may destroy concrete and stone markers and freezing of the soil often tilts the monument. In some instances monuments have been destroyed or moved by human agencies.³⁹

The greatest maintenance problems in Canada however are concerned with the boundary vistas. These fill in with new growth almost as soon as they are cut and need to be reopened in order to preserve their value. Both types of problem are apparent from the following remarks on the retracement of part of the northern boundary between Quebec and Ontario:

"In places, the line was so completely regrown that it could not be recognized by us even when we knew we were actually on it. This was true not only of the 58-year-old line but of the 26-year-old one as well. . . . Some of the monuments were destroyed and some others were so completely covered that only our measurements enabled us to discover them".⁴⁰

To attend to these problems on long or important boundaries a permanent maintenance body may be needed. After 1915, it became apparent that on the section of the Canada-United States boundary through the St. Lawrence River, the Great Lakes and their connecting waterways, several monuments required moving or repairing. Furthermore, bridges were being built across the connecting waterways on which the boundary crossings were not marked and a new growth of timber had filled in a great deal of the boundary vista. This need for maintaining an effective boundary led to the

39. For example, four years after the survey of the Vermont-Quebec boundary under the treaty of 1842, the complaints that were made that monument 560 in the village of Beebe Plain, had been moved from its original position were found to be justified.

40. King, op. cit., p. 145.

negotiation of a special treaty in 1925. Under this treaty, boundary commissioners were empowered to

"inspect the various sections of the boundary line between the United States and the Dominion of Canada and between Alaska and the Dominion of Canada at such times as they shall deem necessary; to repair all damaged monuments and buoys; to relocate and rebuild monuments which have been destroyed; to keep the boundary vistas open, to move boundary monuments to new sites and establish such additional monuments and buoys as they shall deem desirable; to maintain at all times an effective boundary line between the United States and the Dominion of Canada and between Alaska and the Dominion of Canada, as defined by the present treaty and treaties heretofore concluded, or hereafter to be concluded; and to determine the location of any point of the boundary line which may become necessary in the settlement of any question that may arise between the two governments."⁴¹

The commissioners and their staffs are known as the International Boundary Commission. The Commission is divided into two sections, one for Canada and one for the United States.

The commissioners are required by the treaty of 1925 to submit a joint report to their respective governments at least once in every calendar year. This report must include:

"a statement of inspections made, the monuments and buoys repaired, relocated, rebuilt, moved and established. . . . plats and tables certified and signed by the commissioners, giving the locations and geodetic positions of all monuments moved and all additional monuments established within the year, and such other information as may be necessary to keep the boundary maps and records accurately revised."⁴²

The Interprovincial boundaries are not maintained and administered in the same manner because they are relatively less important. As problems

41. "The International Boundary Commission", External Affairs, Vol. 2, No. 12, December 1950, p. 449.

42. Ibid., p. 449.

arise the provinces involved take the necessary action which as a rule results in a resurvey of the boundary concerned by a properly constituted Boundary Commission. In the case of the British Columbia-Alberta Boundary the report of the Commissioners appointed to demarcate the Boundary between the two provinces also stated that

"In order to deal with all questions in connection with replacing of all monuments which may be destroyed or disturbed, the re-adjustment of any portions of the Boundary and the dealing with any matters concerning the Boundary, it is recommended that the Surveyor General of Canada, the Director of Surveys of Alberta and the Surveyor General of British Columbia be constituted a standing Committee to which all such matters may be referred."⁴³

5. The cost of demarcation and boundary administration

The cost of boundary demarcation and maintenance is no small item in a country such as Canada when such great distances are involved and when boundaries often traverse terrain which is difficult of access. Boundary demarcation not only involves surveying and monumenting, but also the mapping of the boundary areas. In the case of International boundaries particularly, the surveys have to be accompanied by accurate maps of high quality which consequently involve special expenditures. The work of producing the charts alone for the International Boundary through the St. Lawrence River and the Great Lakes was estimated at \$60,000 in 1908.⁴⁴

43. Report of the Commission Appointed to Delimit the Boundary Between the Provinces of Alberta and British Columbia, Part III, p. 91.

44. Report of the International Waterways Commission Upon the International Boundary Between the Dominion of Canada and the United States Through the St. Lawrence River and Great Lakes, Ottawa, Government Printing Bureau, 1915, p. 27.

Similarly, the costs of monuments alone is by no means inconsiderable. The placing of buoys, monuments and ranges to mark the Great Lakes-St. Lawrence water boundary in 1908 was estimated to cost \$100,000.⁴⁵ When the British Columbia-Alberta boundary was monumented in 1913-16 each monument was estimated to cost approximately \$35.⁴⁶ and along the 120th meridian section of this boundary there are 232 monuments. In more modern times, aircraft have been used to an increasing extent in the surveying and demarcating of boundaries. This was the case with the 168 mile stretch of the Manitoba-Ontario boundary between Echoing River and Hudson Bay and the total cost of the flying alone was \$16,775.⁴⁷

In the case of the Provincial boundaries, the Dominion government is usually involved in the original survey and demarcation and shares the costs with the provinces in varying proportion, but usually equally, so that each government contributes 1/3 of the total cost. Maintenance costs are usually divided equally between the two provinces concerned. In the case of the International Boundary Commission the salaries of each Commissioner and his staff and office expenses are paid by each government for its own staff, but boundary maintenance and other "visible" expenses are shared equally. When it is realized that Canada's International Land Boundaries are marked by 5,463 monuments and a 20 ft. vista through 1,353 miles of

46. Report of the Commission Appointed to Delimit the Boundary Between the Provinces of Alberta and British Columbia, Part I, p. 23.

47. Beatty, "Ontario-Manitoba Boundary", Annual Report of the Ontario Association of Land Surveyors, p. 139.

TABLE II

International Boundary Commission (Canadian Section)Expenditures 1945-1950

<u>Fiscal Year</u>	<u>Expenditure in \$'s</u>
1945-46	32,885.68 ¹
1946-47	36,347.62 ¹
1947-48	35,835.75 ¹
1948-49	44,426.74 ¹
1949-50	47,397. ² (estimated)
1950-51	59,800. ² (estimated)

1. From Public Accounts of Canada for the Fiscal Years ending March 31, 1947, 1948 and 1949.

2. From Estimates for the Fiscal Years ending March 31, 1950 and 1951.

wooded areas besides an additional 2,522 reference monuments along the water sections, the cost of maintenance becomes clear.⁴⁸ Some of Canada's expenses in this connection during the last few years are set out in Table II.

However, the value of the benefits derived from boundary demarcation are almost impossible to express in dollars and cents. During the course of demarcation and maintenance operations in Canada a great deal of exploration and map making has been carried out, often of areas which, before the boundary work, were completely unknown.

The foregoing pages are full of the difficulties encountered because accurate surveys of boundary areas were lacking. This often resulted in the language of documents relating to boundaries not being sufficiently clear and therefore in lengthy and costly litigation over their correct interpretation. The amounts expended by the Province of Ontario alone on account of the settlement of the Northerly and Westerly Boundaries of the Province and the Arbitration in reference thereto totalled over \$15,000 between 1867 and 1879,⁴⁹ and this was not an international problem.

When one thinks of the aftermath of the errors on the Michell map and Vancouver's chart the expense of boundary demarcation and maintenance seem a small price to pay for peaceful boundaries.

48. Ibid.

49. Journals of the House of Commons of Canada, Vol. XIV, Appendix I, 1880, p. 480.

CHAPTER VIII

BOUNDARY ADJUSTMENT AND ADJUSTMENT TO BOUNDARIES

The preceeding chapter was concerned with the process and costs of boundary demarcation and administration, and the simplest, most fundamental conclusion it leads to is that this phase of boundary evolution may be very costly and time consuming.

The earlier chapters of this work showed how boundary delimitation occurred in what is now Canada. Each step in the evolution of territorial limits was eventually accompanied by a legal document of some kind, but as Canada emerged as a Federal state of ten provinces and two territories, and as the need for demarcation grew and constitutional processes became more codified, so the legal-geographical ramifications of her boundaries multiplied.

1. The constitutional processes of boundary change and adjustment

These aspects of boundaries involve the processes through which adjustments and compromises are acquired before a final boundary is agreed upon as well as those which are followed if change and adjustment is needed after the recognized legal establishment of a boundary.

(a) International boundaries

It is a well known fact, quite substantiated by what has been presented previously, that boundaries between countries are established by treaties made by the sovereign powers concerned. Such boundaries are also adjusted or changed in a similar way. Between 1782 and 1925, the Canada-

United States boundary was a subject of negotiation in at least seventeen treaties, conventions and protocols which have gone into force, and of others which failed to be ratified or completed. There have been two arbitrations. A number of international commissions have been appointed to settle details in dispute relating to the interpretation of treaty provisions.¹ Since Canada's international boundaries are also coincident with provincial boundaries, with the exception of the Yukon-Alaska boundary, any future change in these international boundaries would appear to also require at least legal recognition by the province concerned, as was the case with the change in the international boundary in the Lake of the Woods area in 1925. By this change, agreed to by Great Britain (on behalf of Canada) and the United States, Manitoba's boundaries also became altered and the change was legally recognized by that Province² as well as by the Canadian Parliament.³

(b) Interprovincial boundaries

New Provinces may be created by the Government of Canada under the terms of Imperial Acts 34 and 35, Vict., Ch. 28 (The British North America Act) which states that

"The Parliament of Canada may, from time to time, establish new Provinces in any Territories forming for the time being part of the Dominion of Canada, but not included in any Province thereof, and may at the time of establishment, make

1. Boggs, op. cit., p. 33.

2. Statutes of Manitoba, Chapt. 3, 1928,

3. Statutes of Canada, 20-21 Geo. V, Cap. 28, 1930.

provision for the constitution and administration of any such Province."

The creation of new provinces out of territories appears to be solely the responsibility of the Federal Parliament, but when once that Province has been created its boundaries cannot be changed by the Federal Parliament without the consent of the Province or Provinces concerned, for the Imperial Act, June 29, 1871, stated that

"the Parliament of Canada may, from time to time, with the consent of the Legislature of any Province of the said Dominion, increase, alter, diminish, or otherwise alter the limits of such province."

Thus a boundary between two Provinces of Canada may only be changed by agreement of the Provincial legislatures concerned and the Dominion Parliament. In the case of the Ontario-Manitoba dispute the Judicial Committee of the Imperial Privy Council reported

"That legislation by the Dominion of Canada as well as by the Province of Ontario was necessary to give binding effect as against the Dominion and the Province, to The Award of August 3, 1878, and as no such legislation had taken place, The Award was not binding."⁴

Even after a boundary has been delimited in an official document and agreed to by all parties concerned, further legal agreement is necessary after the boundary has been demarcated. Thus, after most of the Alberta-British Columbia boundary had been demarcated, both provincial governments⁵ as well as the federal government⁶ passed acts of parliament recognizing

4. The views of the Dominion Government and the Province of Manitoba were the same in this case.

5. Statutes of Alberta, Cap. 6, 1931.
Statutes of British Columbia, Cap. 8, 1931.

6. Statutes of Canada, 22-23 Geo. V, Cap. 5, 1932.

the boundary as demarcated as the true boundary whether or not it increased, diminished or otherwise altered the territory of the respective Provinces.

(c) Territorial boundaries

A boundary between a Province and a Territory is fixed by joint action of the Federal parliament and the legislature of the Province concerned.

Boundaries between Territories are fixed by Federal action alone, by an Act of Parliament. So far there has only been one instance of this, namely the Yukon-Northwest Territories boundary.

Boundaries within Territories, i. e. District boundaries, are also determined solely by Federal authorities, either by an Order-in-Council or an Act of Parliament.

The Order-in-Council dated March 16, 1918, making certain changes in the boundaries of Mackenzie, Keewatin and Franklin, included the words

"whereas the provisional Districts of Assiniboia, Saskatchewan, Alberta and Athabaska were created by Order-in-Council of May 8, 1882. . . .the provisional Districts of Ungava, Franklin, Mackenzie and Yukon were created by Order-in-Council of October 2, 1895, and the boundaries of the said Districts and of the provisional District of Keewatin were further defined by Order-in-Council of December 18, 1897. . . ."

This statement, and the adoption of the Order-in-Council which included it, indicates that the Federal government considers that districts can be created and defined by Order-in-Council. However, legislation was resorted to in 1906 to define the boundaries of Mackenzie, Yukon, Keewatin and Ungava,⁷ and Keewatin, the first District of all to be created, was the result of an Act of Parliament as early as 1876.

7. Burpee, op. cit., p. 22.

Disputes between provinces regarding boundaries are settled by the Supreme Court of Canada whose decisions are final. Until 1950, the final Court of Appeal was the Imperial Privy Council, by Imperial Act, 3-4 Wm. IV, Cap. 41.

The above summary reemphasizes that not only has it cost a great deal to establish the present boundaries of Canada, both with regard to delimitation as well as demarcation, but it may also be a costly and lengthy process to adjust or change an established boundary. Nevertheless there have been many advocates of changes since 1912. Some of these suggestions have been sectional in nature, others Canada-wide.

2. Some suggested boundary changes

(a) Sectional

(1) British Columbia-Yukon—Since 1900 several proposals have been put forward advocating the unification of the Yukon Territory and the Province of Columbia. The question first arose in 1905 and again in 1914, 1920, 1924 and 1938. The supporters of the proposal had one or two main advantages in mind. The first was the reduction of the relatively high cost of the administration of the Yukon Territory, particularly because serious depopulation had occurred there since the peak of the gold rush days. The second was based on the principle that both British Columbia and the Yukon had the same kind of physical and human resources and both required similar laws for certain activities, such as mining.⁸ The first advantage

8. Debates, House of Commons of Canada, 1905, cols. 7068-9.

lost much of its appeal when Yukon administration costs were reduced, and in any case, the citizens of the Yukon at all times were greatly opposed to the suggestion.

(ii) The Middle-Mackenzie area—During 1938 petitions were forwarded to the Federal Government from parts of northern Alberta and northern British Columbia advocating the formation of a new province out of certain portions of these two Provinces and a part of the North-West Territories—the part that had, since 1905, become more easily accessible and capable of development.⁹ It was also the desire of the Alberta government to have the matter placed on the agenda of the 1945 Dominion-Provincial Conference.¹⁰

Lingard¹¹ in discussing the first of these proposals clearly does not envisage major or intricate boundary changes as being "within the realm of possibility". He does, however, consider the northward extension of the "Western Provinces" to embrace neighbouring territory to be possible as well as the formation of a new northern province to include Yukon Territory and Mackenzie District.

(iii) Northern Ontario—The recognition that Northern Ontario is regionally different from the rest of the province and that it therefore has problems which are peculiar to it alone is exemplified by the resolution

9. Debates, House of Commons of Canada, 1938, col. 3074-5.

10. Lingard, C. Cecil, "Administration of the Northland", in The New Northwest, ed. by C. A. Dawson, Toronto, The University of Toronto Press, 1947, p. 33.

11. Ibid., p. 32.

passed at the Northern Ontario Citizens Planning Conference in 1950

"that steps be immediately taken to set up an organizing committee for the purpose of forming a Regional Planning Board for Northern Ontario".¹²

At the same conference the case for a separate University of Northern Ontario was also presented.¹³ Such actions as these have led to movements to erect part of Northern Ontario into a separate province, the idea of which dates back to the 1920's. The most recent of these movements comes from an organization known as "The New Province League", which advocates the creation of a separate province because it feels that not only are the characteristics of the people of Northern Ontario different from those of the south but also that the development of the natural resources of Northern Ontario, particularly the forests and minerals, would proceed more effectively if they had a separate provincial administration. This group maintains that:

"The natural eastern boundary of the Province of North Ontario extends north from Sault Ste. Marie, following approximately the route of the Algoma Central Railway to Hearst, and thence to Port Albany. In the event that residents of Algoma and Cochrane preferred to keep their attachment with South Ontario, the boundary line could follow the eastern boundary of the District of Thunder Bay, taking a general north and south line from Lake Superior through White River to Port Albany. In either case, such a partition would set aside a compact area unbroken by physical barriers and peopled by those with common problems and ambitions. In either case the total area of the new province would be comparable with Manitoba, Saskatchewan and Alberta. The initial population

12. Proceedings Northern Ontario Citizen's Planning Conference, 1950, Toronto, Department of Planning and Development, 1950, p. 21.

13. Ibid., p. 17.

of 200,000 would be just about the same as the population in Alberta and Saskatchewan when they were first created provinces."¹⁴

(b) National

(i) Ten new provinces—In 1948, Dr. Lower, Professor of History at Queen's University, maintained that Canada needed twenty provinces instead of ten.¹⁵ He proposed that these provinces should be created from the existing provinces, except that certain northern areas should revert to territorial status (Figure 31). It is to be noted that the boundaries proposed by Lower are based on what he calls "natural divisions" of the country with the compromise that some arbitrary sub-divisions have been made in order that no one province shall have more than 15% of the total (present) population. It is also noteworthy that he has retained the present interprovincial boundaries with the exception of the southern limit of the Northern Territory, the meridional section of the British Columbia-Alberta boundary and the southern part of the Alberta-Saskatchewan boundary.

(ii) Enlarging the territories—Dr. Lloyd, Professor of Geography at Dartmouth College and one time Chief of the Federal Geographical Bureau, put forward the suggestion in an interview that the northern boundary of

14. The Case for a New Canadian Province. The Province of Northern Ontario, Fort William, The New Province League, 1950, p. 5.

15. Arthur Lower, "What this Country Needs is Ten New Provinces", Maclean's Magazine, Vol. 61, No. 19, October 15th, 1948, p. 7, 77-79.

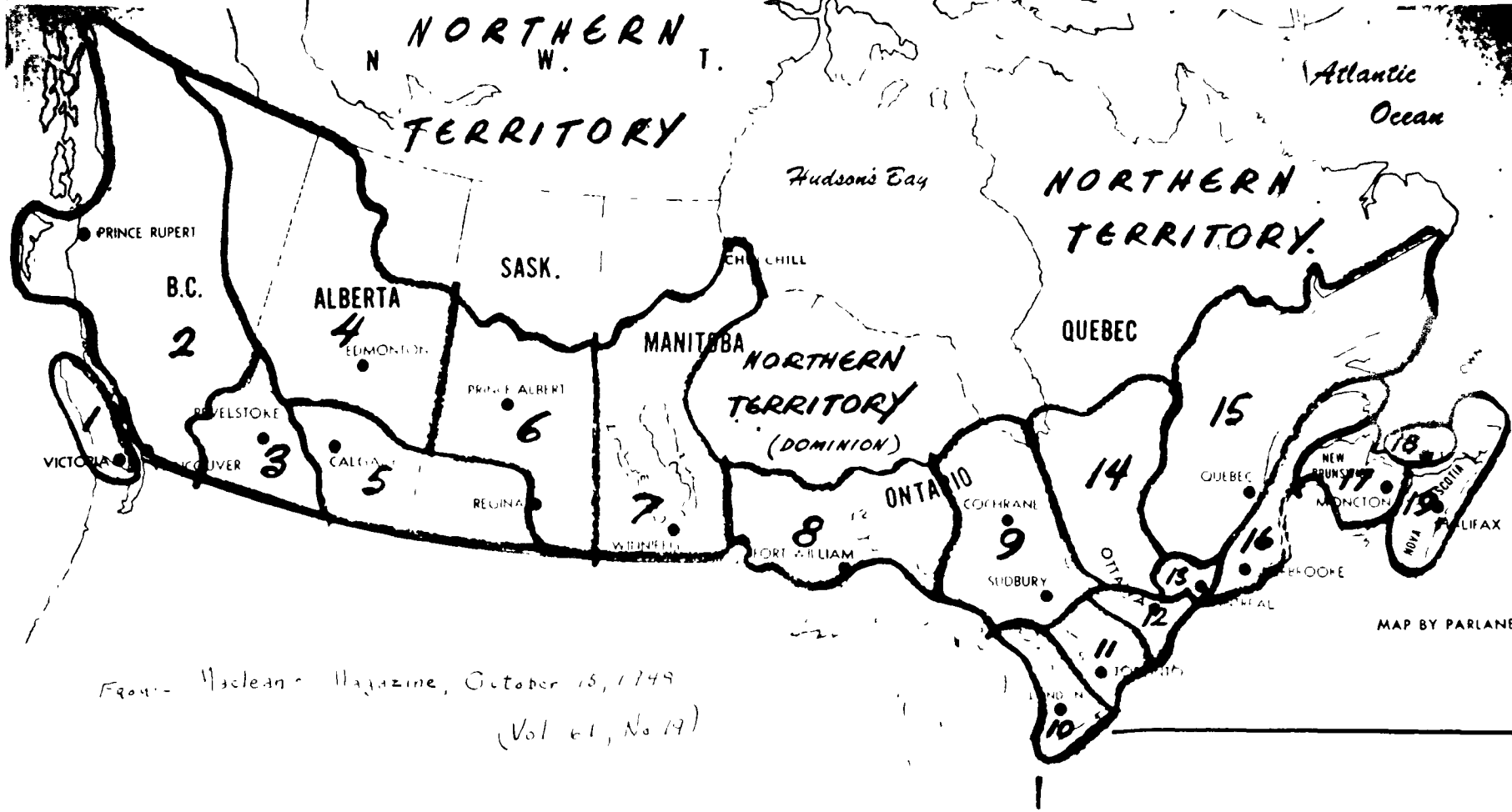
WHAT THIS COUNTRY NEEDS IS 10 NEW PROVINCES

By ARTHUR LOWER

- 1—Vancouver Island
- 2—British Columbia
- 3—Okanagan
- 4—Athabaska
- 5—Alberta
- 6—Saskatchewan
- 7—Manitoba
- 8—Superior
- 9—Timiskaming
- 10—Huron-Erie
- 11—Hurentario

- 12—St. Lawrence
- 13—Montreal
- 14—Abitibi
- 15—Laurentia
- 16—Richelieu
- 17—New Brunswick
- 18—Prince Edward Island
- 19—Nova Scotia

(Total, when Newfoundland is added, 20)



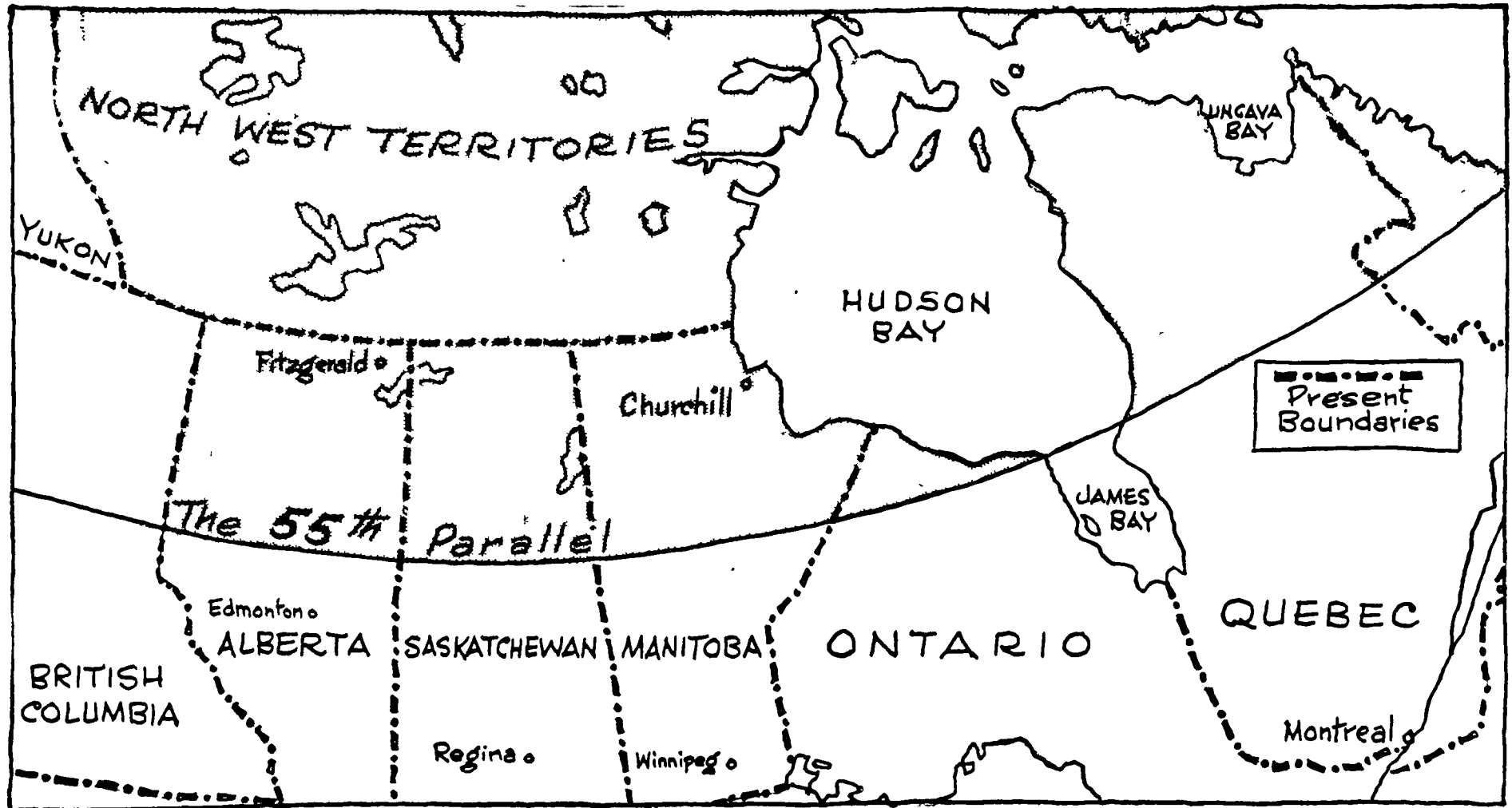
From Maclean's Magazine, October 15, 1949
(Vol. 61, No. 19)

the six largest provinces east of British Columbia should be moved southward to coincide with the 55th parallel.¹⁶ (Fig. 32) The northern territory of these provinces he maintains, should then revert to the Dominion government administration for a limited period. Together with the present Northwest Territories it could then be developed on a "regional" basis, with Churchill as the capital.

Lloyd's suggestions were much less logically presented than Lower's, possibly because Lower wrote his own presentation while Lloyd's ideas were reported as the result of an interview, and although he was primarily concerned with the Canadian north and Lower with the south, the two schemes have certain points in common. The most outstanding is the fact that both advocate a more "regional" approach to administrative areas in Canada, and hence to the location of boundaries. Neither Lower nor Lloyd advocate changes that will affect New Brunswick, Prince Edward Island or Nova Scotia. This is a tacit understanding that these three provinces constitute "natural units" in themselves. Both authorities however, advocate, in greater or lesser degree, changes in the remaining provinces which, at present, include more than one region and, moreover, regions of great diversity. Both recognize the geo-political absurdities in north-eastern British Columbia and Northern Alberta—the stretch of "British Columbian plains jabbed into Alberta"¹⁷—and the hardships created by the presence of a boundary line between Fort Smith, N. W. T., and Fitzgerald, Alberta, only a mile and a half further south. Both refer to those present provincial governments which administer distant territories "much as the government of

16. Montreal Gazette, August 12, 1950, p. 15-16.

17. Lower, op. cit., p. 78.



BOUNDARY ADJUSTMENT AND ADJUSTMENT TO BOUNDARIES

FOR THE CANADIAN NORTH a new boundary at the 55th parallel is suggested by Dr. Trevor Lloyd. Shaded area would be one administrative unit with Churchill its capital.

Fig. 32. Suggested Boundary rearrangements according to Lloyd. (From Montreal Gazette, August 12, 1951)

an empire administers distant colonies". Lower in attacking the problem from the point of view of a constitutional historian riding the hobby horse of over-centralisation arrives at conclusions similar to those of Lloyd who, as a geographer, contrasts the immediate physical environment of the administrative capitals of Canada with the environments of the various areas which are controlled from these capitals.

3. Regionalism and boundary changes

There seems to be no argument against the fact that there must be some provincial boundaries in Canada. The historical development of the country has led to a politico-constitutional "climate" which demands that the country be divided into more or less large areas for administrative purposes. Quite apart from the experimentation in forms of government which preceded Confederation, the distribution of power between the eleven main governments is a simple yet basic result of the geographical diversity and setting of the land of Canada of today.

The question is then how should such political divisions best be made? It may be argued that such a matter is the concern of the politician or the political economist and not that of a geographer. But the statements and actions of Canadian administrators themselves, as presented in the foregoing pages, are witness to the geographical aspects of the problem. Indeed they involve the principles of the very core of modern geography which is "regionalism". All those who have had to administer parts or all of Canada from the "fishing admirals" to M. St. Laurent and all those who have studied Canadian administration have never failed to take into account

regional differences, although their resulting legislation has not always produced regional boundaries.

Multitudinous as the definitions of a region are, the following will suffice for reference at this point:

" . . . the kernel characteristic of a region is that it is an area within which certain types of socio-economic adjustments . . . have been made by man so generally as to constitute the real "regionality" of the area, and therefore to provide the reason for separating that area from adjacent areas which are characterised by different types of adjustments. . . ."¹⁸

(a) The Canada-United States boundary

When the familiar statement is made that Canada as a whole came into being "against geography" what is really meant is that the Canada-United States boundary is not a good regional boundary. From the Atlantic to the Pacific this boundary artificially separates the regions of Canada from their American counterparts. It cuts across every physiographic province in its neighbourhood. The 49th parallel cuts the west coast of Canada from that of the United States; it separates the Canadian Cordillera from the Rocky Mountains in the United States; it legally divides the Interior Plains of Canada from the Interior Plains of the United States and in the east the land boundary separates the Canadian Maritimes from their economic counterpart in New England. White and Foscue¹⁹ summarise the situation thus:

18. George T. Renner, "The Statistical Approach to Regions", Annals of the Association of American Geographers, Sept. 1935, Vol. XXV, No. 3, p. 137.

19. C. Langdon White and Edwin J. Foscue, Regional Geography of Anglo-America, New York, Prentice-Hall, Inc., 1943, p. 50.

"Physiographically, the provinces of the United States extend into Canada, and one notes no marked differences in the way of life of the two peoples, except in French Canada".

We have shown that parts of the present Canada-United States boundary were much more "natural divides" before Confederation than they are today since Hudson Bay and the "Old Maritimes" are no longer commercial "hubs" from the modern point of view. If Canadians think of the political unit "Canada" as a "region", that is, if they think of the State of Canada as embracing a distinct nation, it is essentially based on the geography of the past. But there are signs that the past may be resurrected in a new form in the future. The one physiographic region that is almost entirely included in the Canada of today is the Laurentian Shield, once solely the realm of the Hudson's Bay Company. Today millions of Canadians, living around its fringes, literally feed from its rich resources, which are becoming even richer as technology advances.

But whether a political divide between Canada and the United States is desirable economically or not the traditional feelings of the Canadians are against its elimination, at least at the moment. Thus it is the factor of human geography, based on historical development, which outweighs the effects of the economic and physical factors of regionalism and prevents the elimination of the International Boundary, and "inter-regionalism" between the two countries exerts its control without political boundary adjustment.

(b) The interprovincial boundaries

But what of the provincial boundaries? First of all, let us note that the boundaries of New Brunswick, Nova Scotia, Prince Edward Island and British Columbia, and the Ontario-Quebec boundary from the St. Lawrence to Lake Temiskaming were established approximately in accordance with regional principles, having regard to the "state of the arts" and the economies of the areas concerned at the time of the boundary establishment, which took place in 1859, 1858, 1769 and 1791,²⁰ respectively.

The Ontario-Manitoba boundary would have had a regional basis if the original views of the Dominion government and Manitoba had prevailed, but like all boundaries which have been established since 1867, the ultimate basis for its establishment was remote from regionalism.

The boundaries of the Canadian provinces have therefore been established according to two different sets of principles. Before 1867, the trend appeared to be toward making the administrative areas correspond to one or more sets of factors of the life of the area. In the case of British Columbia it was the distribution of "industry" or the general layout of economic life. In the case of Ontario-Quebec it was the traditional structure and historical grouping of the population. In the case of the Old Maritimes it was an effort to equate the areas of administration with the zones of influence of the principal towns in each province.

20. The Constitutional Act first recognized the regional differences between Upper and Lower Canada, not the British North America Act, 1867.

After 1867, an effort was made to apply some general quantitative standard to the areas being erected into provinces in the desire to get areas of approximately similar area or population as well as the desire to limit the total number of provinces to be created. The emphasis was placed on the political power of one province vis-a-vis the other provinces and the Federal Government.

(c) Regionalism and administration

The fact that the provincial and territorial boundaries of Canada have been established according to two different sets of principles leads us to examine the possibility that these boundaries should be rearranged so as to conform to one overall set of principles.

Fundamentally the boundaries are needed to mark off different areas of administration. But it must be agreed that the administrative problems are different in different parts of Canada. The very size and spatial setting which made the federal structure the only workable one, has provided Canada with such national diversity of climate, soil, landform and vegetation that the people utilizing its varied resources need different types of administration.

This brings us very close to the argument for administrative areas based on regions where resource utilization is similar i. e. the true "geographic region"—

"an area in which the combination of environmental and demographic factors have created a homogeneity of economic and social structure."²¹

21. Quoted by V. D. Lipman, Local Government Areas, 1834-1945, Oxford, Blackwell, 1949, p. 404.

Geographers can never be expected to reach unanimity of opinion on geographical regions but eleven have been suggested for Canada.²² These are shown in Figure 33. But in discussing regionalism and administration one point is not always brought out even by those who understand the nature of regionalism best, and that is that regional boundaries are very seldom sharp lines but are zones. Furthermore all regions are subject to change, as technology changes, but they are subject to the greatest changes around their fringes. Political boundaries, on the other hand, must be absolutely fixed for any given point of time and the advocate of political boundaries which follow regional boundaries is at the same time an advocate of arbitrarily establishing boundaries through an areas which are subject to a maximum of regional changes. Nowhere in Anglo-America can limits be placed on the rate or the extent of movement of regional boundaries,²³ although these regional changes usually take place slowly in areas which have been highly developed for a long period of time. But in the submarginal lands of Canada they are apt to take place in a surprisingly short space of time.

Some of the arguments for boundary change in Canada have been adopted from similar arguments put forward for a more "regional approach" to boundaries in the United States, such as the following:

" . . . new boundaries certainly would not coincide with the present ones. In all probability, geographic regions characterised by uniformity of resource use would be employed

22. Hewelcke, Geoffrey, "Eleven Regions of Canada", Canadian Geographical Journal, Vol. XLI, No. 2, August 1950, p. 84-89.

23. White and Foscue, op. cit., p. 44.

for we live, produce and trade regionally. To some extent we also think regionally, such a division would be reflected in greater homogeneity in the economic and social life of the people."²⁴

But Canada, neither in its physical or political geography, is in the same situation as the United States. We have just pointed out that in the submarginal lands of Canada regional boundaries are apt to change rapidly. Any political boundary based on such boundaries would therefore soon become outmoded. Such a situation does not exist, at least not to the same extent, in the United States. Furthermore, even if administrative boundaries did follow the regional lines of Figure 33, vast regions would be under one administration but the population living in these regions would be comparatively sparse. Either this small number of people would be expected to provide the taxes for the payment of their administrative services, or the Federal Government would be expected to subsidize the administration and development of these areas. But the fewer the people the greater the amount of dependency on the Federal treasury and therefore, presumably, the greater the amount of Federal control in such areas and the greater the amount of revenue to be obtained from well populated areas for the sparsely populated areas. Under these circumstances the majority of the people paying taxes to the Federal Government would probably have less control over the expenditures in the sparsely populated areas but, what is more important, they are likely to have less knowledge of and interest in the sparsely populated areas.

24. Ibid., p. 38.

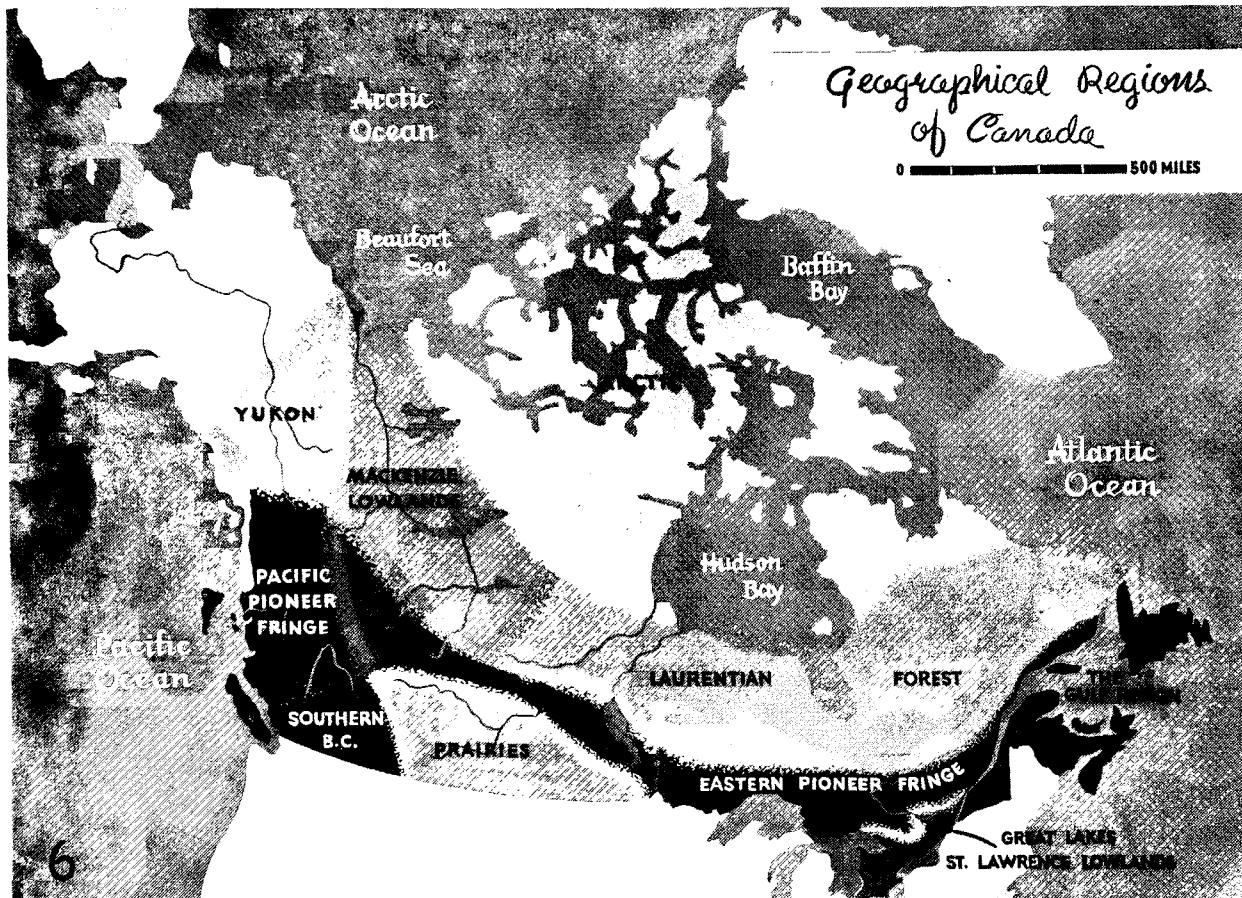


Fig. 33. Eleven Regions of Canada
 (From Canadian Geographical Journal, Vol. 41, No. 2, August, 1950)

If, on the other hand, the sparsely populated lands are divided among the provinces, the provincial governments will have to finance the development and administration of such lands and who can deny that the average taxpayer is usually closer to his Provincial government than he is to Ottawa? Such a division of the sparsely populated lands is also likely to enable more people to become interested in them even if only provincial control of education and natural resources is considered, and at the same time administrators of these sparsely populated lands will be drawn from more diverse areas or at least will work from the differing environments of seven provincial capitals rather than from Ottawa. Every province as it exists today, except Nova Scotia, Prince Edward Island and New Brunswick, has a "stake" in some sparsely populated area, and one has only to think of the attitude of the people of Ontario toward their provincially-owned Northland Railway, or the pride of the people of Manitoba in the port of Churchill to realize the force of this argument.

Nevertheless, diversity of interests within an internal political area are not, as a rule, advocated. Both the "regional case" and the case for diversity have been stated and "the question is whether areas which have distinct and perhaps conflicting interests, especially of an economic character, should be kept in distinct administrative units or can safely be contained in one unit".²⁵

Herein lies the essential difference between attitudes toward the political geography of an independent state or country and the political

25. Lipman, op. cit., p. 405.

geography of the divisions within that state or country. An independent state or country is usually considered fortunate if it includes within its borders a variety of regions and resources because it usually results in greater independence internationally and hence greater world power.²⁶

Internally, in a similar way, if a political unit includes a wide variety of regions and resources its independence and power are great. In Canada, it is only necessary to compare Ontario, Saskatchewan and Prince Edward Island to realize the significance of this statement, and one of the most outstanding results of the application of the two different sets of principles on which the present provincial boundaries are based. This is a factor which can make for national disunity. Internal political units based on regional principles however would lead to greater interdependence, and hence an extreme "nationalist" would dispense with the regional arguments when considering his country as a whole but put them forward most ardently when considering internal political divisions.

Hare,²⁷ while pointing out that the geographic region is not definable by a strict analysis of reality maintains that it is nevertheless the fundamental unit of geographical studies and is a typical instance of the approximate methods which have to be used in a study of a natural complex. Furthermore, regional unity is so tenacious that Provincial boundaries which do not happen to coincide with regional divides are blurred in a multitude of minor ways by the daily intercourse of communities on opposite sides.²⁸

26. George T. Renner, "Political Geography and Its Point of View", World Political Geography, Thomas T. Crowell Co., New York, 1948.

27. F. Kenneth Hare, "Regionalism and Administration: North American Experiments", Canadian Journal of Economics and Political Science, Vol. 13, No. 4, November 1947, pp. 563-571.

28. Whittlesey, op. cit., p. 538.

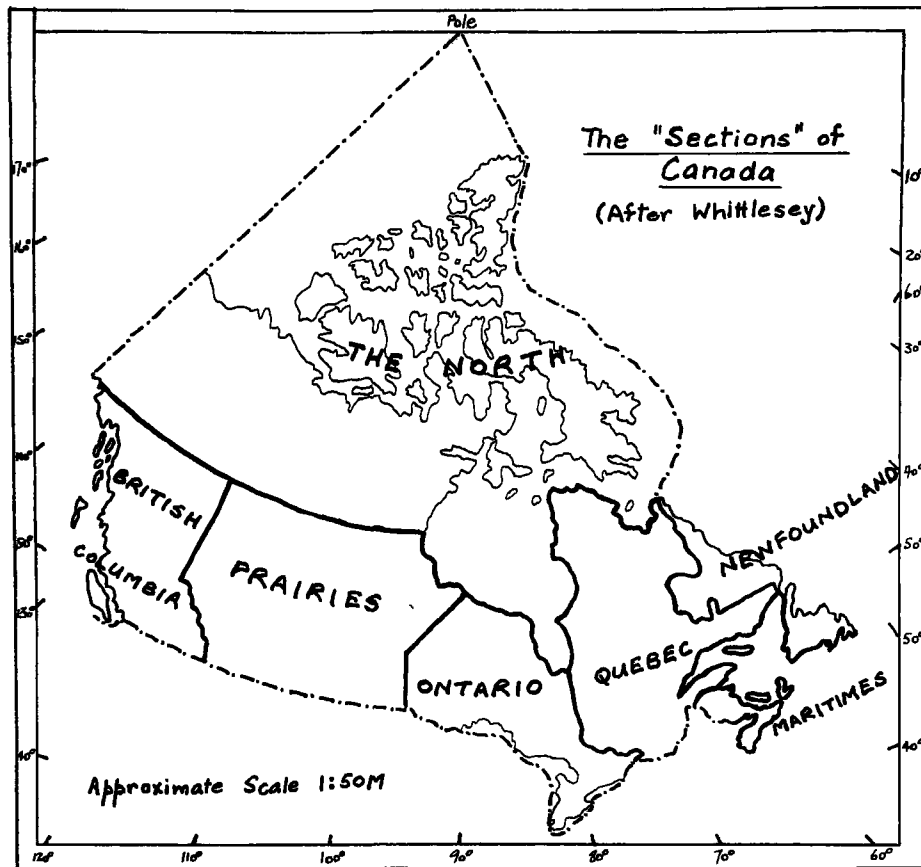


Fig. 34

(d) Sectionalism and administration

Whittlesey²⁹ has said that "the section is the political version of the region", using the term section to mean one or more provinces considered as a unit. The United States National Resources Committee came to the similar conclusion that the best achievable administrative units were those aggregations of states which most nearly coincided with the optimum division based on regions.³⁰ Whittlesey goes further³¹ and suggests that in Canada the sectional boundaries show a remarkable coincidence with Provincial boundaries (see Fig. 34). While this appears to be a rash generalisation when it is realized that each section includes part of the same region (the Sub-Arctic or Pioneer Fringes) and almost every section includes part of the Arctic Region, his statement that regionalism expresses itself constantly in sectional voting in the Federal Parliament is undoubtedly true.

But the Federal Parliament is only one of the eleven parliaments of Canada, and it is pertinent to the appreciation of the significance of the present Provincial boundaries to pursue the idea of sections within the provinces. The way in which the Province of Saskatchewan has acted upon its recognition that the problems of the northern half of the province differ markedly from those in the southern half is instructive. Since 1946 the province has had a Northern District administration, in the Department of

29. Whittlesey, op. cit., p. 537.

30. Regional Factors in National Planning, Washington, National Resources Committee, 1935.

31. Whittlesey, op. cit., p. 549.

Natural Resources and Industrial Development, in order to bring about a more efficient administration of the provinces' resources in fish, fur, timber and minerals in the far north.

"A northern administrator to coordinate activities of all government departments operating roughly north of Montreal Lake, supervise all activities of the natural resources department, and administer local affairs in the northern area has been appointed. . . . who has made his headquarters at Prince Rupert."³²

"It has been determined as a matter of policy that all Departmental personnel in this large area should be administered through one branch office in Prince Albert, the administration of the municipal problems, the work of three separate branches of the Department of Public Health and the work of the Department of Social Welfare."³³

Hence regional and/or sectional differences in Canada cannot be ignored for administrative purposes. Their existence may either be taken into account by changing the existing internal political boundaries by constitutional processes or by adjusting the internal administrative organization so as to fit the existing boundaries as the geographical situation demands.

32. Progress Report from your Government, A Survey of Saskatchewan Government Activity, 1944-47, Regina, Saskatchewan Bureau of Publications, 1948, p. 35.

33. Annual Report of Department of Natural Resources and Industrial Development of Saskatchewan for Fiscal Year Ending March 21st, 1949, p. 153-5.

CONCLUSION

The foregoing chapters have led to four main groups of conclusions. In the first place they have shown the stages by which boundaries have developed in Canada. Secondly they have demonstrated why the boundaries of Canada have come to run the courses which they follow today, that is, why they have their present geographical location. Thirdly, certain relationships between the evolution of these boundaries and geographical regionalism have become apparent. Finally, they have led to certain principles upon which attitudes to existing boundaries as well as to new boundaries which might be established in the future, may be based.

1. The stages of boundary evolution

The stages of boundary evolution set forth in the Introduction have been shown to apply to Canadian boundaries, but these may be amplified into a more complete form as follows:

(a) Primitive stage or stage of Loose Delimitation

(i) European exploration and discovery—This stage usually set certain latitudinal, and sometimes longitudinal limits, to the next stage. The organizations of the aboriginal inhabitants of Canada did not have any real effect on boundary evolution.

(ii) Claims of sovereignty—These were often made by the explorers, when this stage was coincident with stage (i). On other occasions, claims of sovereignty were made after the explorer returned to the government sponsoring his expedition. The territory over which sovereignty was claimed was usually simply stated, usually defined by lines of latitude and often extended longitudinally over areas which had not been explored or discovered.

(b) Transitional stage, or stage of Precise Delimitation

(i) Exploitation and/or settlement—When exploitation or settlement occurred, the need for boundaries began to be apparent. This need was sometimes first recognized by the people in the areas concerned, sometimes by the colonial administrators, as the pattern of the economy of the area began to take shape. It may have resulted in a demand for more precise boundaries, or for further political recognition of boundaries, or both.

(ii) Political decisions on the allocation of territory—This sub-stage resulted in the boundaries consequent upon (i) which were then

(iii) Delimited in a state document, which marked the end of the transitional stage.

(c) Final stage or stage of Demarcation

(i) Demarcation—Often the state document in stage (b) (iii) made provision for boundary demarcation and the means, or sub-stages, by which such demarcation was to be carried out. Sometimes, particularly, with the inter-provincial boundaries, demarcation was not mentioned in the delimitation document, the matter being left until the need arose. Often, before the techniques of boundary demarcation by means of monuments were well developed, boundary delimitation conformed to well known physical features such as rivers or ranges of mountains. The use of physical features in this way avoided the need for "artificial" demarcation. It is in this sense that the terms "natural" and "artificial" boundaries arose. The use of physical features for boundary description was not so much a desire for

"natural" boundaries as an expedient method of primitively demarcating them. As the more modern means of demarcation evolved however, boundaries delimited by physical features became more difficult to legally survey and monument than boundaries delimited by lines of latitude and longitude. Because of this, a classification of boundaries such as that suggested by Boggs, and outlined in the Introduction to this work, is useful in that it categorises the problems of technical demarcation.

(ii) Administration and maintenance—This stage is the continuing stage of the demarcation process, and is necessary in order to preserve and keep in good order the demarcated boundary.

Not all of the boundaries of Canada passed through each and every one of these stages. The International Boundaries and the older Provincial Boundaries did, but in the case of Alberta and Saskatchewan and to some extent Manitoba and the northern parts of Ontario and Quebec, stage (a) did not occur, neither did parts of stage (b).

2. The pattern of boundary evolution

The foregoing chapters have also shown that not only did the major boundaries of Canada develop in progressive stages but that they developed in response to various stimuli. These stimuli were in accordance with a certain pattern in eastern Canada, that is to say in Canada east of the Great Lakes, and a different pattern in western and northern Canada. The two patterns are linked by that of the International boundary with the United States of America which shows certain characteristics of both the eastern and western patterns.

In Canada east of the Great Lakes, boundary evolution proceeded hand in hand with settlement and development. It was a comparatively slow evolution not only because it occurred in a period when transportation and communication were much lesser developed than they are today but also because of the struggles between the French and English over control of the area. If political stability in the northern half of North America was retarded by the alternations of French and English supremacy, they did allow the political boundaries to evolve until they met the requirements of the people living in the area at the standards of living dictated by the state of the arts before the Industrial Revolution. Perhaps there is no better example of this than the southern part of the Quebec-Newfoundland boundary which oscillated eastwards and westwards until it finally came to rest in a mutually acceptable position. Perhaps this boundary adjustment in eastern Canada was also due to the fact that it occurred under colonial regimes. The "mother lands" were not particularly concerned with inter-colonial boundaries. Those which resulted in the fewest administrative problems at home were acceptable to them, and since the colonists themselves had relatively little effect on the politics of the home authority the colonial boundaries were adjusted to suit conditions in the colonies as the occasion demanded.

The American Revolution obviously affected the boundary between Canada and the United States of America, and since it can be argued that Canada as a separate political entity dates from the revolution, that event can also be described as the cause of all Canada's provincial boundaries.

It certainly had a direct effect on all the interprovincial boundaries east of the Great Lakes. By causing blocks of "Loyalists" to settle in the unsettled areas of what is now southeastern Canada the American revolution sharpened the previously existing boundaries, caused the creation of some new ones, and accentuated the need for their more precise delimitation. Before the revolution, the boundaries in eastern Canada had become adjusted to the predominating economic factors in the various parts of the area. The revolution pointed up and even added a further set of factors, which involved the differing ways of life which the people of the area had inherited and developed from their country of origin. In 1783, many of the inhabitants of Eastern Canada were either descended from French settlers in Canada or had been born in France; others were descended from settlers who had come to Canada from the British Isles or had themselves come from the British Isles. Still others had come to Canada from the United States to which they had emigrated from Europe or in which they had been born. The revolution then, added human factors to the other geographical factors which had played a part in boundary evolution. | The southern parts of the Ontario-Quebec boundary and the Quebec-Newfoundland boundary, the boundaries of Nova Scotia and New Brunswick and the separate political existence of Prince Edward Island were all due to the desire for separate different legal systems and different ways of life due to the location of settlements of people with varied cultural backgrounds as well as varied economic organization. | It is therefore little exaggeration to say that the colonial boundaries in eastern Canada were

regional boundaries at the time that they became established. It must be stressed however that for most practical purposes this establishment was complete before 1840.

The International Boundary itself showed a remarkable resemblance in its own evolution to that of the eastern provincial boundaries. To be sure there were some differences in that the evolution of the International Boundary was much more intimately associated with the foreign policies of Great Britain and the United States of America, and was established by the former partly with the problem of defending the colonies against the United States of America in mind. Yet, at the time of its establishment it was a very approximate regional boundary. East of Lake Ontario it separated the core of French Canada, as well as certain groups of Loyalists, from the United States. In establishing this human divide, the boundary ran for the most part through a "human desert", for the Appalachian mountains, a restriction to human intercourse even today, were much more of a barrier in 1783. West of Lake Ontario the boundary recognized the dividing effect of the Great Lakes as well as the presence of anti-republicans along their northern shores. West of Lake Superior, the forty-ninth parallel, at the time of its establishment, left to Britain the major part of the fur trade territory of the Hudson's Bay Company, setting it off from the area to the south within which agricultural pursuits were more to the fore.

It is of note that west of the Rockies the forty-ninth parallel took a much longer period to become fixed as an International Boundary.

One reason for this was that on both sides of it the attitudes and activities of the people were much more alike than anywhere else along the boundary. For this reason, the establishment of this part of the International Boundary was much less geographically sound at the time of its establishment than elsewhere. The conditions which led to its unsoundness have, of course, since spread eastwards along the whole of the International boundary.

Although the boundary between Canada and Alaska developed later, it too had a regional basis, dividing, as it did, the Hudson Bay Company controlled fur-economy from the Russian controlled fishing-economy. In this connection the exclusion of the "panhandle" from Canada showed a remarkable resemblance to the exclusion of the Labrador "fishing shore" from Canada almost a century before.

The provincial boundaries west of the Great Lakes however evolved on different bases. In some cases they were the result of factors of economic geography, related to the natural resource of the area they enclosed. The boundaries of British Columbia were established to give the west coast colony-province control of gold mining; Manitoba was originally established to give separate administration to an agricultural group surrounded by an area in which the economy was much more primitive, although its dispute with Ontario was basically an economic one namely control of the lakehead ports.

But the main common characteristic was that they either developed before significant settlement had occurred or very soon afterwards. Even by 1867, British Columbia had a population of only 32,000 and most of this small population lived in the extreme southwest of the province. The boundaries in this case thus preceeded a thorough knowledge of the country they enclosed

or through which they ran. This did not happen quite so strikingly with the other western provinces where final boundary establishment was slowed down by the establishment of provisional districts in the southern parts of the Northwest Territories. But the retarding effect of the establishment of provisional districts in the west was by no means as great as the retarding effect of the French and English conflicts in the east. Furthermore, in the west, by the time that the Northwest Territories were ready for definitive boundaries, the matter had become so involved in Federal-Provincial politics that some of the boundary decisions were quite arbitrary. This resulted from the fact that after provinces were established they would have a voice in the politics of the country of which they formed part, a very different state of affairs from the establishment of colonial boundaries in the east which, after their establishment, had no effect on British politics.

Boundaries in eastern Canada then were based on different sets of principles than those in western Canada. From a geographical point of view the former were most suitable since they were based on regionalism which had time to exert itself before the political milieu became fixed. The eastern area was also better known by the time the boundaries became established not as a result of scientific appraisals, as understood today, but according to the facts brought to light by the reality of every day living in the area. Later boundary development followed the principle, if such it can be called, of dividing that part of Canada to which it was desired to bring provincial government, into approximately equal areas. This was abundantly clear in the creation of Alberta and Saskatchewan in 1905 and the boundary extensions of Manitoba, Ontario and Quebec in 1912.

It is noteworthy also that the impulses which led to boundary delimitation were not always the same as those which led to boundary demarcation. This was, in some cases, due to the long interval of time between the two processes, during which changes in human values and scientific knowledge had occurred. In the case of every provincial boundary except those which, as pointed out above, were delimited on purely "human" grounds, demarcation was brought about by the administrative problems attendant upon the mining industry, or the need for controlling the resources under the ground, by establishing the location of mining claims. The remaining undemarcated interprovincial boundary, that between Newfoundland and Quebec, will also need to be demarcated for similar reasons—a far cry from the fishing problems which led to its earlier delimitation. The administration of mining is of course, but the main manifestation of the common reason for boundary demarcation, namely the need for the proper use of all natural resources, jurisdiction over which had passed to every province by 1932.

3. Boundary evolution and regionalism

In spite of the differences in the basic reasons for their establishment, all provincial boundaries today are intended, on paper at least, to serve the same functions administratively. The question as to whether this is satisfactory or not has led us to examine the problem of how fixed boundaries are to be determined in a changing geographical environment. The older boundaries in eastern Canada were good, geographically, at the time of their establishment, but this does not apply with the same force when considered against the total boundary pattern of Canada today, or the present state of the arts. In this sense, they can be considered as

unsatisfactory as the arbitrary boundaries of the west. It is often contended that the increasing complexities of modern life demand regional administration but the great disadvantage of dividing Canada administratively according to regions is that the sparsely populated regions would be too numerous and/or too large in extent to be administered effectively from Ottawa. The problem posed can be considered in relationship to boundaries already established in Canada and then to boundaries which may be created in the existing territories in the future.

In the case of provincial boundaries already established a change to regional boundaries would have to take cognizance of the fact that the State of Canada embraces regions which are handicapped by nature, which are in some ways a liability on the national balance sheet and which the Federal Government has chosen to partly divide between the existing provinces in order to share the responsibility for their administration with the more fortunately endowed regions. A disadvantage of this system is that if the provinces are given control over some part of the arctic and subarctic contiguous to them it encourages them to anticipate expansion further northward so as to embrace ever increasing sections of such areas. The great danger of this, is that it could lead to "colonialism" of the worst type, i. e. mere exploitation, in the sparsely populated area because when those provinces which have control of such lands compete among themselves they are apt to behave like independent sovereign states. Ottawa, it is presumed, being the seat of the one and only Federal administration, would not administer the sparsely populated lands in this manner.

Another danger is that when provincial boundaries cut what ultimately, as technology advances, turn out to be regions, the neighbouring provinces will not cooperate in the development of that region, when it is in such circumstances that their cooperation is most needed.

But if the several present provinces would recognize that within their boundaries they have several geographical regions, then they could attempt to devise intra-provincial administrative boundaries which take cognizance of these facts. Such boundaries do not need to be fixed and certainly not demarcated. In other words, adjustment to the existing boundaries would seem to be the best way out of the regionalism-administrative dilemma. A classification of boundaries such as that suggested by Hartshorne and outlined in the Introduction to this study, would aid in evaluating the nature and degree of such adjustment and for this purpose Figure 35 has been compiled. It is not possible to categorize each Canadian boundary as a whole because in many cases different parts of the same political boundary developed in different ways. This again emphasizes the fact that a human-geographical classification depends upon a previous study of the historical-geographical evolution of boundaries. But such a procedure has been followed with the boundaries of Canada and the application of the resulting classification can be illustrated with references to the British Columbia-Alberta boundary. The southern part of this boundary, following as it does, a naturally separating physical feature—the Rocky Mountains, has been classified as Consequent. The northern part was established before significant settlement occurred in the area and is hence an Antecedent boundary. Clearly therefore,

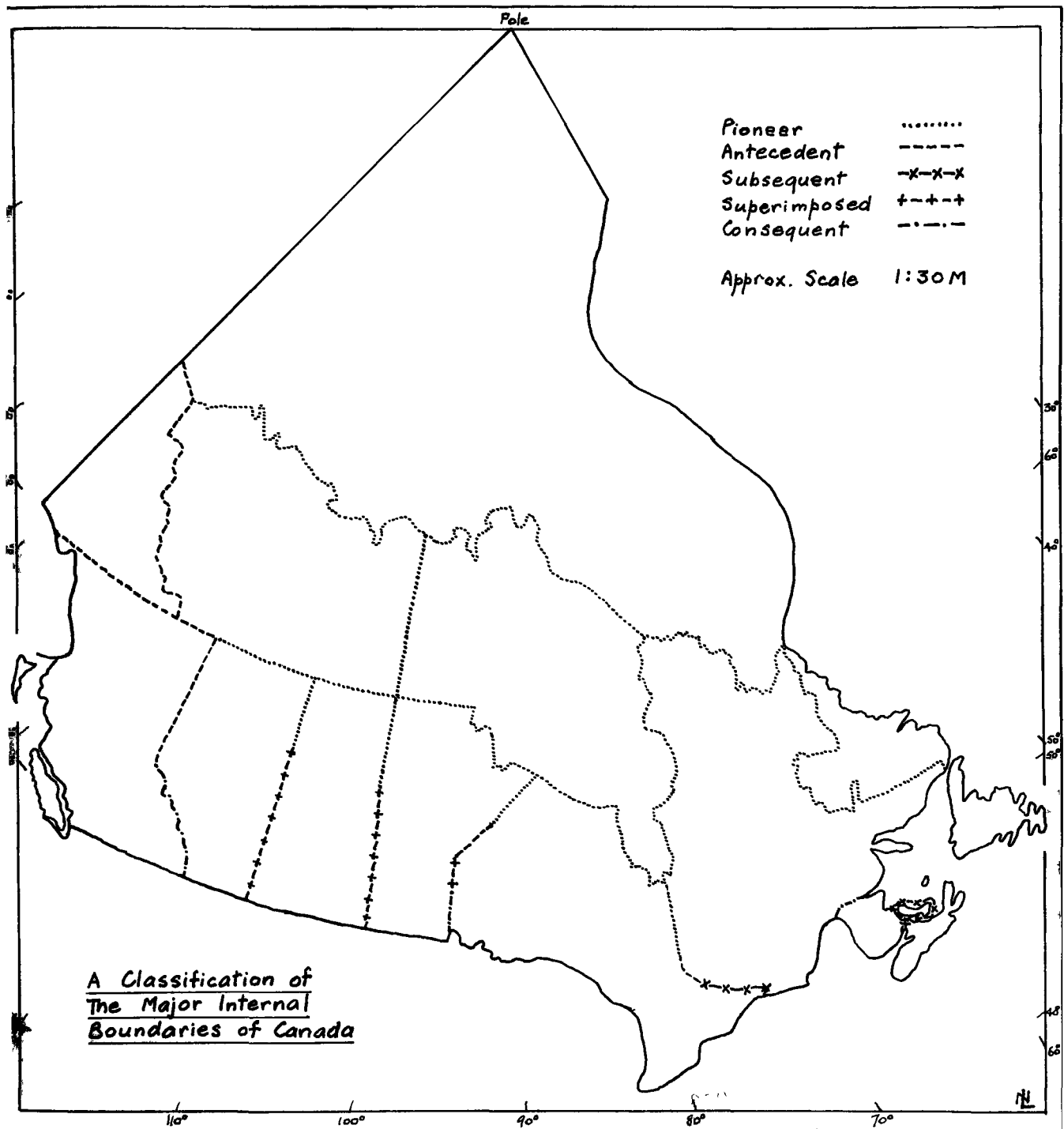


Fig. 35.

the adjustments which might need to be made along the whole boundary in order to lessen any current difficulties in the border region will be much greater in the north than the south.

There are indications that such adjustment to boundaries is occurring in such provinces as Saskatchewan and in other provinces efforts are being made to bring about this result by the citizens themselves. Such an attitude would avoid the other difficulties of changing existing political boundaries to regional boundaries. The chief of these would be the determination of the regional boundaries which is by no means an easy task because of the inherent characteristics of regional boundaries that they are not sharply defined and are only valid for a given point of time, due to the dynamic nature of human society. Secondly, a change in established boundaries would be costly in as much as it would involve much new legislation, resurveying and remonumenting.

That diversity of interests is not an insurmountable obstacle at the sub-state level had demonstrated before 1905 by the legislature of the Northwest Territories. But if regionalism can work within the provinces, it can also function between the provinces. It has been shown, for example, that Prince Edward Island became a separate province as the result of the wishes of its inhabitants; New Brunswick and Nova Scotia became separated because of the settlement of Loyalists in the former. Newfoundland remained politically aloof from its neighbours because, in earlier times, it seemed far removed from them. But are these reasons for marked separation today? The answer is partly demonstrated by the very entry of Newfoundland into Confederation in 1949. Just as its interests with Canada ultimately manifested

themselves so the regional interests of Newfoundland with its neighbouring provinces should be recognized. What were the interests of the smaller regions which became expressed politically as New Brunswick, Nova Scotia, Prince Edward Island and the island of Newfoundland have now become the common interests of a larger region best expressed in French "Le pays du Golfe".

In the case of the creation of new boundaries out of the territories of today, the problems are different. The present boundaries within the territories are not fixed and it is therefore here that there is the opportunity to work out boundaries which are as geographical as possible in the light of our present knowledge—boundaries not based on ancient, vaguely worded documents nor yet on purely political considerations. The fact that human adjustment to existing provincial boundaries appears to be more satisfactory than changing the boundaries themselves does not mean that new boundaries should be considered haphazardly. Sound regional principles should surely prevail in the politico-geographical evolution of the territories if only by virtue of the fact that no matter what the advances of modern science, the resources of the territories are limited and must therefore be used, which means administered, wisely. In establishing any new boundaries there should not be so much concern with equal sizes and favourable numbers of votes as with the benefits which will accrue to all Canadians if new administrative areas are developed on a sound regional basis.

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APPENDIX I

EXTRACT FROM A REPORT OF THE COMMITTEE OF THE HONOURABLE THE PRIVY COUNCIL,
APPROVED BY HIS EXCELLENCY ON THE 18TH DECEMBER, 1897.

On a report, dated 10th December, 1897, from the Minister of the Interior, stating that by Order in Council of the 2nd October, 1895, the unorganized portions of Canada were divided into provisional districts, four new districts being created and changes made in the boundaries of one of the old districts. It was further provided that at the next session of Parliament, a Bill should be introduced having for its object the addition of territory to the district of Keewatin. Shortly after the date of the above Order deficiencies were found in the description of the district boundaries, and as doubts existed as to the form of the proposed amendments to the Keewatin Act, no steps were taken to carry out the directions of the Order.

The Minister recommends that the Order in Council of the 2nd of October, 1895, be cancelled, and that such legislation as may be necessary be introduced at the next session of Parliament to authorize the division of the portions of Canada not comprised within any province into nine provisional districts in accordance with the annexed description and map.

The Minister adds that should these recommendations be approved, the districts of Assiniboia, Alberta, Saskatchewan and Athabaska will remain as they were established by the Order in Council of the 2nd October 1895, and previous Orders, but the boundaries of Ungava, Keewatin, MacKenzie, Yukon and Franklin will be slightly changed.

The Committee submit the above recommendations for Your Excellency's approval.

(Signed) JOHN J. MCGEE,
Clerk of the Privy Council.

To the Honourable
The Minister of the Interior.

DESCRIPTION OF PROVISIONAL DISTRICTS

KEEWATIN

The district of Keewatin (outlined pink on the map herewith) containing about 756,000 square miles, bounded as follows:

Beginning at the point where the eastern boundary of the province of Ontario intersects the shore of the part of Hudson Bay commonly known as James Bay, the said eastern boundary being a line drawn due north from the head of Lake Temiscamingue; thence northerly along the middle of James Bay passing to the west of Charlton and the Twin islands and to the east of Agoomska and Bear islands to a point midway between Cape Jones and Cape Henrietta Maria; thence northerly through Hudson Bay in a direction to enter the strait between Coats and Mansfield islands; thence northeasterly along the middle of the straits between Mansfield, Nottingham and Mill islands on the east and Coats and Bell islands on the west to the middle of Fox channel; thence north-westerly through Fox channel in a direction to enter Frozen strait; thence along the middle of Frozen strait and Repulse bay to the head of the said bay; thence on a strait line to the nearest point of Committee bay; thence northerly along the middle of the said bay and of the gulf of Boothia, to a point opposite the middle of Lord Mayor bay; thence to

and along the middle of Lord Mayor bay to the head thereof; thence on a straight line to the nearest point of Spence bay, thence along the middle of the said bay to the middle of the waters dividing King William Land from the mainland; thence along the middle of said waters to the hundredth meridian of longitude west of Greenwich; thence due south to the eighteenth correction line in the Dominion lands system of survey; thence easterly following the said correction line to the main channel of the Nelson river; thence southerly along the main channel of the Nelson river and the northern and western shores of Lake Winnipeg to the northern boundary of the province of Ontario; thence easterly following the said northern boundary to the place of beginning.

UNGAVA

The district of Ungava (outlined purple on the map herewith) containing about 456,000 square miles, bounded as follows:

On the west by the district of Keewatin; on the south by the province of Quebec; on the east by the territory under the jurisdiction of Newfoundland; on the north by a line drawn along the middle of Hudson strait and a continuation of said line passing between Salisbury and Nottingham islands to the eastern boundary of Keewatin.

ASSINIBOIA

The district of Assiniboia (outlined red on the map herewith) containing 90,340 square miles, bounded on the south by the international boundary line, being the 49th parallel of latitude; on the east by the western boundary of the province of Manitoba; on the north by the ninth correction line of the Dominion lands system of survey; and on the west by

the line between the tenth and eleventh ranges of townships numbered from the fourth meridian of the aforesaid system of survey.

SASKATCHEWAN

The district of Saskatchewan (outlined yellow on the map herewith), containing about 114,000 square miles, bounded on the south by the district of Assiniboia and the province of Manitoba; on the east by the province of Manitoba and the district of Keewatin; on the north by the eighteenth correction line of the Dominion lands system of survey; and on the west by the line between the tenth and eleventh ranges of townships numbered from the fourth meridian of the aforesaid system of survey.

ALBERTA

The district of Alberta (outlined brown on the map herewith) containing about 100,000 square miles, bounded on the south by the international boundary; on the east by the districts of Assiniboia and Saskatchewan; on the west by the province of British Columbia; and on the north by the eighteenth correction line of the Dominion lands system of survey.

ATHABASKA

The district of Athabaska (outlined blue on the map herewith) containing 251,300 square miles, bounded on the south by the districts of Alberta and Saskatchewan; on the east by the district of Keewatin; on the north by the thirty-second correction line of the Dominion lands system of survey; and on the west by the province of British Columbia.

YUKON

The district of Yukon (outlined orange on the map herewith) containing about 198,300 square miles, bounded as follows:

On the south by the province of British Columbia and the United States territory of Alaska; on the north by that part of the Arctic ocean called Beaufort sea; on the east by a line beginning at the mouth of the most westerly channel of the delta of the Mackenzie river; thence southerly, following the line of the watershed separating the streams flowing into the Arctic ocean west of the place of beginning from those flowing into the Mackenzie river, to the line of the watershed between the basins of the Mackenzie and Yukon rivers; thence following the said line of watershed to the line of the watershed separating the streams flowing into the Mackenzie river, or into the Liard river below the point where the said Liard river intersects the sixtieth parallel of latitude in approximate longitude 124 degrees and 20 minutes west of Greenwich, from those flowing into the upper waters of the Liard river; thence following the said line of watershed to the northerly boundary of British Columbia, the said district to include the islands within twenty miles from shore of the Beaufort sea as far east as the meridian of the most westerly channel of the delta of the Mackenzie river.

MACKENZIE

The district of Mackenzie (outlined green on the map herewith) containing about 563,200 square miles, bounded on the west by the district of Yukon; on the south by the province of British Columbia and the district of Athabaska; on the east by the district of Keewatin; and on the north by

that part of the Arctic ocean called Beaufort sea, and by the middle of the straits between the mainland of the continent on the south and Baring, Prince Albert, Wollaston and Victoria Lands on the north, the said district to include the islands within twenty miles of the shore of the Beaufort sea as far west as the most westerly channel of the delta of the Mackenzie river.

FRANKLIN

The district of Franklin (situated inside of the grey border on the map herewith) comprising Melville and Boothia peninsulas, Baffin, North Devon, Ellesmere, Grant, North Somerset, Prince of Wales, Victoria, Wollaston, Prince Albert and Banks Lands, the Parry islands and all those lands and islands comprised between the one hundred and forty-first meridian of longitude west of Greenwich on the west and Davis strait, Baffin bay, Smith sound, Kennedy channel and Robeson channel on the east which are not included in any other provisional district.

NOTE—The map referred to in the above Order in Council is not reprinted.

APPENDIX 2

EXTRACT FROM MINUTE P. C. 3139 OF A MEETING OF THE COMMITTEE OF THE
PRIVY COUNCIL, APPROVED BY HIS EXCELLENCY THE GOVERNOR GENERAL ON
THE 18TH DECEMBER, 1937

The Minister submits the Report of the said Committee setting forth their unanimous views and recommendations in relation to the delimitation of territorial waters in respect of the St. Lawrence Estuary, the bays, gulfs and straits in the Maritime Provinces and on the Pacific Coast, and Hudson's Bay and Strait.

The Minister further states that by section 2 of chapter 30 of the Statutes of Canada, 1936, subsection 1 of section 2 of the Customs Act was amended by adding thereto the following paragraphs:

"u) 'Canadian waters' shall mean all territorial waters of Canada and all waters forming part of the territory of Canada, including the marginal sea within three marine miles of the base lines on the coast of Canada, determined in accordance with international law and practice; subject, however, to the following specific provisions:

- (i) Canadian waters shall not extend beyond the limits of exclusion recommended in the North Atlantic Fisheries Award, answer to question V, as set forth in the Schedule to this Act;
- (ii) the extent of Canadian waters shall conform with the provisions of any other Act of the Parliament of Canada;
- (iii) the Governor in Council may from time to time by proclamation temporarily restrict, for customs purposes, the extent of Canadian waters and such proclamation shall not be construed as foregoing any Canadian rights in respect of waters thus restricted;

- (iv) the plotting of base lines and of the limits of Canadian waters on a map or chart issued under the authority of and approved by the Governor in Council shall be conclusive evidence of the due determination of such base lines and of the extent of Canadian waters or of Canadian waters temporarily restricted, pursuant to the provisions of the preceding paragraph (iii).
- (v) 'Canadian customs waters' shall mean the waters forming that part of the sea which is adjacent to and extends nine marine miles beyond Canadian waters".

The Minister recommends for the approval of Your Excellency in Council in pursuance of the provisions of s.2 (1) (u) of the Customs Act the following recommendations of the said Interdepartmental Committee, namely:

I. As to the St. Lawrence Estuary.

- (1) That a map be prepared pursuant to the provisions of the Customs Act marking out the territorial waters of Canada, adopting as a base line for this purpose a line drawn from Cape Rosières on the Gaspé Peninsula to the west end of the island of Anticosti to the mouth of the River St. John.
- (2) That the interested departments should take care in their administrative practices and in the issuing of documents to follow no course inconsistent with Canadian Sovereignty over the national and territorial waters of Canada so delimited.

II. As to the bays, gulfs and straits in the Maritime Provinces.

- (1) That a map be prepared pursuant to the provisions of the Customs Act marking out the territorial waters of Canada, adopting as a base line for this purpose the limits of exclusion recommended in the answer to Question V in the North Atlantic Fisheries Award as set forth in the Schedule to chapter 30 of the Statutes of Canada 1936.
- (2) That the interested departments should take care in their administrative practices and in the issuing of documents to follow no course inconsistent with Canadian sovereignty over the national and territorial waters of Canada so delimited.

III. As to the bays, gulfs and straits on the Pacific Coast.

- (1) That a map be prepared pursuant to the provisions of the Customs Act marking out the territorial waters of Canada adopting as base lines for this purpose the following lines:
 - (a) In respect of Juan de Fuca, the Strait of Georgia, Queen Charlotte Sound and the connecting waters, a line from Tatoosh Island lighthouse to Bonilla Point reference mark at one end, and in Queen Charlotte Sound at the other end of the straits, a line drawn in accordance with the ten mile rule, i. e., a straight line across the sound in the part nearest the entrance at the first point where the width does not exceed ten miles.
 - (b) In respect of the bays and straits which form part of the coastal archipelago from Queen Charlotte Sound to the Alaskan Boundary inclusive, and the bays on the west coast of Vancouver Island, lines drawn in accordance with the ten mile rule.
- (2) That pending any action by the United States looking to a further extension of the International Boundary beyond the base line in Juan de Fuca Strait described in subparagraph (a) above, a proclamation be issued pursuant to section 2 (1) (u) (iii) of the Customs Act restricting temporarily for customs purposes Canadian waters to the waters delimited by the said base line to the intent of cutting off the three mile zone west of the said base line, outside of the three mile limit off the coast of Vancouver Island.
- (3) That a proclamation be issued under authority of section 2 (1) (u) (iii) of the Customs Act restricting temporarily for customs purposes the extent of Canadian waters in respect of Dixon Entrance and Hecate Strait to the three mile belt.
- (4) That the interested departments should take care in their administrative practices and in the issuing of documents to follow no course inconsistent with Canadian sovereignty over Canadian waters as delimited in accordance with the foregoing recommendations; and that special care be taken in respect of Dixon entrance and Hecate Strait to avoid the issuing in any public documents of any instructions with regard to the non-exercise of Canadian sovereign rights over these waters outside of the three mile zone.

IV. As to Hudson's Bay and Strait.

- (1) That a map be prepared pursuant to the Provisions of the Customs Act marking out the territorial waters of Canada, adopting as a base line for this purpose a line drawn across the entrance to Hudson's Strait from Button Island to Hatton Headland on Resolution Island.
- (2) That the interested departments should take care in their administrative practices and in the issuing of documents to follow no course inconsistent with Canadian sovereignty over the national and territorial waters so delimited.

V. As to other waters

The Committee recommends that no action be taken at present in regard to the Arctic Waters.

APPENDIX 3

CHRONOLOGY OF MAIN EVENTS HAVING A BEARING ON CANADIAN BOUNDARIES FROM 1763 - 1950

- 1763 Treaty of Paris. Canada and its dependencies ceded to Britain
- 1763 Cape Breton and Isle St. Jean annexed to Nova Scotia.
- 1763 Royal Proclamation. Labrador, Anticosti and Magdalen Islands annexed to Newfoundland.
- 1769 Isle St. Jean separated from Nova Scotia and made a separate colony.
- 1774 Quebec Act. Labrador restored to Province of Quebec and boundaries of old province extended.
- 1783 Treaty of Versailles. (Treaty of Paris) Definitive treaty of peace between His Majesty and the United States. Independence of the United States recognized.
- 1783 Northwest Company established at Montreal.
- 1784 New Brunswick and Cape Breton Island separated from Nova Scotia and made separate colonies.
- 1789 Mackenzie descended Mackenzie River to Arctic Ocean.
- 1790 Spain relinquished its claim to North Pacific Coast.
- 1791 Constitutional Act. Province of Quebec divided into Upper and Lower Canada.
- 1792-4 Vancouver's exploration of Pacific Coast of North America.
- 1794 Treaty of London, (Jay's treaty), between His Majesty and the United States of America relating to commerce, navigation, and boundaries between Canada and the United States.
- 1798 Explanatory article to the Treaty of London (1794).
- 1798 Ile St. Jean renamed Prince Edward Island.
- 1803 United States acquired Louisiana from Spain.

- 1809 Labrador Act. Labrador coast annexed to Newfoundland.
- 1811 Lord Selkirk's Red River Settlement founded.
- 1814 Treaty of Ghent between His Majesty and the United States of America relating to Canada-United States boundary.
- 1816 British territoriality in Hudson's Bay recognized by treaty with United States.
- 1818 Convention between His Majesty and the United States re extension of 49th parallel to Rocky Mountains.
- 1820 Cape Breton Island reunited with Nova Scotia.
- 1821 Merger of Hudson's Bay Company and Northwest Company.
- 1824 Judicature Act extends Newfoundland jurisdiction to Labrador.
- 1825 Labrador Act defines coast under jurisdiction of Newfoundland and reannexes Anticosti Island to Quebec.
- 1825 Treaty between Great Britain and Russia relating to Alaska boundary.
- 1827 Convention between His Majesty and the United States of America relating to boundary west of the Rockies and between Maine and New Brunswick.
- 1834 Selkirk's Assiniboia reverted to Hudson's Bay Company.
- 1840 Act of Union. Upper and Lower Canada united into one province.
- 1842 Treaty of Washington, (Webster-Ashburton Treaty), between Her Majesty and the United States of America relating to Canada-United States boundary.
- 1846 Treaty between Her Majesty and the United States of America ("Oregon Treaty") extending the southern boundary of Canada to the Pacific Ocean.
- 1849 Vancouver Island made a colony under Hudson's Bay Company jurisdiction.
- 1850 Protocol of a Conference between Her Majesty and the United States of America ceding Horseshoe Reef to U. S. A.
- 1851 Boundaries of New Brunswick-Canada (now Quebec) settled by Act of Imperial Parliament.

- 1857 Imperial act including decision that Mistouche of 1851 is Patapedia.
- 1858 Act of Nova Scotia establishing present New Brunswick-Nova Scotia boundary.
- 1858 Colony of British Columbia established.
- 1858 Control of Vancouver Island surrendered by Hudson's Bay Company.
- 1859 Act of New Brunswick establishing present New Brunswick-Nova Scotia boundary.
- 1859 Imperial Parliament approved Nova Scotia Act of 1858.
- 1862 Territory of Stichion delimited by Order-in-Council.
- 1865 Proclamation fixing seat of government of Canada at Ottawa.
- 1866 Proclamation of union of Vancouver Island and British Columbia.
- 1867 British North America Act, July 1. Province of Canada divided into Ontario and Quebec.
- 1867 Convention between Russia and United States. Alaska purchased by United States.
- 1868 Ruperts Land Act authorizes acquisition by the Dominion of the Northwest Territories.
- 1869 Act providing for the Government of the Northwest Territories June 22. (Ruperts Land Act)
- 1869 Deed of surrender to Crown of Hudson's Bay Company territorial rights in the Northwest Territories.
- 1870 Declaration between Her Majesty and the U. S. A. approving International Boundary maps.
- 1870 Full title to Ruperts Land and Northwest Territories transferred to Canada by Imperial Order-in-Council.
- 1870 Act to establish the Province of Manitoba.
- 1871 Northwest Territories transferred to the Dominion and Manitoba admitted to Confederation.

- 1871 Treaty of Washington. Treaty between Her Majesty and the United States dealing with questions outstanding between Great Britain and the United States relating to Canada.
- 1871 British Columbia enters Confederation.
- 1873 Prince Edward Island enters Confederation.
- 1873 Protocol of Agreement between Her Majesty and the United States defining the boundary between Canada and the United States through the Canal de Haro.
- 1875 Northwest Territories Act establishes a Lieutenant Governor and a council of the Northwest Territories.
- 1876 District of Keewatin defined by Act of Dominion Parliament.
- 1877 Boundaries of Manitoba extended to conform to Dominion Lands system of surveys.
- 1878 Boundaries of Ontario decided by arbitration.
- 1880 All British possessions in North America and adjacent islands north of the United States, except Newfoundland and its dependencies, annexed to Canada by Imperial Order-in-Council.
- 1881 Boundaries of Manitoba enlarged.
- 1882 Provisional districts of Assiniboia, Saskatchewan, Alberta and Athabasca formed.
- 1882 Regina made seat of Government of Northwest Territories.
- 1884 Order-in-Council settling boundaries of Ontario and Manitoba.
- 1886 Order-in-Council re-annexing Keewatin west of Lake Winnipeg and Nelson River to Northwest Territories.
- 1888 Fishing treaty between Canada and United States.
- 1889 Ontario boundary confirmed by Act of Parliament The Canada (Ontario Boundary) Act, 1889.
- 1892 Treaty of Washington, providing for arbitration of the Bering seas seal fishery question.

- 1892 Convention between Her Majesty and the United States regarding the boundary between Canada and the United States, (Alaska and Passamaquoddy Bay).
- 1894 Convention between Her Majesty and the United States supplementing the convention of 1892.
- 1895 Proclamation defining the Ungava, Franklin, Mackenzie and Yukon districts of the Northwest Territories.
- 1895 United States-Canada boundary survey convention.
- 1897 Order-in-Council includes Northern islands in Northwest Territories.
- 1898 Yukon district established as a separate territory.
- 1898 Northern boundaries of Quebec defined as Eastmain and Hamilton rivers.
- 1903 Convention between His Majesty and the United States for the adjustment of the boundary between Canada and Alaska.
- 1905 Keewatin reannexed to Northwest Territories.
- 1905 Creation of the Provinces of Alberta and Saskatchewan.
- 1906 Convention between His Majesty and the United States respecting Canada-Alaska boundary.
- 1906 Boundaries of Mackenzie, Franklin, Yukon, Keewatin, Ungava defined.
- 1907 Senator Poirier propounds the sector claim in the Canadian Senate.
- 1908 Treaty between His Majesty and the United States relating to Canadian-United States boundary waters and creating International Joint Commission.
- 1910 Treaty of Washington between His Majesty and the United States concerning the islands in Passamaquoddy Bay.
- 1910 Captain Bernier extended Canadian sovereignty over Arctic Islands.
- 1912 The Ontario Boundaries Extension Act.
- 1912 The Quebec Boundaries Extension Act.
- 1912 The Manitoba Boundaries Extension Act.
- 1918 Boundaries of Districts of Mackenzie, Keewatin and Franklin redefined by Order-in-Council.

- 1920 Order-in-Council of 1918 came into effect.
- 1925 Treaty of Washington between His Majesty and the United States regarding minor changes in Canada-United States boundary.
- 1927 Labrador boundary decided by Privy Council.
- 1930 The Manitoba Boundaries Extension Act recognizing the minor International boundary change in Lake-of-the-Woods area.
- 1932 The Alberta-British Columbia Boundary Act recognizing the boundary as surveyed and demarcated as the true boundary.
- 1949 Newfoundland enters Confederation.
- 1950 An Act to amend The Manitoba Boundaries Extension Act, 1912 and The Ontario Boundaries Extension Act at the conclusion of the boundary survey to Hudson Bay.

APPENDIX 4

AN ABSTRACT OF

A Dissertation on Canadian Boundaries: Their Evolution, Establishment and Significance

The first six of the eight chapters of this study are devoted to the way in which the major political boundaries evolved side by side with the territorial development of what is now the sovereign state of Canada. The first half of this part of the work deals with those boundaries which, by 1867, became national and international boundaries, or fixed provincial boundaries. This is done in successive stages from pre-European times to the present. The first chapter concludes with an examination of the results of the Treaty of Paris, 1763, and the boundary changes which occurred immediately prior to the American revolution. Chapter II deals with the boundaries which resulted from the American revolution and the subsequent developments which preceeded Canadian federation. This is followed by a chapter on the International and National boundaries of Canada, including the settlement of the Alaskan boundary controversy, a discussion of the Arctic boundaries and the extent of Canadian territorial waters. The chapter concludes with a presentation of the evolution of the Labrador boundary because the Privy Council decision of 1927 on its delimitation occurred while the boundary was still an international one.

The second half of the first part of the thesis is concerned with provincial and territorial boundaries, or boundaries which became provincial boundaries after Confederation. It begins with an examination of the major

internal boundary problems which the Dominion of Canada inherited in 1867, and as the evolution of the Nova Scotia-New Brunswick and New Brunswick-Quebec boundaries provide examples of "classical" attitudes to such matters, they are discussed as a prelude to the northern limits of Quebec and Ontario. Under the heading "The 'Unorganized' Northwest", early boundary problems in the territories are discussed together with the geographical reasons for the creation of the Province of Manitoba, and Provisional Districts in the territories, particularly the Districts of Keewatin and Yukon. These events logically led to the creation of the new provinces of Alberta and Saskatchewan and the boundary extensions of Manitoba, Quebec and Ontario in 1912, which are discussed in Chapter VI. Its conclusion, dealing with the territorial boundary adjustments of 1920, completes the boundary pattern as it exists today.

Chapter VII is concerned with boundary demarcation and administration. It outlines the general process of demarcation and its gradual development in Canada; it describes the main methods of demarcation used in Canada and concludes with the nature, extent and cost of demarcation and administration.

The final chapter coordinates the previous work in relation to boundary changes. First the constitutional processes of boundary change and adjustment are presented for international, interprovincial and territorial boundaries. Then some suggested boundary changes, both sectional and Canada-wide in nature, are discussed. Finally delimitation, demarcation and boundary changes are considered against the nature and facts of geographical regionalism and the overall pattern of the governments of Canada.

But the eight chapters themselves are incomplete without the Introduction and Conclusion. The former reviews the significance of boundaries in social and economic life and the available literature on the subject, with particular reference to Canada. The terms used in the body of the thesis are defined and various classifications of boundaries presented. The Conclusion examines the various generalisations given in the Introduction in the light of the evidence presented in the body of the thesis and suggests a geographical classification of Canadian boundaries which may be used to systematize considered opinion on their alteration or significance.

Appendices I and 2 consist of Orders-in-Council defining the boundaries of the Provisional Districts of the Northwest Territories in 1897 and certain Canadian territorial waters. Appendix 3 is a chronology of the main events which affected Canadian boundaries from 1763 to 1951. The whole work is supplemented with an analytical index, thirty-five illustrations and two tables.

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