

"above described, or upon other lands, which, not having been ceded to, or purchased by us, are still reserved to the said Indians as aforesaid, forthwith to remove themselves from such settlements."

"And whereas great frauds and abuses have been committed in purchasing lands of the Indians, to the great prejudice of our interests, and to the great dissatisfaction of the said Indians: In order, therefore, to prevent such irregularities for the future, and to the end that the Indians may be convinced of our Justice and determined resolution, We do, with the advice of Our Privy Council, strictly enjoin and require, that no private person do presume to make any purchase from the said Indians of any lands reserved to the said Indians, within those parts of our Colonies where we have thought proper to allow settlement; but that, if at any time, any of the said Indians should be induced to dispose of the said lands, the same shall be purchased only for us, in our name, at some public meeting or assembly of the said Indians, to be held for that purpose by the Governor or Commander in Chief of our Colony, respectively, within which they shall be. And in case they shall be within the limits of any proprietary Government, they shall be purchased only for the use and in the name of such proprietors, conformable to such directions and instructions as we or they shall think proper to give for that purpose."

I.—The evident intention of this Order in Council, of George III, was to provide for the then immediate want in the new acquisitions. A Government and a temporary one—until more matured and settled arrangements could be made;—Certainly for the region, then unexplored and unknown, lying between the limit assigned to the Province of Quebec, and the supposed limit of the territory of the Hudson's Bay Company, the order forbade:

1st. All loving subjects, "*on pain of displeasure*," from making purchases or settlements within this region.

2nd. And, as to the subjects within the limits of the Province, who had "*seated themselves*," it directed them to remove.

3rd. And it provided that the Crown should have all the bargains from the Indians, when settlements were permitted by the Crown.

The question is, whether this order had the effect of rendering null and void the Lease to Thomas McKee, made in 1788?

1st. That order had been revoked and annulled and made void, from and after 1st May 1775, by the Imperial Act 14 George III, chap. 83.

This Act, after assigning new limits to the Province of Quebec, including in them what is now called "Upper Canada," provides, by section IV, after reciting that the provisions made by said Proclamation, in respect to the Civil Government of the Province of Quebec, and the powers and authorities given to the Governor and other Civil Officers of the said Province, by the grant and commission issued in consequence thereof, had been found to be inapplicable, &c.

"That the said Proclamation, so far as the same relates to the said Province of Quebec, and the commission and the authority thereof, under the authority whereof the Government of the said Province is at present administered, and *all every Ordinance and Ordinances*, made by the Governor and Council of Quebec, for the time being, relative to the Civil Government and Administration of Justice in the said Province, and all Commissions to Judges and other Officers thereof, be, and *the same are hereby revoked, annulled and made void, from and after the 1st day of May, 1775.*"

And a Government was, by the said Act, constituted for managing the affairs of the Province, consisting of the Governor, for the time being, and a Council of twenty-three members appointed by warrant of His Majesty.

(For this Imperial Act, See Thompson & McFarlane's Revised Edition (1831) of the Statutes of Upper Canada, published at Kingston.)

By a Proclamation of Lord Dorchester, dated 24th July, A. D. 1788, the Province was divided into the four following new Districts, namely, Lunenburg, Mecklenburg, Nassau, and Gaspé. The District of Hesse comprising all the Territory west of Long Point.

Thus from May 1st, 1775, an end was put to the old regime, and the Proclamation, relied upon, became dead; and it is, consequently, only in the Legislation, subsequent to that date—first of the Province of Quebec, and second of the Province of Upper Canada—that we have to look for enactments making dealings with Indians illegal.