

bounded by a line drawn due north from the head of the said lake until it reaches the shore of Hudson's Bay; the said Province of Upper Canada being bounded on the south beginning at the said stone boundary between Lancaster and Longueuil by the Lake St. Francis, the River St. Lawrence, the Lake of the Thousand Islands, Lake Ontario, the River Niagara, which falls (leads) into the Lake Erie, and along the middle of that lake; on the west by the channel of Detroit, Lake St. Clair, up the River St. Clair, Lake Huron, the west shore of Drummond Island, that of St. Joseph and Sugar Island, thence into Lake Superior.

In all subsequent commissions in which descriptions are given they are the same, nearly word for word, as in the commission of 30th March, 1838, to the Earl of Durham.

It will be observed that the conditions as to a western boundary in these later commissions would be met by a line running northward from the most easterly point of Lake Superior. But the commissions say "into" Lake Superior without indicating how far *into* that lake or, in other words, how far westward along the international boundary, where it runs through Lake Superior, Upper Canada was to extend before meeting the western limitary line. One thing, however, is certain, and that is that if these later commissions are to be taken as the guide—and they are of equal authority with the earlier ones—the western boundary line must be found in Lake Superior, not certainly beyond it. Two commissions, those of 22nd December, 1774, and 18th September, 1777, above quoted, carry the western boundary line of the then Province of Quebec, along the Mississippi to the southern boundary of the territories of the Merchant Adventurers of England trading into Hudson's Bay, which, according to the wording of these documents, must be found on that river, and one commission (subsequently revoked), that of 22nd April, 1786, to Lord Dorchester, carries the line to the north-west angle of the Lake of the Woods and thence westward to the Mississippi.

Seven subsequent commissions of equal authority with the foregoing, the first dated the 30th March, 1838, carry the boundary of Upper Canada simply "into" Lake Superior.

The entrance to Lake Superior might, therefore, according to these subsequent commissions, be adopted as the western limit of Upper Canada, and such a limit would be about as far to the eastward of the prolongation of a line running due north from the junction of the Ohio and Mississippi as the Mississippi line, so called, is to the westward of a line so prolonged.

In the view of your Committee there must have been some cause for this very marked change in the wording of the boundary descriptions, and your Committee believe that it lay in the state of affairs which had arisen both at the head of Lake Superior, and to the westward of the water-shed. A new colony, with wide ramifications, was springing up in the Indian Territories, the south-eastern boundary of which, according to the then existing descriptions, came up to the Height of Land, and the change was, doubtless, made so that the commissions to Governors might be such as to prevent the possibility of the description in the one case clashing with that which had been adopted in the other. At that time, too, the Hudson's Bay Company were pressing for a renewal, in a new form, of their license of trade in the Indian Territories. The boundaries of these Territories had been much discussed and a decision indicating their locality, at least in part, given in the highest Provincial Court then existing, so that there can, in the opinion of your Committee, be no doubt as to the question of the boundaries between Upper Canada and the Indian Territories, as well as the Hudson's Bay Company's Territories, having been at that time brought to the serious attention of the Imperial authorities, with the result shown in a new description in the commission of 1838, to Lord Durham, which was never afterwards altered or revoked.

The following evidence, given by the Hon. Donald A. Smith, M.P., formerly Governor of the Hon. Hudson's Bay Company's Territories, will serve to show that the Colony of Assiniboia was in some measure recognized by the Imperial Government.