

inaw, and they built additional forts. The correspondence shows that before the Province of Quebec was divided, the intention was to regain that section of the Province of Quebec that had been ceded to the United States.

*By Mr. De Cosmos:—*

62. That is the territory of North of the Ohio?—Yes; Lord Dorchester addressed the Indians under Brant, telling them the treaty was repudiated, that they were not to enter into any negotiations with the authorities of the United States for the surrender of their country, that there was no longer any boundary between Great Britain and the United States. When the Act of 1791 was passed, it declared the King intended to divide the Province of Quebec, but it does not divide it. It no more interferes with the King's prerogative to alter Provincial boundaries than the Act of 1774. Mr. Clarke's proclamation says "Upper Canada shall include all the countries, territories and islands to the southward and westward of the dividing line to the utmost extent of what was known as Canada,"—not of what was known as Quebec.

*By the Chairman:—*

63. Does the Order in Council say that?—The proclamation says that, and the use of the word "Canada," in the proclamation shows, in my opinion, what the policy of the Government was on the question. By the Order in Council of 1791, which will be found on pages 338-9 of the appendix to my report, it will be found that a division is authorized, but that no division of the Province is made; that division authorized by the King's warrant was made by the proclamation referred to; and that proclamation above gives the boundaries of Upper Canada.

*Mr. Royal*—No, it does not appear to me that the proclamation, considered in connection with the Order in Council, and instructions issued under it would bear any such interpretation. Would the Chairman please to read the Order in Council and the instructions to Lord Dorchester issued under it.

*The Chairman*—The Order in Council to which you refer is as follows:

"At the Court of St. James, the 24th of August, 1791—

PRESENT:

The King's most Excellent Majesty in Council.

Whereas there was this day read, at the Board, a report from the Right Hon. the Lords of the Committee of Council, dated the 19th of this instant, in the words following, viz.:

"Your Majesty having been pleased, by your Order in Council, bearing date the 17th of this instant, to refer unto this Committee, a letter from the Right Honorable Henry Dundas, one of your Majesty's principal Secretaries of State, to the Lord President of the Council, transmitting a printed copy of an Act passed in the last session of Parliament, entitled An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, entitled An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province; and also copy of a paper presented to Parliament previous to the passing of the said Act, describing the line proposed to be drawn for dividing the Province of Quebec into two separate Provinces, agreeable to your Majesty's Royal intention, signified by message to both Houses of Parliament, to be called the Province of Upper Canada and the Province of Lower Canada; and stating that, by sec. 48 of the said Act, it is provided that, by reason of the distance of the said Provinces from this country, and of the change to be made, by the said Act, in the Government thereof, it may be necessary that there should be some interval of time between the notification of the said Act to the said Provinces respectively, and the day of its commencement within the said Provinces respectively, and that it should be lawful for your Majesty, with the advice of your Privy Council, to fix and declare, or to authorize the Governor or Lieutenant Governor of the Province of Quebec, or the person administering the Government