

the matter appears to have been reconsidered. And from the latter time forward, the descriptions ran as in the following commission:—

30TH MARCH, 1838.

JOHN GEORGE, EARL OF DURHAM.—*Captain-General and Governor-in-Chief of the Province of Upper Canada.*

Our said Province of Upper Canada; the said Province being bounded on the east by the line dividing that Province from Lower Canada, beginning at a stone boundary on the north bank of the Lake St. Francis at the Cove west of the Point au Beaudet, 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 Ottawa River, to ascend the said river into the Lake Temiscaming, the said Province of Upper Canada being also 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 regard to the description first mentioned, the evidence goes to show that the words "Boundary line of Hudson's Bay" meant a line at a greater or less distance from the shore, and not, as has been sometimes contended, the shore itself. It was a territorial boundary line, in fact, which, previous to the cession, was held to be the dividing line between the British and French possessions in that part of the continent. In the interests of England, as represented by the Hudson's Bay Company, it was claimed that this dividing line was in a certain position, far inland from the coast; and in those of France, that it was in another position somewhat nearer to the coast. Without entering into a discussion as to the precise position of the line or the correspondence which took place regarding it, subsequent to the Treaty of Utrecht, your Committee have no hesitation in expressing the opinion that there was around Hudson's Bay, on the south and west, a considerable extent of country which formed no part of the Province of Quebec, as constituted by the Act of 1774, nor, consequently, of Upper Canada, as established by the Constitutional Act of 1791; and, further, that, from the date of the Treaty of Utrecht (1713) the Hudson's Bay Company were, up to the time at which they disposed of their territorial rights to the Dominion, in possession of the territories bordering on Hudson's Bay. But in 1838, the description of boundaries in the commissions to Governors was altered, and made to run as follows: "To ascend the said river into Lake Temiscaming, the said Province of Upper Canada being also bounded by a line drawn due north from the head of the said lake until it reaches the shore of Hudson's Bay." If, therefore, a commission can be construed as extending the limits of a Province, if the authority under which that commission was issued had the power to extend or curtail territorial boundaries, then, the Province of Upper Canada was carried to the shore of Hudson's Bay, in 1838, and a due north line from the head of Lake Temiscaming to the shore became a portion of its eastern boundary.

But the same commission which contained the foregoing description, carried the western limit of Upper Canada only "into" Lake Superior, and

* In the commission of 1st October, 1846, to Lord Elgin, the wording is somewhat amended, but the description is essentially the same, and as in the former commissions, commencing with that of 1838, to Lord Durham, the western boundary of Upper Canada is only carried "into" Lake Superior.