

possible for us to do otherwise; it is a fixed and certain boundary, and according to the Statute, we have to the best of our knowledge decided it.

In the decision we have made we are supported by the authority of my Lord Hardwicke in the case of Penn and Baltimore. In the disputes between Penn the proprietor of Pennsylvania and my Lord Baltimore on the question relative to the limits of Maryland, a similar difficulty arose, and the case is to be found at length in 1 Vessey, senr., 444.

I mention this case because the court have taken upon themselves to decide the limits of Canada original jurisdiction, relative to the Colonial Territories of the King, is in the King and his Council.

In this dependent Province, nevertheless, we have been compelled to give a decision upon the question, not from any wish on our part, but because it was brought before us incidently, and there was no avoiding it. The power of deciding finally is, however, at home; the question will be taken before the King and his Council, and in deciding the limits of Upper Canada they will either confirm or reverse our decision according as we have done right or wrong, so that as to any consequences that may result from our error, if error we have committed, they will be obviated by the superior authority to whom the question is to be referred.

(K.)

*(From Commission to Sir Guy Carleton, Governor Province of Quebec, &c.)*

22nd April, 1786.

Page 110.—And further, know ye that we, reposing especial trust and confidence in the prudence, courage and loyalty of you, the said Sir Guy Carleton, of our especial grace, certain knowledge and mere motion, have thought fit to appoint you, the said Sir Guy Carleton, to be our Captain-General and Governor in Chief in and over our Province of Quebec, in America, comprehending all our territories, islands and countries in North America; bounded on the south by a line from the Bay of Chaleurs, along the high lands which divide the rivers that empty themselves into the River St. Lawrence from those which fall into the Atlantic Ocean to the north-westernmost head of Connecticut River; thence down along the middle of that river to the forty-fifth degree of north latitude; from thence by a line due west on said latitude until it strikes the River Iroquois or Cataraque, 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 strikes 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 Phillippeaux 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 north-western point thereof, and from thence on a due west course to the River Mississippi, and northward to the southern boundary of the territory granted to the Merchant Adventurers of England trading to Hudson's Bay, and also all such territories, islands and countries which have, since the tenth of February, one thousand seven hundred and sixty-three, been made part of the Government of Newfoundland, together with all the rights, members, and appurtenances whatsoever thereunto belonging.

Now know ye, that we have revoked and determined, and by the presents do revoke and determine, the said receipted letters patent and every clause, article or thing therein contained. And whereas we have thought fit, by our order, made in our Privy Council on the nineteenth day of August, one thousand seven hundred and ninety-one, to divide our said Province of Quebec into two separate provinces, to be called the Province of Upper Canada and the Province of Lower Canada, by a line to commence at a stone boundary on the north bank of the Lake St. Francis, at the