

proceedings whatever tending to produce tumults and riots, or in any way to disturb the public peace.

And I do hereby strictly charge and command all Justices of the Peace so as aforesaid nominated and appointed under and by virtue of the above-mentioned Statute, and all Magistrates throughout this Province, and do require all others of His Majesty's subjects generally in their several and respective stations, to make diligent enquiry and search to discover, apprehend and commit, or cause to be committed to lawful custody for trial, in due course of Law, pursuant to the provisions in the above-mentioned Statute contained, all persons who have been, or shall be guilty of any act or acts of force or violence as aforesaid, nor of any other crime or crimes, offence and offences within the said Indian Territories, to the end that the laws may be carried into prompt execution, against all such offenders, for the preservation of peace and good order therein.

Given under my Hand and Seal at Arms, at the Castle of St. Lewis, in the City of Quebec, in the said Province of Lower Canada, this Sixteenth Day of July, in the Year of Our Lord One Thousand Eight Hundred and Sixteen, and in the Fifty-sixth Year of His Majesty's Reign.

J. C. SHERBROOKE.

By His Excellency's Command.

JOHN TAYLOR,
Deputy Secretary.

Those who argue that Lieutenant-Governor Alured Clarke's proclamation extended Upper Canada to the northward and westward of the St. Lawrence water-shed, will here see that a proclamation of at least equal weight issued by the Governor General described the disturbed district of which Red River was the very centre, in 1816, as being Indian territory "not within the limits of Lower or Upper Canada, or either of them." The contention that the Act of 1803 was intended to apply to the Arctic water-shed, is, in the opinion of your Committee, undeserving of serious notice.

The suggestion seems to have had its origin with Lord Selkirk, who, when in England in 1815, wished to produce the impression that the Red River country which he was then attempting to colonize, was neither Canadian nor Indian territory, but, notwithstanding this, he, on his return to Canada, had himself and some of his adherents sworn in as Justices of the Peace under the Act, and they subsequently issued warrants as such, not on the Arctic water-shed, but within the disturbed region west of Lake Superior.* (See Appendix, page .)

In 1816, the Government of Quebec appointed two Commissioners, Messrs. Colman and Fletcher, to investigate the causes of the disturbances within the Indian territories. These gentlemen went to the Red River settlement, where they held investigations, not in regard to disturbances on the Arctic water-shed, of which they had probably never heard, but in regard to the lamentable occurrences of which the Red River settlement was then the focus. (See Appendix, page .)

That the country west and north of the water-shed and west of the due north line, so often referred to, was Indian Territory, was decided by the Court of King's Bench, Quebec, in the de Reinhardt trial.

In regard to the north-eastern boundary of Ontario, the dividing line between the Province of Upper Canada and the Province of Quebec as established by the Constitutional Act of 1791, and the Order in Council issued under it, as will be seen on reference to the commission of 12th September, 1791, to Lord Dorchester, already quoted, is described as running "from the head of the said Lake (Temiscaming) by a line drawn due north until it strikes the boundary line of Hudson's Bay." This description was continued in all subsequent commissions up to March, 1838, when

*See History of Fur Trade and Appendices in Library.