

That the Chief-Justice of Upper Canada, in defiance of the Act of Parliament which declares the Western boundary of Canada, to be a line drawn Northward from the point of junction of the Rivers Ohio and Mississippi, and in opposition to the unanimous decision of the Court at Quebec, asserts that the Western District of Upper Canada extends Westward to an indefinite distance. That in consequence of this extraordinary doctrine your Memorialist is apprehensive that, under the provisions of this new Provincial Act, the Chief-Justice will not hesitate to issue bench warrants for the purpose of arresting several persons now resident at the Red River Settlement, and that, if such warrants be submitted to, or enforced, he will bring away the accused parties to a distance of two thousand miles, without their having any opportunity of carrying witnesses along with them, or the means of obtaining an impartial jury, or a fair trial. Your Memorialist ought also to observe, that as the settlers at Red River have obtained the opinions of several of the most eminent Counsel in England that the Red River cannot be considered as situated in Canada, it is not unlikely that warrants issued (under the new Act) for the apprehension of any of the settlers at that place, will be forcibly, and, as your Memorialist conceives, lawfully, resisted.

That your Memorialist further submits that as the provincial enactment above mentioned, is of an unusual and extraordinary nature, your Memorialist conceives it ought to have contained a clause suspending its operation till the pleasure of Your Royal Highness should have been known;—that in consequence of the omission of such a clause, and the opportunity thereby allowed for the bill to be immediately acted upon, your Memorialist has sustained grievous prejudice:—that although the bill in question was passed in the month of November last, it appears that no copy thereof (as directed by the Act of 31 George III. c. 31,) has yet been transmitted to this country, by which omission a farther opportunity has been afforded of carrying the same into effect, before Your Royal Highness could have an opportunity of exercising Your constitutional Prerogative therein, and of determining whether the Act ought or ought not to be allowed.

Your Memorialist therefore humbly prays that Your Royal Highness in Council will take the said Provincial Act into consideration, and that notice may be given to your Memorialist, in order that he be heard by his Counsel thereon, for the purpose of having the said Act disallowed.

SELKIRK.

*London, 23rd August, 1819.*