

“ granted by King Charles, that the Crown in Canada has to grant land now apart from exclusive trade privilege. It was in the year 1839, on the 13th March, at a general court held in the Hudson’s Bay House, London, that the district of Assiniboia was erected and was declared ‘ co-extensive with such portion of the territory (these are the words of the order) granted to the late Thomas, Earl of Selkirk, on the 12th June, 1811, as is now within the domains of Her Britannic Majesty.’ That is what constituted the district of Assiniboia, and it was so constituted *de facto*, whatever its precise extent, it has certainly been recognised by a series of Acts by the British Government. I may state more than that: I came down from the Red River country in the fall of 1858. Mr. Watkin was in this country, and was associated with Sir Edmund Head in connection with the interests of the Hudson’s Bay Company, or with respect to some proposition for establishing a Government in that territory by-and-by. It was felt it could no longer be held as a monopoly. I was, at the request of the Duke of Newcastle, called upon to draw up a report and make a recommendation as to the form of Government which was desirable. This was in 1863. I reported in favor of a Crown colony. I believe Sir Edmund Head did so too. Most certainly the Duke of Newcastle recognised as a possible event that the Crown of England might make a Crown colony of it. I believe it was a mere accident that it was not done. At one time it was considered not only desirable, but almost certain, that it would be made a Crown colony, which is perfectly at variance with its being part of Upper Canada.

“ Q. You had a judicature established there for the trial of criminal cases?—Yes. The validity of the company’s charter, in that respect, has always been acknowledged by the law officers of England. They administered justice there, perhaps in a ready, but in a very efficient manner; and on one occasion, I am happy to say not in my time, but in that of my predecessor, an Indian was tried for his life. He was found guilty by a jury, condemned to be executed, and was executed just outside Fort Garry.

“ Q. So that it was *de facto* a separate colony?—It was unquestionably. It was *de facto* a separate colony, and recognised as such by the Crown of England, which intimated more than once the possibility of their exercising their authority there quite independent of Canada.”

From the foregoing it is quite evident that, on the one hand, the colony of Assiniboia was to some extent recognized by the Imperial Government, and that, on the other, it was never in any way treated as a part of the Province of Upper Canada, so that any assumed boundary extending the limits of Ontario into that colony would be in error.

In reference to the proclamation of General Alured Clarke, your Committee are of opinion that it cannot be construed as extending the limits or jurisdiction of Upper Canada beyond the boundaries established by the Quebec Act. Had it been intended that this proclamation should extend the boundaries of Upper Canada, as claimed by the counsel for Ontario, over vast regions beyond the limits assigned by the Act and the commissions issued under it, there would, your Committee apprehend, have been something in the subsequent action of the Imperial Government to show that such was the intention, but far from this being the case, there is a great deal of convincing proof that no such intention was ever entertained.

The Act 43 Geo. 3rd, cap. 138, was passed for the purpose of extending the jurisdiction of the courts of justice in the Provinces of Upper and Lower Canada to the Indian Territories. These Indian Territories are described in the preamble as being “ not within the Provinces of Lower or Upper Canada, or either of them,” and there can, in the opinion of your Committee, be no question as to the localities where the “ crimes and offences ” which gave rise to the Act were committed. It is a matter of well-known history that the disputes and rivalries between the fur traders culminated, towards the close of the past century and in the beginning of the present, in feuds which had their manifestation in numerous acts of violence and bloodshed on the upper waters of the Albany and on the