

of the Treaty of Utrecht
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Bay Territories.

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Bay territory. In other
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) A 2.

28. Several maps, published subsequent to the Treaty, give the limits thus described to Canada. (note W.) (1)

29. The boundary to the south-west remained unchanged till 1774 (2). It included all the settlements of any importance at that time (note X). Burke (3) says "this boundary, fixed for the Government, was so because it was the boundary of the possession, and that the people of Canada acquiesced in it." (4) But on this point, perhaps, Burke was not a totally impartial witness, and he probably expressed the extreme pretensions of the Government he represented. At any rate the people of Canada did not approve of the limitation, and by their petition in 1773, they prayed that as under the French Government, their boundaries might be extended to the Mississippi. (5) (note Y.)

30. It seems, however, of very little importance in a legal point of view, whether the old Government of Canada as a French Province, really extended to the Mississippi, or whether the people of Canada acquiesced in the limits given by the King in his letters patent constituting the Government of Quebec or not; nor indeed does it signify, for the discussion at present, how far constitutionally the King had a right to carve Provinces and Governments out of the possessions of the Crown, for we are now arrived at the time when the limits of Canada were determined by Act of Parliament.

31. The 14 Geo. III. C. 83, (1774) called the Quebec Act, after setting up the eastern boundaries, continues, and "thence along by the eastern and south-eastern bank of Lake Erie, following the said bank until the same shall be intersected by the northern boundary granted by the Charter of the Province of Pennsylvania, in case the same shall be so intersected; and from thence along the said northern and western boundaries of the said Province, until the said western boundary strike the Ohio; but in case the said bank of the lake shall not be found to be so intersected, then following the said bank until it shall arrive at that point of the said bank which shall be nearest to the north-western angle of the said Province of Pennsylvania, and thence by a right line to the said north-western angle of the said Province, and thence along the western boundary of the said Province (Pennsylvania) until it strike the Ohio; and along the bank of the said river westward to the banks of the Mississippi, and northward to the southern boundary of the territory granted to "The Merchants Adventurers of England trading to Hudson's Bay." Section 2 of this Act contains the only limitation to this description; Provided always, that nothing herein contained relative to the boundary of the Province of Quebec, shall in anywise affect the boundaries of any other Colony."

32. The boundaries laid down by the Act were deliberately adopted after much discussion (6). All the parties were either represented directly in the house or were heard by petition; and very notably the petition of the Canadians of the previous year had received due attention. The only difficulty which remained was foreseen. The unsurveyed boundary of the Province of Pennsylvania might, or it might not strike the bank of Lake Erie, and both cases were provided for; but about the line of the Ohio there could be no doubt. From the point at which it cut the western line of the Province of Pennsylvania, it constituted the boundary of Canada, until its confluence with the Mississippi. From that point the line was clearly defined; it was a due north line, for that is the only interpretation which can be given to the words "northward to the southern boundary of the territory granted to 'Merchants Adventurers of England trading to Hudson's Bay.'" (note Z.)

This opinion, which indeed recommends itself naturally, is supported by the decision of Chief Justice Sewell, in the trial of De Reinhard at Quebec in 1818 (7), which judicially interprets the Act of 1774 in this sense. Nor can there be any doubt that the effect of these words in the Statute, was matter of law for the court to decide (8).

(1) Jeffrey's Map, 10th June, 1775. Also map in translation of Charlevoix. Dunn's Map. 1776, and see notes R and V.

(2) Burke, in Cavendish Debates, p. 189.

(3) Ibid.

(4) Ibid.

(5) Doutre & Lareau Droit Civil, Canad. I, p. 674.

(6) Cavendish Debates.

(7) Report of Trial, p. 646.

(8) Attorney General of Upper Canada remarks, acquiesced in by the Court on the Trial of Grant for the murder of Governor Temple, p. 267.