

**AN INVESTIGATION OF
THE
UNSETTLED BOUNDARIES
OF ONTARIO**

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An Investigation of the Unsettled Boundaries of Ontario by Charles Lindsey

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.BY CHARLES LINDSEY.

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ERRATA.

In the last line but one from the bottom, on page 63, for "1722-3" read "1742-3."
Read the first four lines on page 125 as the credit to the last paragraph in the text on the preceding page.



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BOUNDARIES OF ONTARIO.

To find the southern limit of the Hudson's Bay Territory, would be to find the northern boundary of Ontario; for the two territories are conterminous, and a common line of division separates the one from the other. This fact, which cannot be brought into dispute, forms a starting point in an enquiry which has for its object to trace out the western and the northern boundaries of Ontario. Where that line of division is to be found, is the first subject of enquiry; for on the extension of the Province northward, its western limit might more or less depend. The international boundary between Canadian and United States territory becomes coincident with the 49° of north latitude, west from the point at which a line drawn due south from the "most north-western corner of the Lake of the Woods" would strike that parallel; and it follows that if, west of that point, the United States territory abutted on that of Hudson's Bay, Ontario could not extend farther in that direction.

A line of boundary between the Bay and Straits of Hudson, with whatever adjacent territory France had previously taken from England on the one side, and Canada on the other, was agreed upon by the plenipotentiaries of England and France in 1713, and embodied in the Treaty of Utrecht. It was agreed that, in the construction of that instrument, when the definite line of division came to be laid down, a map which had been used by the plenipotentiaries of the two powers, with two lines of division marked on it, should

be an authoritative guide, and that the difference between these two lines, which was not great, should be the extent of the difference to be determined. The Treaty of Utrecht, so far as it was not derogated from, was revived and confirmed by the Treaty of 1763, by which France ceded Canada, with its dependencies, to England. The extent of the English territory south and west of Hudson's Bay was determined by the Treaty of Utrecht; and that part of Canada which is now Ontario was, by authority of the Crown and Parliament, made to extend northward to the southern portion of the Hudson's Bay Company's territory in the years 1774 and 1791, and this demarcation has never been effaced or altered.

To obtain a full and complete view of the whole subject, it will be necessary to trace briefly the history of the several treaties which were, from time to time, concluded on the subject of this frontier, through the rivalries and contentions of France and England for the possession of the Bay and Straits of Hudson.

Hudson's Bay was discovered in the year 1612 by Sir Thomas Button, who had gone in search of a previous discoverer, Henry Hudson.* This discovery was not followed by settlement or oc-

* It might, I think, be shown, if it were material to do so, that no national claims to territory could be founded on the discovery of Button, since his vessel appears to have been fitted out by merchant adventurers, and not by the State. In a similar case Great Britain denied the validity of the discovery of Gray, an American citizen, of the mouth of the Columbia River, on the ground that "he had only been on an enterprise of his own, as an individual."—(Rush's *Memoranda of a Residence at the Court of London*.) Button is said to have convinced King James, on his return, of the existence of a north-west passage; and James, the next Englishman who penetrated to the west coast of Hudson's Bay, is said to have been furnished with credentials from Charles I. (*Barrow's Arctic Regions*), which would give a national character to his enterprise. The French commissioners appointed to settle the boundaries of Acadia, in 1756, alleged that Cabot's voyage, being of a private character, could confer no national advantages on England; to which the English commissioners replied, admitting the principle but denying the fact. "It would be some argument," they said, "to shew this voyage was the adventure of Cabot, not made on the part of Henry VII., if all the ships which sailed under Cabot's command had been defrayed at his expense, and been his property." And further: "It would also be a circumstance favourable to the interpretation the French commissioners put upon this voyage, if Henry VII. had not in his letters patent inserted words by which he reserved to himself and to his crown dominion and royalty in all the lands which shall be discovered or settled by Cabot.

cupation, nor was any other English voyage to the Bay made till 1631, when Captain James reached Charlton Island, where he wintered. The Bay in which the island is situated still bears his name. These two voyages constituted the whole experience English navigators had of these waters up to the year 1667. We shall hereafter see England insisting on principles by which the voyage of James would be precluded from conferring extensive rights of territory in the interior of the country. Fifty-five years had passed since the first voyage was made; the captain of Sir Thomas Button's ship died at the Nelson River, and his experience was lost to the nation. More than a generation—36 years—had passed since James's voyage, and there was probably not then living one Englishman who had a personal knowledge of these seas and was capable of sailing a vessel there. Of the knowledge obtained in these two voyages, enough had no doubt been preserved to enable a skilful person to follow in the track of Button and James.

However this may be, it is certain that the next time Englishmen went to Hudson's Bay they were induced to do so by two Frenchmen, Radison and de Groiselier, by whom they were accompanied. Groiselier seems to have served in the capacity of captain on a vessel to the Bay, a few years later. While at the Lake of the Assinipols, these two Frenchmen had learned from the Indians that it was possible to go overland to the head of James' Bay; and, securing Indians as guides, they proceeded thither. They returned by way of Lake Superior to Quebec. They went to London, and induced some merchants and gentlemen to engage in an adventure in that sea. These adventurers engaged the service of Zachariah Gillam as captain. The voyage proved successful; and the prospect of future trade induced the adventurers to apply for a patent under which they hoped to obtain a monopoly to the trade of the Bay and Straits of Hudson. In this way originated the Hudson's Bay Company. The patent was granted in the year 1670.

Radison and de Groiselier afterwards went over to the service of the French, and, betraying the secrets of their previous employers, were the cause of Gillam's vessel being taken. M. de la Barre,

Governor of Canada, without submitting the matter to the Sovereign Council, ordered the restoration of the vessel. For this act he was officially censured by his superiors, was told that what he had done was entirely unwarranted, that the vessel should have been treated as a pirate, and that her surrender would be taken by the English as proof that they had legitimate possession of Nelson River before Radison and de Groiselier arrived there in the service of the French.

In the year in which it obtained its charter, the company sent out M. Baily as Governor. He was accompanied by Radison; their residence was at Rupert River, where an indifferent fort was built.

The French began to show uneasiness at these movements. They reported that two English vessels had reached the Bay in 1669;* and that in the succeeding winter there remained there two vessels and three barks.† M. Talon claimed that all these countries were long since (*anciennement*) discovered by the French; and he now commissioned St. Simon "to take renewed possession, in His Majesty's name, with orders to set up the escutcheon of France with which he is entrusted, and to draw up a *procès-verbal* in the form I have furnished him." In 1661, Father Claude Dablon had attempted to reach Hudson's Bay overland; but he succeeded in only reaching the head waters of the Rekouba, 300 miles from [above ?] Lake of St. John.‡ Talon, on hearing of the English vessels in Hudson's Bay, proposed to despatch a French vessel thither if he could find adventurers to go at their own expense, and with the promise of some mark of distinction in case they succeeded. For the pecuniary outlay they were expected to indemnify themselves by trading with the Indians—a practice not uncommon in French discoveries in those times. Indeed, as a general rule, the fur trade paid for everything.§ Fur trading

* *Memoir by M. Talon to M. Colbert, Quebec, Nov. 10, 1670.*

† *M. Talon, Memoir to the King, Quebec, Nov. 2, 1671.*

‡ *Note by O'Callaghan to the Paris documents, vol. ix. p. 97.*

§ *Riverin. Mémoire sur les congés de faire la traite des pelleteries chez les nations sauvages du Canada.*