

Goods really and truly pledged for mo-
... in the file of stock pledged for money
lent, and not to be redeemed, which said
goods and stock so pledged and
not so redeemed, shall be sold by
the said Company, at Public Sale, at
any time not less than ten days after
the period for redemption; and if upon such
sale of Goods of Stock, there shall be a
surplus, after deducting the expences of
Sales, over the payment of the money
lent, such surplus shall be paid to the
proprietors thereof respectively.

Twenty-third. The board of Di-
rectors, are hereby fully empowered to
make such other bye laws and regula-
tions, for the government of the affairs
of the company, and that of their offi-
cers and servants, as they, or a majority
of them shall from time to time think ex-
pedient, not inconsistent with law, or
these articles of association.

Twenty-fourth. This association shall
continue twenty years from the first day
it commences operation, and no longer;
but the proprietors of two thirds of the
Capital Stock of the company, may by
their concurring votes, at a general meet-
ing to be called for that express pur-
pose, revise or alter these articles, or any
of them, or dissolve the company at any
prior period; provided, that notice of
such meeting, and its object, shall be
published in all the Provincial News-
papers for Six months previous to the time
appointed for such meeting; and pro-
vided also, that no revision or alteration
of these articles shall subject any stock-
holder or Stockholders to be bound be-
yond the amount of his, her or their
Stock.

Twenty-fifth. Immediately on any
dissolution of this association, effectual
measures shall be taken by the Directors
then existing, for closing all the concerns
of the company, and for dividing the ca-
pital and profits, which may remain
among the Stockholders, in proportion
to their respective interest.

In Witness whereof, we have hereun-
to set our names at Kingston.
(7 3 months.)

DANCING and WRITING Academy.

MR JOHNSON respectfully in-
forms the inhabitants of King-
ston and its vicinity, that he has opened
a *Dancing Academy* at the large room in
the house of Mrs. Finkle—Days of in-
struction will be on *Tuesdays, Thursdays,*
and *Fridays* through the term from 3 to 6
o'clock P. M. for the instruction of
young ladies; and from 7 to 9 o'clock
in the evening of the same days for
the instruction of young Gentlemen.

Mr. J. also continues his *Writing Aca-*
demy at the same room, on *Mondays,*
Wednesdays, and *Saturdays* from 4 to 6
o'clock P. M. and from 7 to 9 o'clock
in the evening of the same days.
All those who think proper to patronize
Mr. J. in either of the above branches of
education, may rest assured that no exer-
tion shall be wanting on his part, in or-
der to merit the approbation of all con-
cerned.

N. B. For terms apply to Mr. J. at
his room. 16

WANTED,

A Man and two maid servants, one
to act in the Capacity of Cook
and House Maid, the other as House
and Lady's Maid. A married couple,
without any family, of good character,
will answer, good wages will be given.—
Enquire at the Printing office.
Kingston, Sept. 14th 1818. 16

CAUTION!

ALL persons are hereby forbid pur-
chasing or receiving a Note of hand
given the 20th November, 1815, to
David White by the subscriber, amount-
ing to £21 6 4 and now in the hands
of John White, late tanner of Belleville,
as said Note was paid in full in May,
1818

JOHN BLEEKER.
Murray, Sept. 14th, 1818. 16

FOR SALE.

ON Reasonable Terms, a farm
Containing 180 acres of Land
situated in the sixth Town, of which 140
acres are under Improvement, for further
Particular inquire of the printer.
MONJEAU & St. GERMAIN.
Kingston, 14th Sept. 1818. 16

TAKEN or gone away from the
lower end of Mr. Mitchell's store,
on the night of the 8th inst. a
BATTEAU.

Whoever will return said Batteau, or
inform the subscriber where it is, will be
reasonably rewarded.
JOHN McARTHUR.
Kingston Sept. 15th 1818. 16w2

FLOUR

By the Cwt. and BRAN, for sale by
MONJEAU & St. GERMAIN.
Aug. 25. 13

FOR THE KINGSTON GAZETTE.

The western Boundary of the Province
of Upper Canada presents a mixed
question of History, Law and Geography.
To understand it rightly, it is necessary
to recur to the Charter of the Hudson's
Bay Colony, the Treaty of Peace in
1763, the Quebec Act of 1774, the
Treaty of 1783, as explained by that of
Ghent in 1814, and the Royal Procla-
mation dividing the Province of Quebec
into the Provinces of Lower and Upper
Canada in 1791.

In 1670, King Charles second granted
to "The Governor and Company of
adventurers of England trading into
Hudson's Bay," commonly styled The
Hudson's Bay Company, the trade and
commerce of "All those seas, freights,
bays, rivers, lakes, creeks, and sounds,
in whatsoever latitude they shall be, that
lie within the entrance of the Straights
commonly called Hudson's Straights,
together with all the lands and territories
upon the countries, coasts and confines
of the seas, bays, lakes, rivers, creeks,
and sounds aforesaid" &c. constituting
the said Governor and Company and
their successors "the true and abso-
lute Proprietors of the same territory,
limits and places aforesaid" &c. and
declaring that "All lands, islands,
territories, plantations, forts, fortifications,
factories, or colonies, where the said
Company's factories and trade are, or
shall be, within any of the parts or places
aforesaid, shall be immediately and
from henceforth under the power and
command of the said Governor and
Company, their Successors and assigns;"
"that the said land be from henceforth
reckoned and reputed as one of our
Plantations or Colonies in America;"
"that it shall and may be lawful for the
said Governor and Company, and their
successors, from time to time, to assemble
themselves &c. to make, ordain and
constitute such and so many reasonable
Laws, constitutions, orders and ordi-
nances, as to them, or the greater part of
them, being then and there present,
shall seem necessary and convenient for
the good government of the said Com-
pany, and of all Governors of Colonies,
Ports and Plantations &c in any of the
territories and lands aforesaid," &c. sav-
ing always the allegiance due to the
King, his heirs and successors.

It is not necessary to our present
purpose to recite any more of this Charter,
or to consider what powers of govern-
ment it conferred upon the Company.
In all essential points, it is similar to the
Charters of territory and jurisdiction,
granted to the Governor and Company of
Massachusetts Bay, and other Ameri-
can Colonies, by the same King, his
predecessors and successors; by virtue of
which royal grants, the grantees, their
heirs and assigns held, and still continue
to hold, the lands so granted to them
respectively.

By a fair construction of the terms of
this Charter, compared with other Col-
onial Charters, given in those early times,
when the Geography of the interior of
North America was imperfectly known,
it included all the countries, territories
and lands, in whatever latitude they are,
from which the waters run into Hudson's
Bay. Of course, it extended, on the
south, to the highlands, from which the
streams descend, southerly into the Mis-
sissippi and Missouri, and, northerly, in-
to the Lake of the woods, the Red Riv-
er, and other waters of the said Hudson's
Bay; and, on the south east it extended
to the highlands, from which the streams
divide and flow into Lake Superior and
other waters of the St. Lawrence, on
one side, and, on the other, northwester-
ly, into the Lake of the Woods and other
waters of Hudson's Bay.

Until a long time subsequent to the
Hudson's Bay Charter, Canada was a
French Colony. In the war which pre-
ceded the peace of 1763, it was conquer-
ed, and became a British Province. By
the treaty of 1763, the river Mississippi
was established as the western boundary
of the British dominions, in that part of
the continent, separating them from
those of Spain, although it was not de-
fined how far north the Spanish territory
extended, on the west side of the Mis-
sissippi. It was, however, actually posses-
sed and settled, some distance above
the mouth of the Ohio.

By the 14th of King George the 3d,
commonly called the Quebec act, "all
the territories, islands, and countries in
North America, belonging to the Crown
of Great Britain, bounded on the south,
by a line drawn from the Bay of haou-
&c. through the St. Lawrence, Lakes
Ontario and Erie, along the western
boundary of Pennsylvania, to the river
Ohio, "and along the banks of the said
river westward, to the banks of the Mis-
sissippi, and northward, to the Southern
boundary of the territory granted to the
merchants-adventurers of England trad-
ing to the Hudson's Bay," were an-
nexed to and made part of the Province
of Quebec; "Provided, that nothing
therein contained, relative to the bound-
ary of the Province of Quebec, should

in any wise affect the boundaries of
any other Colony." The Hudson's Bay
Charter was thus recognized by act of
Parliament, in the year 1774, as it had
been by several former statutes; and its
territory was guarded against any en-
croachment upon its boundaries, by the
extended boundary of the Province of
Quebec. At the same time, the Prov-
ince of Quebec was made to adjoin the
Hudson's Bay territory, on its "south-
ern boundary," and thence, eastward and
northward, as far as the territories of the
British Crown extended, in that direc-
tion. There was no intervening Indian
territory, belonging to the British Crown
left any where between the Province of
Quebec and the Hudson's Bay Colony.
The same line of limits, wherever it may
be ascertained to run, was constituted
the common boundary of both.

But at what point did the western
boundary line of the Province of Que-
bec strike the southern boundary of the
Hudson's Bay territory? That is a ques-
tion, on which there have been different
opinions. One opinion is that the junction
of the Ohio with the Mississippi formed
the governing point, and that the longi-
tude of that place was intended as the
western limit of the Province of Quebec.
The argument in support of this con-
struction of the act is, that, although the
term "northward" would admit of a
course deviating from due west, either to
the west or the east, yet, without some-
thing to require such a deviation, due
north must be presumed; and that there
is nothing in this description thus to
qualify the term.

This opinion is entitled to respect,
from the respectability of those who have
maintained it. But, with deference, I
beg leave to dissent from it, and submit
to the public some reasons in favor of a
different interpretation of the act.

1st. If a meridional line passing thro'
that place had been intended, it might
have been so expressed, with the utmost
ease, and with absolute, mathematical
certainty. There was no need of any
doubtful or indefinite expression. The
use of the word "northward," therefore,
susceptible of a variation in its meaning,
according to circumstances, does not fa-
vour the supposition, that the line thus
extending "northward" was intended
to be absolutely and precisely north.

2d. The term "westward" is used in
the same sentence, to import not due
west, but the line of the Ohio river, the
general course of which is about as much
south of west, as the general course of the
river Mississippi, according to the most
authentic maps, is well of north. By
fair analogy, therefore, the term "north-
ward," standing in that connection, may
be understood to mean the northerly
course of the Mississippi.

3d. The phrase, "along the bank of
the said river," applied to the Ohio, al-
though not expressly repeated, in refer-
ence to the Mississippi, seems to be un-
derstood, from the grammatical connec-
tion of the sentence, "along the bank
of the said river, westward, to the banks
of the Mississippi, and [along the banks of
that river] northward, to the southern
boundary" of the Hudson's Bay territory.
The sentence is elliptical. Some
phrase must be supplied before the word
"northward," or the line described would
run along the river Ohio, northward, to
the Hudson's Bay territory; which
would be absurd.

4. "The territories and countries,"
annexed to the Province of Quebec, are
said to be "bounded on the south," by
the line described. The river Ohio,
from Pittsburgh down to its mouth, and
the river Mississippi, from that point up
to its source, may, with an equal
propriety, be called a boundary "on the
South" of the adjoining British terri-
tories, but a meridional line, from the
Ohio to the Hudson's Bay, can, with no
propriety whatever, be said to be a bound-
ary, on the south of the country laying
directly on the east side of it.

5. The generality of the terms, "All
the territories, islands, and countries in
North America, belonging to the British
Crown," imports, that the intention of
Parliament was to extend the Province
of Quebec to all the British territories
adjoining that Province, not included in
some other Colony; whereas a meridional
line, from the mouth of the Ohio to
the Hudson's Bay Colony, would leave
a long, irregular portion of land, situated
between that line and the river Missis-
sippi, which had been, eleven years be-
fore, agreed on as the western boundary
of the British North American dominions.
In that quarter, to leave such a tract
of known and acknowledged British
territory out of the limits, and con-
sequently out of the jurisdiction, of any
Provincial government, would appear
inconsistent with the spirit and design, as
well as the terms of the new extension of
the Province of Quebec.

6. The phrase, "westward, to the Banks
of the Mississippi," does not indicate
a fixed point on the Mississippi; but ac-
cords much better with the whole
tenor of that river, extending in
various courses, which might, without

much stretch of language, be denomina-
ted, in the plural, the "banks" of the river,
from the Ohio upward.

7. The line described in the act, is
"northward, to the Southern boundary"
of the Hudson's Bay territory. It is
not directed to the eastern boundary, or
the boundary generally, without refer-
ence to any quarter of the compass; but
expressly to the "southern" side of the
boundary. This expression is perfectly
satisfied by the construction, for which I
contend, in favor of the Mississippi, as
the boundary, up to its source, from
whence a north line, in a comparatively
short distance, strikes the height of land
forming the southern boundary of the
original Colony of Hudson's Bay, where-
as the line of longitude of the mouth of
the Ohio, if we may judge from the best
maps yet made of that country, does not
touch the southern, but the eastern side of
the Hudson's Bay territory.

For these reasons, I am of opinion,
that the limits of the Province of Que-
bec, as extended by the Statute, were the
river Mississippi, from the Ohio, up to
its source, then north to the southern
boundary of the Hudson's Bay territory,
that is, the highlands dividing the streams
as described, thence, easterly and north-
erly, as the boundaries of the said terri-
tory run.

Nine years afterwards, in 1783, the
Treaty of Peace acknowledged the na-
tional Independence of the United States,
and established the line of limits between
them and the adjoining British dominions,
from the 45th degree of lati-
tude, along the middle of the St. Law-
rence, the Lakes Ontario, Erie, Huron
and Superior, and their intermediate
water communications, and from Lake
Superior "northward of the isles Royal
and Phillippeaux, to the Long Lake,
thence through the middle of
said Long Lake and the water commu-
nication between it and the Lake of the
Woods, thence through the said Lake,
to the most northwestern point thereof,
and from thence, on a due west course,
to the Mississippi."

The Treaty thus ceded to the United
States a large portion of the Province of
Quebec, now composing the States of
Ohio and Indiana, and the Illinois, the
Michigan and most of the North-western
Territory. It also threw into the Uni-
ted States the southern part of the Hud-
son's Bay territory.

It has, indeed, been contended, in be-
half of the Hudson's Bay Company,
that the Treaty line, from Lake Superi-
or to the Mississippi, was impossible, in
two respects; 1st. That there is in fact
no such Lake as was supposed and desig-
nated in the Treaty, by the name of the
Long Lake; 2dly, That a line due
west from the northwesternmost point of
the Lake of the woods, passes nearly
two degrees of latitude north of the source
of the Mississippi; that, therefore, some
part of the said line must be rejected, as
impossible, to wit what relates to the
Long Lake and the Lake of the woods,
and a practicable line drawn between the
two termini, that is to say, from Lake
Superior, up the river St. Louis, to the
Mississippi, which would leave the whole
of the Hudson's Bay grant on the British
side.

To this construction of the Treaty,
there are serious objections; when it was
discovered, that the head waters of the
Mississippi were south of the latitude of
the Lake of the woods, a Convention
was negotiated and signed, in 1803, by
Lord Hawkesbury, on the part of His
Britannic Majesty, and Mr. King, on the
part of the United States, containing, as
a remedy for that defect, the following
clause: "Whereas it is uncertain wheth-
er the river Mississippi extends so far to
the northward as to be intersected by a
line drawn due west from the Lake of the
woods, in the manner mentioned in the
Treaty of Peace between His Majesty
and the United States; it is agreed, that,
instead of the said line, the boundary of
the United States, in this quarter, shall
and is hereby declared to be, the shortest
line which can be drawn between the
northwest point of the lake of the woods
and the nearest source of the river Missis-
sippi." That Convention, it is true,
was not ratified by President Jefferson,
because the United States had, in the
mean time, acquired Louisiana; by
which acquisition, the line in question
had, in his view of it, become a mere line
of division between two sections of the
United States; and he thought it would
be improper to make such an interior
line a subject of treaty with a foreign
power. Another, and perhaps more in-
fluential consideration was that to leave
the northwestern most point of the Lake
of the woods the extreme boundary sta-
tion agreed upon between the two gov-
ernments, might afford the United States
a ground to claim, at some future day,
the latitude of that place as the northern
boundary of their newly acquired terri-
tory, not only to the westward of the
said point, but also to the westward
indefinitely. It is true, that before such
a Treaty was concluded, the British had
surrendered, on the part of the United States,

it serves to explain the sense of the Tre-
aty of 1783, so far as this, that the line
intended by it was to run from Lake Su-
perior to the Lake of the woods.

This interpretation of the Treaty is
now confirmed, beyond all doubt, by the
Treaty of Ghent, which, in conformity
with Mr. Jefferson's ideas, has provided
a board of Commissioners to fix and de-
termine the Treaty boundary, from Lake
Superior to the most north western point
of the Lake of the woods, and no furth-
er. As to what lies beyond, no provi-
sion is made for settling the boundary
line; but so far, it is established, altho'
not yet actually surveyed, by the Com-
missioners appointed, under the Treaty.
South of that line, there is a considerable
tract of country, from which the waters
run, northerly, into the lake of the
woods, and thence into Hudson's Bay;
which tract of land is, therefore, within
the Hudson's Bay grant. As it respects
the right of property in the soil, the grant
being completed, in due form, while the
British Crown had the undoubted prerog-
ative of making such grant, ought not
to be affected by the subsequent transfer
of the jurisdiction from a British Colony
to the United States. That, however,
is a point not at present under considera-
tion.

In 1791, his Majesty, by a Royal
Proclamation, corresponding with the
act of 31st of George 3d, divided the
Province of Quebec into the Provinces
of Lower and Upper Canada. The line
of division was drawn from the St. Law-
rence, near Point au Etoulet, in several
courses, to the river Ottawas, then up
the said river, into the lake Tommican-
ning, and from the head of said lake, due
north, until it strikes the boundary line
of Hudson's Bay, including, in Upper
Canada, "all the territory to the west-
ward and southward of the said line, to
the utmost extent of the country com-
monly called or known by the name of
Canada;" that is, the western and north-
ern extent of the Province of Quebec,
as enlarged by the act of the 14th of
the King, and limited by the treaty of
Peace of 1783. The western and north-
ern boundary, therefore, of this Prov-
ince, is not any particular degree of
longitude, but the limits of the Hudson's
Bay Colony, from some point in the
northern boundary of the United States,
on the highlands between Lake Superior
and the lake of the woods, along the
range of the said lands dividing the wa-
ters of Hudson's Bay from those of the
St. Lawrence, to the meridian of the
head of Lake Tommicanning.

NESTOR.

TO THE EDITOR OF THE KINGSTON GAZETTE.

MR. MILES,
That which a writer sends among the public,
they have a right to censure, and to it is
decision (if reluctantly) he must submit. To
defend himself with candour against an attack,
is sometimes difficult, and if he can discern
individual rancour therein, he must consider
the author of such an attack, one of the public.

A well informed mind, tending to a quiet
disposition, is seldom found to enter the lists of
controversy.

To write well, we must feel alive, to the
spirit of our subject.

Here, then, I take up the weapon of con-
troversy, but will not promise to handle it
long, although I shall make all the cut in my
power, while I hold it. To one remark, I
wish to draw the attention of writers, of such
a cast.

Keep the subject in view, and if your tem-
per is ruffled, do not sally out into personal
invective. That done, the parties often lose
the subject, and become disagreeably ridiculous.

Much writing, of such a cast, has lately ap-
peared in the public prints of this province,
and to such ill natured spleen, I have become
an object of resentment.

Similar weapons must be used, for who will
give all the odds to another, or, who can be
"thrashed and not feel." But I will not stoop
from my purpose, for all the pultry rallery,
such tra-hungers can patch together.

So much by way of introduction.
Now, Mr. Editor, I will explain what
"Patrick" in your paper of the 21st of July
attempts to controvert, but does not seem to
understand (although such slang writers are
scarcely worth notice)—Suppose I am in a
droll humour, then you must expect, at the least,
a mixture of droll, with other matter—from my
"goose" quill scratcher.

He puts the question, "that our Provincial
constitution, has not emanated from the King, as
its source." Did I say in my answer, "which
he prettily grounds his question, (as it
did)? No; I said what I yet maintain, that
one branch of the Provincial government,
receives its power from the King.

Do you think, Mr. Editor, that Patrick is an
ignorant of distinctions, as he would make me
ignorant of our government. If he is, it would
be well, to advise him to study them more
closely, instead of studying how to make dog
translations.

The constitution of this Province, empowers
the King to appoint a chief magistrate and
that appointment, is the first source of gov-
ernment in that department; and the election of
representatives by the people, according to the
constitution, is the first source, in the representa-
tive department.

The constitution is not the government, nor is
the Government the constitution. The constitu-
tion is the rule.—The government is the source
of practice.—The constitution (whatever
its origin) without practice, is a dead letter.

So much in reply to Patrick's first remarks.
He then proceeds to censure, my declaration,
on the independence of our representative
body, by a King, if they have "power to enact
or repeal a law." Did I say enact? No, I
said framing and repealing local laws, and I
still hold to the opinion, on the ground that
the express or, was employed, which did not
include the other branches of the government;
nor extend in meaning, to the enacting of a
law. My views did not lead to an explanation