

arrive, with any degree of precision, at the views of men who lived in very troubled times over a hundred years ago, and they would consider it rather unsafe to go beyond the Act itself for evidence of the intentions of its framers, or outside the official documents issued under its authority for its interpretation. Besides, in those times the Parliamentary debates were not published, and the only record of the discussion on the Quebec Act is a book bearing the title of the "Cavendish Debates," which first saw light 65 years after the date of the occurrences to which it refers. Judge Johnson, on being interrogated as to the value of these debates as an authority, said:—"They would have the authority of any reports, if published at the time, subject to contradiction or correction. But when published 65 years afterwards, when the people who could contradict or correct them were dead, they could not possess any value."

The following is from the Hon. Mr. McDougall's evidence:—

*By Mr. Trow :*

"Q. After having made researches in this matter, being employed by the Ontario Government, where did you consider the western boundary lay?—I considered that the Act of 1774, and the evidence derived from the language of the preamble of the Act, from the history of the Act, and from the surrounding circumstances of the time and policy of the Government which are recorded and open to us, show clearly that the Mississippi River was intended to be, and after the passing of that Act was the western boundary of the then Province of Quebec. The Imperial Government desired to extend the western boundary of Quebec, which we know was a line drawn from Lake Nipissing to Lake Champlain. They wished to include in the Province of Quebec, as it then stood, certain French posts in the territory called the Illinois country. My impression is, and I think it can be conclusively proved before a court of justice, that the Government intended to make, and by the Act of 1774 did make the Mississippi River the western boundary. I dare say, you have had before you most of the evidence which, according to my view of the matter, establishes that point.

"Q. You take the Mississippi to its source?—Of course, when a river is taken as a boundary you must follow its winding and find out the main channel. We are not driven to do that now, because by a subsequent treaty with the United States, that country was ceded or transferred to them, and therefore it is only as to the interpretation of the Act of 1774, and its effect on our country beyond the head of the Mississippi, that it is important to enquire.

"Q. What interpretation do you put on the word "northward," when you come to the confluence of the two rivers?—I put the same interpretation on the word in that Act as I would in a deed in the case where any object is described lying to the northward from a point of starting, and being the point at which you are aiming. There has been a good deal of discussion in the House as to whether this word northward does not mean due north in the Act of 1774. I observe that in your enquiries you have resorted to the judgment given, in 1818, by the Court of Queen's Bench at Quebec in *De Reinhardt's* case. In that case the evidence of a surveyor, Mr. Saxe, was taken. His opinion differed from that adopted by the court.

"Q. His definition is the same as yours?—Yes. Where you have no fixed terminal point in view, the word northward or westward standing alone, without anything to explain it—where there is nothing to incline to one side or the other—must be taken to mean, and the courts have so held, a due north or due west line; but when there is some object mentioned in the description, that lies either east or west of north of the point from which you are starting, and you say northward to such a point, you do not mean, and you cannot be held to mean, due north.

*By the Chairman :*

"Q. But the direction was northward to the southern boundary of the territories of the merchant adventurers. These territories, as exhibited in the maps of those times, lay rather to the eastward than the westward of a due north line. Therefore, do you not suppose the northward line would run to those territories?—Yes; that is a correct interpretation if it was not clear that the Imperial Government, in