

17. The northerly boundary of Ontario, between it and the Dominion lands, is undoubtedly the southern boundary of the Hudson Bay Company's possessions. It is possible that some difference of opinion may arise as to where this boundary should be located on the ground.

18. The charter of the Hudson's Bay Company, dated 2nd May, 1670 (see paper marked F), described their grant as "extending over and including all lands and territories drained by the waters emptying into Hudson's Bay."

19. The boundary in such case would be the ridge dividing the water-sheds north and west of Lake Superior, which intersects the Dawson route at height of land portage, and crosses the international boundary between South Lake and Gunflint Lake.

20. It may be argued on behalf of Ontario that the dividing ridge which should bound the Hudson's Bay Company's possessions on the south is that which may be described as the northerly section of the * "range which, dividing to the north-west of Lake Superior, separates the waters flowing direct to Hudson's Bay from those flowing into Lake Winnipeg, crossing the Nelson River at Split Lake, or Lac des Ports, etc.;" and it will probably be urged in favor of this view that the grant to the company only covered "such lands and territories as were not already actually possessed by the subjects of any other Christian Prince or State," and that inasmuch as the country to the south of the range of high lands last described was considered to belong to France, that therefore King Charles would give no tittle in what he did not own, and certain old maps (see Band C) are referred to in support of this view.

21. It is not important to discuss this view, if it is conceded that a due north line from the forks of the Ohio bounds Ontario to the west; as in such case the height of land would be intersected just north-west of Lake Nipigon at a point about which there can be very little dispute.

22. If, on the other hand, the contention of Ontario is allowed, that is to say, that the banks of the Mississippi should be followed to their source, and that a line should be drawn thence due north to intersect the height of land alluded to in paragraph 20, then the westerly boundary would extend over 300 miles north of the Lake of the Woods, and the Province would be made to include a territory which, as regards form and extent, could not, in the opinion of the undersigned, have been at all contemplated or intended at the time of passing the Quebec Act.

23. But the undersigned assumes, on the strength of opinions to such effect, given by eminent counsel to whom the question had been submitted, that the "southern boundary of the territory granted to the Merchant Adventurers of England trading to Hudson's Bay" was, and is, the height of land bounding the water-shed of the basin of Hudson's Bay; and, even admitting that the banks of the Mississippi, to the source of the said river, were intended by the Act, a due north line from the latter would, in the course of a very few miles, intersect such height of land, as the same is in the immediate vicinity of the source of the Mississippi, and between it and the Lake of the Woods, the waters in which latter drain into Hudson's Bay.

24. The only territory, therefore, affected by the question of the due north boundary from the forks of the Ohio, as against the Mississippi as the boundary, is that colored yellow on the tracing marked A, herewith shown, as contained between the due north line from the forks of the Ohio, and the curved line defining the height of land to the south and west, because, even construing the west limit of Ontario in the Quebec Act as the banks of the Mississippi, and a line due north from the source of that river to the height of land forming the southern boundary of Hudson's Bay Company's territory, such description would only take effect where, and to the east and north of where, such height of land crosses the international boundary between Gunflint and South Lakes, as before mentioned, confirming, in fact, the western and northern boundaries of the Province, in accordance with their description by Bouchette, and which usage had established up to the acquisition of the territories in 1869.

* See Report, Commissioner Crown Lands, 1857.