

America. The communication involved other considerations of international law and of the effect to be given to the wording of charters and treaties, upon which few of those present were competent to speak. Fortunately he saw his friend Dr. Travers Twiss near him, and he would ask that gentleman to offer a few observations upon the subject.

Dr. TRAVERS TWISS said, assuming that the Hudson Bay Company had under their charter a power to throw impediments in the way of a passage, whether by telegraph or railway, through the Rocky Mountains, there was still a higher power at home which could remove those impediments; therefore he did not at all despair of overcoming them, assuming that they did exist. In addition to the legal and geographical question, there was also the historical view, which was not precisely as Captain Synge regarded it. The real difficulty which arose in regard to almost all charters and treaties of boundary resulted from the disposition of diplomatists to take a river as a boundary, which, when traced to its head sources, threw everything into confusion. A difficulty of this character arose between ourselves and the United States, when we came to trace the head-waters of the rivers that were to separate the north-east boundaries. In the grant to the Hudson Bay Company, the phrases "land upon the rivers," "territory upon the rivers," were made use of. It has always been understood, both in grants and treaties, when these words are used, that they mean all the land upon the rivers up to their head-waters—up to the high lands where they take their rise. Assuming for the moment that in the grant to the Hudson Bay Company all the land upon the rivers was included, we then had to trace the head-waters of those rivers; and it would be found, precisely as it was discussed at the Treaty of Utrecht, that we should have to commence with Lake Mistassinnic, then come to the Lake Abbitibis, then to the Rainy Lake—the waters of which flow into the Lake of the Woods, and thence into Lake Winnipeg, and finally find their way into Hudson Bay. From the Rainy Lake we must trace a line to the Red Lake, follow that up to Lake Travers, which is at the head of the Red River, in lat. 45°, and thence keep on to the lowest sources of the Saskatchewan, in lat. 48°. Thus we get the real geographical