

6. There is no evidence forthcoming which would show clearly what was intended by the Act, and in considering the question, therefore, we are left to draw conclusions from co-relative circumstances; a consideration of these have led the writer to believe that a due north line from the forks of the Ohio was intended as the westerly boundary of Quebec, in support of which he would submit:—

7. Had such not been the intention, that is to say, had it been intended that the Mississippi River should be the west boundary, inasmuch as the evident intention to make the Ohio River the southern boundary west of Pennsylvania, was thus definitely expressed "*and along the banks of the said river westward to the banks of the Mississippi,*" then such intention would have been expressed in corresponding terms, that is to say, the boundary would have been described as "*northward along the banks of the Mississippi, etc., etc., etc.*"

8. This argument has the more force from the fact stated as follows:—The Bill, as submitted to the House, described the boundaries as "heretofore part of the territory of Canada in North America, extending southward to the banks of the River Ohio, westward to the banks of the Mississippi, and northward to the southern boundary of the territory granted to the Merchant Adventurers, etc., etc."

9. Mr. Burke, in the interests of the Provinces of New York and Pennsylvania, moved in amendment (the House being in Committee) to substitute the following for the boundary, viz.: after North America "by a line drawn, etc., etc., etc., to *the north-west part of the boundary of Pennsylvania, and down the west boundary of that Province by a line drawn thence till it strike the Ohio.*"

The above words were inserted.*

10. Then followed another amendment, which was adopted, and after "Ohio" should be inserted "*and along the bank of the said Ohio.*"

Now, had the *banks of the Mississippi* been intended to be adhered to in going "northwards," is it not clear that the necessity of an amendment to that effect would similarly have made itself evident at the time, and does not the absence of any reference to the point or discussion whatever upon it go to show that "northwards" was intended to be on a due north line.

11. The map which was used in the House of Commons to illustrate the question of the boundaries of Quebec in the debate on the Act, is said to have been one known as Mitchell's map, dated February 13th, 1775.

12. It is stated that there were two editions of this map, the first one being withdrawn on the publication of the second, *which latter contained "numerous important corrections, but the date was not altered."* †

13. The only copy of Mitchell's map available is in the Library here, and, on inspecting the River Mississippi on it, we find that the course of that river is taken up abruptly at a point in 47° 12' north latitude and 101° 30' west longitude, at which point we further find on the map the following note by the author:

"The head of the Mississippi is not yet known. It is supposed to arise about the 50th degree of latitude and the west bounds of this map, etc., etc., etc."

14. Now it is not at all probable that with the uncertainty asserted to exist on the map itself used by the House of Commons at the time the boundaries were debated and settled, with regard to the source and direction of a great part of the course of the Mississippi, that the House intended its banks as the boundary of Quebec.

15. Such a theory, leaving as it would, one of the principal boundaries of the Province in great uncertainty, would be entirely inconsistent with the minuteness and precision of language insisted on in settling the Ohio as the southern boundary.

16. Taking the strictly legal construction of the description, it is claimed that the direction expressed as "northwards" is *upon a due north line*, in favor of which see the decision on this specific case in the judgment of Chief Justice Sewell in connection with the trial of Charles de Reinhardt in Quebec, 1817, for murder committed on the Winnipeg River. ‡

* C. debates, p. 123, and Journals of House of Commons, No. 34.

† See Wrights' Cavendish Debates. (Note following preface.)

‡ See Report of trial, in Library, House of Commons, Ottawa.