

*By Mr. Trow :—*

11. The line described in your report runs through what is now the United States?—Yes:

12. It was not merely a direct due north line from the confluence of the Mississippi and Ohio, but a line northwardly, meaning a general divergence or bearing in that direction?—The word northward may certainly be construed in a northwardly direction, but going easterly or westerly.

13. Were not those terms so used?—That is more than I can say.

14. Have you not found it so in the examination of those papers?—No.

*By the Chairman :—*

15. East of the Mississippi, what would be the boundary?—The height of land. Assuming that the Mississippi was intended as the boundary to its source, and thence a due north line to the height of land—the latter would form the westerly and northerly boundaries of the Province of Ontario, and would take effect northerly and easterly of where the same is intersected by the International Boundary, a short distance west of Lake Superior.

*By Mr. Mousseau :—*

16. What portions of the Hudson's Bay territories are included in the award of 1878?—All the territory north and west of the height of land above described—extending to the Lake of the Woods and the Winnipeg River on the west; to the English River, the Albany River and the shores of James' Bay, on the north; and bounded by a line drawn due north from the head of Lake Temiscaming, on the east.

TUESDAY, 2nd March, 1880.

MR. RUSSELL, Surveyor-General, called and examined.

*By the Chairman :—*

17. Having regard to the Act of 1774, commonly known as the Quebec Act, and looking at the different rivers and boundary lines as set down on the map recently issued by the Government of Ontario, entitled "Map of part of North America designed to illustrate the official reports and discussions relating to the boundaries of the Province of Ontario," where would you consider the western boundary of the Province of Quebec, as constituted by that Act, to have been?

In interpreting the clause of the Quebec Act, which describes the boundary, I consider that there are two points of view from which the subject may be treated: first, what the describer intended to do; second, what he has actually done.

From the limited number of possibilities in this case, to select that intention which is the most probable, is a matter of judgment; what has been done in the description is a matter of fact.

The effect of the description is to make the western boundary of Ontario a line due north from the confluence of the Ohio and Mississippi Rivers.

The word "northward," though seemingly lacking in precision, is not really indefinite, and admits of no choice in its interpretation; for, corresponding to the assumption of any direction to one side of north, there is an equal and opposite possibility on the other side thereof, and the two are mutually destructive. Therefore, by exhaustive process, "northward," taken by itself, that is, without any conditioning or qualifying word or phrase, can mean nothing else than *north*. In the description under consideration, it stands unconditioned and unqualified.

If I were asked my opinion as to the intention of the describer, to affirm what he intended to do, not what he has done, I should still say that he meant due *north*.

When it is a question of his intent, I consider that, in endeavoring to interpret any certain word or expression used by him, due regard should be had to his own phraseology and use of words in the rest of the description; further, to the greater or less precision of thought, indicated throughout in his dealing with the various circumstances and conditions of the boundary described.