

* * * "Technical words are to be construed according to their technical meaning. "This is as universal a maxim as any that can be found in jurisprudence.

"It finds its application in international jurisprudence chiefly upon questions of geographical or local distinctions."

And Hull (Part II, chap. ii., par. 38, p. 104,) states:—

"The boundaries of State territory may consist either in arbitrary lines drawn from one definite point to another, or they may be defined by such natural features of a country as rivers or ranges of hills.

"In the latter case more than one principle of demarcation is possible. Certain general rules, therefore, have been accepted which provide for instances in which the absence of express agreement, or for other reasons, there is doubt or ignorance as to the frontier which may justly be claimed.

"Where a boundary follows mountains or hills, the water divide constitutes the frontier. "Where it follows a river and it is," &c.

If then the words "by the main chain of the Rocky Mountains" and "by the Rocky Mountains" be admitted to have been appropriately used by the framers of the Acts of 1858, 1863 and 1866, there can be no doubt with regard to the correctness of the interpretation that construes the words as indicating a water-shed line.

There is conclusive evidence of another kind that by the words "by the main chain of the Rocky Mountains" and "by the Rocky Mountains" the Acts of 1858, 1863 and 1866 did not describe as an eastern boundary to British Columbia a line to the eastward of the water-shed of the Rocky Mountains.

The water-shed of the mountains was the then accepted western boundary of Rupert's Land, held by the Hudson's Bay Company; and the Government and Parliament desired not to interfere with the territory held by the company under charter until amicable arrangements for the purpose had been effected, or until a judicial decision adverse to the validity of the company's claim should be pronounced.

On the 5th July, 1849, Mr. Gladstone had moved an address praying "that steps might be taken to ascertain the legality of the powers in respect to territory, &c., which are, or recently have been, claimed or exercised by the Hudson's Bay Company under the charter of Charles II. (1670)," &c. (Hansard, 3rd series, vol. cvi., page 1355.)

In making this motion, Mr. Gladstone said (page 1357):—

"The terms of the motion were sufficiently clear to render it manifest that its object was to secure a full and perfect but also a dispassionate enquiry, not into the powers which the Hudson's Bay Company might possess, not into any abuse of their powers which might have been alleged against them, whether truly or untruly, or any complaints against them, whether properly or improperly, but simply and dryly to the legality of those powers. * *

"Those who would advise Her Majesty's Government as to their course, and who would be, he presumed, the law officers of the Crown, might approach this question without the recollection of any hostile debate or controversy upon it, but might regard it as one essentially judicial." * *

And again (page 1361), "he had distinctly said that he did not wish to weaken the company or raise any prejudices at all against their title. It appeared to him, after so much had been said, that it was fair to the company themselves that this title should be investigated; and if the result was satisfactory, the company would greatly benefit from the enquiry;" and (page 1362), "upon the question then before the House in relation to the old territories" (*i. e.*, Rupert's Land, contradistinguished from Vancouver's Island and territory held under license) "they were happily all unanimously agreed."

In making a return to the address thus moved by Mr. Gladstone, the Government gave the opinion of the Law Officers of the Crown (Parliamentary Papers 542 of 1850, page 7, No. 4, Annexure 6), and (p. 13, No. 15, para. 5, and p. 15, No. 19, para. 3) the Colonial Office recorded that it was obliged to assume the opinion of the Law Officers of the Crown, in favour of the Company, to be well founded.

On the 5th February, 1857, the Secretary of State for the Colonies, Mr. Labouchere, moved for a Select Committee to consider the state of the country under the Hudson's Bay Company, with a view to its possible colonization, and then said (Hansard, 3rd Series, Vol. cxliv., p. 220) "As however that proceeding" (a reference to the Judicial Committee of the Privy Council proposed in 1849) "would involve considerable expense, the persons opposing the Company declined to carry the matter further, and he was therefore justified in saying