

“ that it is to the west of this line, then, I am giving you our *unanimous* opinion when I declare that *the Dalles are in the Indian Territory, and not within the limits of the Province of Upper or Lower Canada*, but clearly within the jurisdiction of this Court, by the Act of the 43rd of the King, chapter 138, which extends our power to ‘ the trial and punishment of persons guilty of offences within certain parts of North America.’ ”

Among the witnesses examined were Lieut.-Col. Dennis, Deputy Minister of the Interior, formerly Surveyor-General, and Mr. Russell, the present Surveyor-General of Dominion Lands, whose opinions, as experts in dealing with matters of territorial boundaries, the Committee considered it desirable to have. Col. Dennis handed in an elaborate paper, which will be found with his evidence annexed, in which he argues that the western boundary of Ontario is the prolongation of a line drawn due north from the junction of the Ohio and Mississippi, and that the height of land forms the northern boundary.

Surveyor-General Russell gave the following evidence:

*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 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 an exhaustive process, “ northward,” taken by itself, that is, without other 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 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.

“ Had it been his intention to define the boundary as extending northward along the banks of the Mississippi, that idea, I have no doubt, would have been clearly conveyed, for, in the several instances occurring previously in the description, where the same condition had to be expressed, there is no mistiness of definition. For example he uses the words “ thence along the eastern and south-eastern boundary of Lake Erie.” Again, the words, “ following the same bank;” further on, immediately before using the word “ northward,” on the application of which so much turns, he employs, when speaking of the Ohio, the expression, “ along the bank of the said river, westward;” this last affirmation being one to express a similar condition, with but a difference of direction, to that which would have obtained had he intended to say, “ along the bank of the Mississippi northward.”

“ That he should in one sentence so clearly state the special condition under which the boundary was to go “ *westward*,” and in the very next sentence, while intending