



ARBITRATION

UNDER

THE BRITISH NORTH AMERICA ACT 1867.

LAW OPINION

On Proceedings and Award by Two Arbitrators.

On the ninth day of July last, the Arbitrator appointed by the Government of Quebec withdrew from the sittings of the Arbitrators and gave in the resignation of his appointment, which was accepted, and a supersedeas was thereupon issued by that Government. The reasons for his resignation are assigned in the printed pamphlet intended to make part of the record of proceedings before the Arbitrators.

At the time of the resignation a decision had been agreed upon by two of the Arbitrators, the Honorable Messrs. MacPherson and Gray, upon certain preliminary questions, from which the Arbitrator chosen by Quebec dissented. That decision had not then been pronounced or officially promulgated, although an order to that effect had been made at the time of adopting it.

A hearing had also been had upon the question whether a decision by two of the Arbitrators (a majority) against the opinion of the third would be valid. Upon this latter question no decision had been arrived at and no final deliberation upon it had taken place.

After the withdrawal and resignation of the Arbitrator appointed by Quebec, the judgment previously agreed upon by the two other Arbitrators on the preliminary questions was formerly pronounced by them. A decision was also agreed upon by the two Arbitrators in the absence of the third on the question of the power of the majority to decide, and was formally pronounced on the twenty-first day of July.

The two Arbitrators afterwards held sittings on several different days, at which the counsel for Ontario were heard upon incidental points, and finally upon the merits of the case; and by an award (so called) rendered on the third day of September last, the two Arbitrators assumed to make a division and adjustment of the debts and assets of U. & L. Canada under the authority of the B. N. A. Act. At these sittings the Government of Quebec was not in any manner represented, but on the contrary protested against the proceedings and the award as an illegal usurpation of authority and void in law.