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THE ONTARIO BOUNDARY QUESTION.

A few additional remarks on the boundary question seem called for by articles in the contemporary press. The *Monetary Times*, although he finds no fault with the award, which in his opinion (and we are inclined to think that the writer is very competent to give a sound one) "cannot be impeached as inequitable," is nevertheless rather severe on the arbitrators, and yet we are not without hope that we may convince him that he has done them less than justice. The evidence, he correctly states, was printed; it was "miscellaneous, complicated and voluminous, as much historical as legal." "No less than five books had been published on behalf of Ontario, besides shorter reports." "The case was a sort of Sleswig-Holstein dispute in its intricacy, and yet the three arbitrators undertook to dispose of it in a couple of days." They "rushed precipitately to a decision," and (*accidentally*, of course!) "*stumbled*" upon one which the learned writer frankly admits "cannot be impeached as inequitable."

But the writer has himself, it would appear, reflected that "*perhaps* each of "them had been studying the evidence a "month before he went to Ottawa." It seems to us that it would have been rather strange if all the "five volumes and other reports" had been withheld from the arbitrators, and if they had been called on to hear arguments on this very intricate case without any previous preparation. Had they been subjected to such an ordeal it is not improbable that they might have "*stumbled*" on a decision that might have been "impeached as inequitable." As it was, they had ample time to study all the volumes embracing the evidence, "miscellaneous, complicated and voluminous, as much historical as legal," and there was, therefore, no ground whatever for the assertion that "it was a solemn farce to pretend to have mastered it in a couple of days." We can assure the writer in the *Monetary Times* that the difficulty cannot be removed by his supposition that "the principals secretly agreed upon a common line in advance." Neither is "the line adopted conventional or more or less of a compromise." Not only was there not the slightest communication between the principals and the arbitrators, but there was no communication between the arbitrators themselves until they met at Ottawa. Each exercising his own judgment on the papers placed before him, arrived at his own independent conclusion, and, strange as it may appear to the writer in the *Monetary Times*, all "*stumbled*" on a decision that he admits "cannot be impeached as inequitable." We hope that the fortunate result will not lead to the practice of "stumbling." Before dismissing the article in the *Monetary Times* we may observe that he has wholly omitted to notice Mr. McMahon, Q.C., who was leading counsel for the Dominion, and we are sure that his junior, Mr. Monk, would join us in disclaiming any praise however merited given to himself in disparagement of his leader.

A writer in Monday's *Gazette*, over the signature "Britannicus," has made more pretension as a critic than the writer in the *Monetary Times*, and in our opinion with less ground. This writer looks on the report as "a foregone conclusion, long conceived, cunningly laid, and now just before the general election sprung upon the people." There are other insinuations which we shall pass over without notice, confining ourselves to what the writer deems tangible grounds of criticism. It would have been better under the circumstances had the writer signed his name, as he has stated circumstances that render his identification easy, and there is no conceivable object in writing on such a subject under a *nom de plume*. Britannicus is of opinion that the "award is open to very grave objections." His first reason is that "the region is worth millions." To this objection there is a very simple answer. The arbitrators were appointed to decide on boundary lines on principles of law and justice, and ought not to have been influenced by the extent or the value of the territory in dispute. "Britannicus" "who has followed the arguments with special interest as reported in the press," states that "the work has been faithfully done," and that he has no exception to take to what "has been very ably advanced by Mr. Hodgins, the leading counsel for the Dominion." Now most unfortunately for Britannicus Mr. Hodgins, Q.C., was junior counsel for Ontario, while Mr. McMahon, Q.C., was senior counsel for the Dominion, having Mr. Monk of Montreal as his junior. "Britannicus" is further unfortunate in his assertion about the Imperial Act of 1791 "defining the very boundary in question." The Act referred to does not define the boundary at all. But Britannicus further informs us that the Hon. J. S. Macdonald "asked me in 1867 to take part in such a commission." Now in 1867, the territory of the Hudson's Bay Company had not been surrendered, and consequently "such a commission" could not have been contemplated. It was never, so far as we know, proposed to leave to arbitration the question at issue between Canada and the Hudson Bay Company. Britannicus must have been dreaming when he wrote his communication. He says that he considered it to be "only surveyors' work," but he does not tell us what he considered the boundary which was to be surveyed.

He does tell us, however, that he called attention to Lord Brougham's "very able opinion, given in 1816, which was most unfavorable to the Hudson's Bay Company's claims. Be that as it may, says "Britannicus" "I contended and "contend that the Imperial dictum on the "point, as expressed in the Act of 1791, "and *in the several statutes* (Imperial) "*before and since* recognizing the Hudson's "Bay Territories as claimed by the Com-"pany, certainly restricted practically, if "not in very words, the northern and "western boundaries of Ontario to the "height of land between the St. Law-"rence and Hudson's Bay watersheds." "Britannicus" is bold in his assertions. We have already pointed out that the Act of 1791 is silent as to boundaries. No statute *before* 1791 could have defined a