

Orders in Council had been referred to the Honourable W. B. Richards, then Chief Justice of Ontario, named as referee on behalf of that Province, but who was subsequently replaced by the then Chief Justice, the Honourable R. A. Harrison, and to the Honourable Sir Francis Hincks, who had been named on behalf of the Governments of Canada and Ontario that had been mutually agreed between the Governments of the Dominion and Ontario that the Right Honourable Sir Edward Thornton should be selected as third referee and the Committee recommended that such selection should be confirmed by Minute of Council, and that the determination of such three referees should be final and conclusive upon the limits to be taken as and for such boundaries respectively.

Corresponding Orders in Council were made by this Province.

I am directed to respectfully suggest that an award having, on the 3rd August, 1878, been duly made in pursuance of the Reference, it is just that there should be no further delay in formally recognizing the award as having definitely settled the matters submitted to the arbitrators.

The Government of Ontario on its part acquiesced in the award, not because it was believed to have accorded to this Province all that was claimed on its behalf, or all that the Province might within its strict legal rights have had awarded to it, but because the tribunal appointed jointly by the two Governments was one to whose competency and character no one could take exception, and because according to the judgment of the people of Ontario neither party to the arbitration could consistently with good faith refuse to abide by the decision.

The Government of Ontario does not doubt that the Government and Parliament of Canada will ultimately take the same view, and I have respectfully to represent that the delay in announcing the acquiescence of the Dominion authorities, and in giving full effect otherwise to the award, has been embarrassing and injurious.

The present Government of Canada has already been made aware that before the arbitrators met, an exhaustive collection had been made by the Governments of Canada and Ontario severally of all the facts, documents and evidence bearing upon the controversy; that everything material had been printed and in a form which facilitated to the greatest practical degree the full and prompt examination of the question at issue; that cases had been prepared on both sides, containing a summary of the respective claims and the reasons therefor; that these cases also had been printed; and that the whole matter had been argued before the arbitrators by counsel.

With respect to the arbitrators it is manifest that no three persons could have been selected whose judgment would be entitled, in such a case, to more unqualified respect, than that of the three arbitrators appointed. Sir Francis Hincks, as a Canadian publicist and statesman, is acknowledged to have few equals in shrewdness, industry or ripe experience; the late Chief Justice Harrison was a lawyer of the first rank, and a judge whose method of reasoning was always distinguished for its practical and common sense character; and Sir Edward Thornton, Her Majesty's Minister at Washington, brought to the consideration of the case, not only the aid of very high abilities, but the absolutely independent judgment of one who could have no partialities or inclinations in favour of either side.

If the merits of the award have been considered by the Government of Canada, they will have observed certain preliminary things in connection with the question which were and are beyond controversy. Amongst these are the facts that Ontario is entitled to the same limits as Upper Canada had, whatever these were; that these limits embrace so much of the British territory, west of the division line between Ontario and Quebec, as belonged to France before the cession of 1763, and (what is the same thing), so much as belonged to the Province of Canada before Confederation, or (in other words), so much as belonged to the Dominion before its purchase of the rights of the Hudson's Bay Company, and that the single question which the arbitrators had to consider was, what territory Canada had on the Ontario side of the division line before the recent purchase from the Hudson's Bay Company had been made.

It must further have been noticed that the territory awarded to Ontario is considerably less than had been officially claimed and insisted upon by the Province of Canada