

“according to the English pretension prior to 1763, is merely a conventional addition to Ontario. It is a proposition to take in a territory as part of old Quebec, and now as part of Ontario, which was never legally or constitutionally included prior to this award. But, while I say that, I must add that if the true legal interpretation of the Act of 1774 requires you to run the western line due north from the head of the Mississippi, until it strikes the Hudson's Bay territories, then the arbitrators have left out a portion of country north of the Albany quite equal to this in territorial extent.”

Mr. Thomas Hodgins, Q.C., who acted as one of the counsel for Ontario before the Arbitrators, claims that Upper Canada covered the whole of the North and North-West Territories from the confines of Hudson's Bay to the Rocky Mountains, and he ignores the Hudson's Bay Company's claims in great part. His evidence before your Committee, hereunto annexed, and his argument before the Arbitrators, which also is appended, should be considered in connection with the opinions of counsel accompanying the evidence of the Hon. D. A. Smith.

The Attorney-General for Ontario (Hon. O. Mowat), has not been examined, but his statement of the case for Ontario and his very able argument before the Arbitrators, are appended.

Professor Robert Bell, of the Geological Survey, was examined in reference to the character of the territory in dispute, and from his description, as well as from that contained in a pamphlet issued by the Government of Ontario and reproduced in the appendix, it would appear that, in many parts of the wide region extending from Hudson's Bay on the east to the confines of the prairies on the west, the soil is remarkably good, and the climate favorable to the growth of cereals. Valuable timber, including both white and red pine, abounds on the waters of Rainy River, and on the head waters of the Moose and Albany Rivers. The Albany is navigable for 250 miles of its course from the sea westward. Coal is to be found on the northern slope, and gold and silver have been discovered at Keewaydin. The climate is throughout bearable, and even in the most northerly sections, not so severe but that garden vegetables and the hardier cereals can be grown, while in the western sections, about Rainy River, the Lake of the Woods and the Winnipeg, the climate is equal to that of Manitoba, the Indians raising Indian corn from year to year, as they have done from time immemorial.”

On referring to the evidence in detail, as appended, and the report of the proceedings before the Arbitrators, it will be seen that on the part of Ontario it is claimed that the term “northward” in the Quebec Act was intended to apply to the whole territory east of the Mississippi, and that the Mississippi was the boundary line on the west. In support of this view, the two following commissions are always brought forward :—

27TH DECEMBER, 1774.

SIR GUY CARLETON—*Captain-General and Governor-in-Chief of the Province of Q.ue'ec.*

And further know you, that we, reposing especial trust and confidence in the prudence, courage and loyalty of you, the said Guy Carleton, of our especial grace, certain knowledge, and mere motion, have thought fit to constitute and appoint you, the said Guy Carleton, to be our Captain-General and Governor-in-Chief in and over our Province of Quebec, in America, comprehending all our territories, islands and countries in North America, bounded on the south by a line from the Bay of Chaleurs, along the highlands which divide the rivers that empty themselves into the River St. Lawrence from those which fall into the sea, to a point in forty-five degrees of northern latitude, on the eastern bank of the River Connecticut, keeping the same latitude directly west, through the Lake Champlain, until in the same latitude, it meets with the River Saint Lawrence; from thence up the eastern bank of the said river to the Lake Ontario, thence through the Lake Ontario, and the river commonly called Niagara, and thence along by the eastern and south-eastern bank of Lake Erie, following the said bank until the same shall be intersected by the