

P A P E R S

RELATIVE TO THE

SETTLEMENT OF THE DISPUTED BOUNDARIES BETWEEN
THE PROVINCES OF CANADA AND NEW BRUNSWICK.

CANADA.

No. 1.

(No. 507.)

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Copy of a DESPATCH from Earl GREY to Governor-General the Earl of
ELGIN AND KINCARDINE.

MY LORD,

Downing-street, June 27, 1850.

I HAVE now to acknowledge your Despatch, No. 159, of 9th March last, inclosing the copy of a Minute of your Executive Council, and of a report by the Commissioner of Crown Lands, impugning, on some points, the conclusions arrived at by the Commission appointed by Her Majesty to investigate and report upon the respective claims of Canada and New Brunswick to the territory ceded to Great Britain by the Treaty of Washington.

It is of great importance that this long-standing dispute should be finally settled; and if there is no prospect of agreement between the two Provinces on the subject, Her Majesty's Government must necessarily take on themselves the task of arranging it, unless the decision of a court of justice could be obtained.

This last course, however, appears unsuited to the case. The question, in a legal point of view, seems to turn on the words of the Quebec Act of 1774. But a tribunal could scarcely pronounce a decision which should define the whole line of separation between the provinces. And, even if it could do so, it could only interpret and follow the letter of the Act, and not adopt any line of compromise which might be more advantageous to both parties.

It appears to me, therefore, that the matter can only be finally disposed of by Parliamentary enactment, explaining, or if necessary, modifying the language of the Quebec Act. It would be impossible, in the present Session, to introduce and carry through Parliament a Bill of this importance. And there appears to be room, in the interval which must thus elapse, for a settlement which I should consider as by far the most desirable, namely, by mutual agreement.

I therefore propose that, unless the terms of such an agreement can be settled by some more expeditious means the following course should be adopted:—That your Lordship and the Lieut.-Governor of New Brunswick, with the advice of your Executive Council, should each name an Arbitrator on behalf of your respective Provinces to meet at Quebec, or at any other place which may be preferred by both parties. That the arbitrators should name an umpire. That, if, within a specified time, they could not agree on an umpire, you (or the Lieut.-Governor of New Brunswick, if the arbitration were held in his province) should forthwith notify this to me: on receiving which notification, Her Majesty's Government would themselves name an umpire. That the arbitrators and umpire should proceed to consider the question, having before them the report of Her Majesty's Commission, and all other documents with which the governments of the respective provinces might think proper to furnish them; but not being authorized to examine the ground itself. For although I perceive that on some points the topographical accuracy of the Report No. 1 of Major Robinson and Captain Henderson is impugned by the Surveyor-General of Canada, I do not think these alleged errors appear to be of sufficient importance (especially when it is con-