

Memorandum on Commission of *Expertise* on disputed
territory and boundary survey accounts between Canada
and New Brunswick.

1. This Commission was appointed by the Dominion Government in effect to examine the books and accounts bearing upon the subject-matter of the joint liability and respective expenditures, under an Imperial Act, by the Provinces of Canada and New Brunswick on the survey of the boundary line, on which a balance heretofore found to be due to Canada, and for the payment of which the Dominion had become liable by the British North America Act, was, by consent of Quebec and Ontario, to be paid to Messrs. Tibbits, Glasier and others, as per schedule attached to an order of the Honorable the Privy Council of 30th August 1877.
2. The creditors of this debt were present at the sittings of the Commission, at the instance of the Government, assisting with information, but they were not parties to it, nor had they a voice in its constitution.
3. They had no possible objection however to any means of *expertise* the Government might see fit to adopt, whereby to be informed, or to inform New Brunswick of the exact state of the accounts, nor did they raise any objection except to advise the Government not to bring about additional difficulty by giving too wide a scope to their enquiry.
4. When however, perhaps inadvertently, an arbitration was once or twice mentioned, at the time the Commission was being talked of, they did most decidedly object to anything partaking of the nature of an arbitration, inasmuch as, although they would of course, on an Arbitration, have had the naming of an Arbitrator, and a joint voice by themselves or their Arbitrator, in the naming of an Umpire, they had in fact nothing to submit to an arbitration, their transaction with the Government being of a distinct and definite nature which had long passed that stage when its validity could be affected by one party to it, or by any change in the personnel of the Government. There was nothing in doubt on which to base an arbitration so far as they were concerned.
5. The Commission was composed, as thus appointed by the Dominion Government, of the ablest man and late Premier of that Province, whom New Brunswick could provide, as her nominee and deeply interested in maintaining her views: The Auditor General, who could have no possible interest in the matter, one way or the other, (except his professional character as Auditor;) and Mr. Wm. Heard, of Prince Edward's Island whose utter incapacity to understand the simplest account made it a matter of some curiosity and much speculation how in the name of common sense he ever came to be there. The creditors interested had no representative on the Commission,