

In doing this, however, at once and without hesitation, it is thought right to observe—

1. That by this recommendation it is proposed to take from New Brunswick 2,660 square miles, to which the Commissioners, having once settled the line of highlands, report New Brunswick to have an undoubted legal claim, whilst there are given to her in return 2,300 square miles of a territory to which the claim of New Brunswick is, to say the least, as good as that of Canada.

2. The Lieutenant-Governor and Council do not admit the soundness of the arguments by which the Commissioners seek to prove that New Brunswick has no legal claim to any territory west of the due north line.

The Government of New Brunswick have, however, the fullest confidence in the justice of Her Majesty's Government, and as they trust Her Majesty may be advised to act on the recommendation of the Commissioners, they do not think it expedient to discuss questions, which, in that case, would be purely speculative. (*Blue-book, 101*).

They then ask for an early settlement of the question, a request often repeated by New Brunswick, and emphasized in an address to Her Majesty from the New Brunswick House of Assembly in April, 1849. It was not until March, 1850, that Canada returned any reply to the Home Office, and then she transmitted an extract from a report of a Committee of the Executive Council dated Feb. 23, 1850, which reads :

The Committee of Council after giving to the subject their most careful consideration, find themselves unable to recognize the justice or equity of the recommendations of the Imperial Commissioners, which in their judgment would, if carried into effect, divest this province of a large and valuable portion of territory for the special benefit of New Brunswick. The Committee of Council feel it unnecessary to enter at any length into the subject, which has been most ably treated in the Report from the Commissioner of Crown Lands, in which the Committee concur so far as regards the merits of the respective claims to the disputed territory. (*Blue-book, 104*).

The report of the Commissioner of Crown Lands here referred to, is dated Jan. 20, 1850, and signed by J. H. Price, and occupies pages 105-117 of the Blue-book. This lengthy document is a labored attempt to prove a right of Quebec to a boundary at the Mars Hill highlands, and it has all the familiar marks of the special pleading of a weak cause,—the involved arguments, the emphasis on intentions as distinct from expressions, upon the spirit as distinct from the letter of the laws, and the elaborate discussions of words. He goes back to Lescarbot and the early French writers for the ancient boundary between Acadia and Canada to show historical precedent for a boundary more southerly than the St. Lawrence watershed, and he argues that the intention of the Quebec Act of 1774 was to keep all the ancient French Canada, hence including seigniories, etc., within the limits of Quebec. He then makes much of the arguments of Featherstonhaugh and Mudge already considered, and sets forth with telling force the logical effect of Great