

No. 44.

CANADA.

DEAR SIR,

Joseph Herbert's, Wednesday, 7 o'clock, Evening.

I LEFT the Great Falls this morning, in hopes with meeting you at the entrance of the Little Madawaska, or at Trout River; but I find from Capt. Herbert, who has just come from the latter, that you had left for the upper part of the Lake Temisquata, and and would not return here again within Sunday or Monday.

I received letters by the post to-day from the Governor, embracing instructions for both of us, and yours I now enclose. His Excellency will be at the Great Falls to-morrow evening, and I shall have to meet him. His stay there will probably be about a day, then he returns to Fredericton; and Sir John Caldwell and myself will be here on Sunday evening, or early on Monday morning.

I remain, &c.,

To Jos. Bouchette, Esq., D. S. General,
Agent on the part of Lower Canada.

JOHN McLAUCHLAN,
Agent for New Brunswick.

(No. 11.)

No. 19.

No. 19.

COPY of a DESPATCH from Lieut-Governor Sir EDMUND HEAD, Bart. to Earl GREY.

Government House, Fredericton,
March 19, 1850.

(Received April 2, 1850.)

(Answered June 27, 1850, No. 198, p. 131.)

MY LORD,

HAVING received from Lord Elgin an extract from a Report made by a Committee of the Executive Council of Canada, approved by his Excellency the Governor-General in Council, on the 23rd of July last, together with a copy of a Report from the Crown Land Department in Canada, relating to the disputed boundary of this province, I took immediate steps for laying the same before my Executive Council.

The Governor-General informs me that he intends to forward to your Lordship copies of the Minute and Report in question, and I therefore think it necessary to trouble your Lordship with a minute of the Executive Council of New Brunswick, of which a copy is enclosed.

The whole of the papers therefore relating to this long-pending dispute will now be in the hands of Her Majesty's Government. I will only add, that I myself fully concur in the view expressed in this last minute of my Council, and express my hope that the question may be speedily settled.

I have, &c.,

The Right Hon. Earl Grey,
&c. &c. &c.

EDMUND HEAD.

Enclosure in No. 19.

Encl. in No. 19.

READ a copy of an Extract from a Report of a Committee of the Executive Council of Canada, approved by his Excellency the Governor-General in Council, February 23, 1850, reference being also had to the copies of the Report of J. H. Price, Esq., of the Crown Land Department of Canada, and to the Report of Her Majesty's Commissioners on the boundary between this province and Canada, with the maps and documents appended.

Resolved on the part of the Executive Council of New Brunswick,—

1. With reference to the arguments in the Report of Mr. Price drawn from the old French maps, and from grants by the Crown of France previous to the Proclamation of 1763. It appears a sufficient answer to all such arguments to cite the following extracts from the Report of Her Majesty's Commissioners:—

"It seems proper, in consequence of arguments that have been advanced in the course of the controversy, to offer the preliminary observation that the object of the investigation being to ascertain the boundaries appointed to the provinces, after they came under the dominion of Great Britain; the question is not controlled by any previously existing extent of territory or jurisdiction.

"Whatever line shall be found substantially to answer the description these documents (*i. e.* the Quebec Act, the Proclamations and Commission of 1763) give of the boundaries of the provinces, must control the legal claims of Canada and New Brunswick. Whether a boundary of that character actually existed was a question demanding for its solution, exploration and scientific research."

This last passage appears to express the real object of appointing the Royal Commission, and the Council do not believe that the Proclamation of 1763, or the Quebec Act, can be