

Eastern Extension Award in Favor of the Province.

Ottawa, Oct. 27.—(Special)—The arbitrators in connection with the Eastern Extension Railway met here today and made their award. It is in favor of the province of New Brunswick. As a result of the award the province will receive \$233,812. The arbitrators are Hon. Justice Barker, Quebec, and Mr. Duncan Oulton, general manager of the Bank of Toronto. A copy of the award was forwarded to the secretary of the province, Mr. H. W. Treadwell, on behalf of the province, and to the secretary of the Dominion government, Mr. J. G. Macdonald, on behalf of the Dominion.

"Whereas for many years past differences have existed between the two provinces in reference to a claim preferred by the government of New Brunswick against the Dominion of Canada for money alleged to be paid by the Dominion government in connection with the construction of that portion of the Intercolonial railway formerly known as the Eastern Extension railway extending from the Province of New Brunswick to the Province of Nova Scotia, a distance of 274 miles;

"And whereas by an order of the honorable the privy council of Canada approved by his excellency on the fourteenth day of February, 1903, it was ordered and alleged as follows:

"On a memorandum dated February 13, 1900, from the president of the privy council recommending that the Dominion government should be liable for the money claimed by the province of New Brunswick for the construction of that portion of the Intercolonial railway formerly known as the Eastern Extension railway, the minister of the Interior, Mr. J. G. Macdonald, in reply thereto, stated that it was desirable that the claim should be referred to arbitration, and for that purpose, it has been agreed, subject to the approval of your excellency in council, that a reference of the said claim be made to the following persons as arbitrators, mutually agreed upon by the government of the province of New Brunswick and the Dominion government, namely: Hon. Justice Frederick E. Barker, of the Supreme Court of New Brunswick; Hon. Justice Francis Charles S. Langlier, of the Supreme Court of Quebec; and Mr. J. G. Macdonald, Secretary of the Dominion government, as arbitrators.

"That such arbitrators be empowered to make full inquiry, ascertain and report to the said claim and their opinion as to what would be a just and equitable disposition thereof and what sum, if any, is payable by the Dominion government to the said province in respect of the said claim.

"That, as was provided by act of parliament, chapter 6, sec. 6, in respect of the settlement of a dispute between the Dominion and the province of New Brunswick, the arbitrators, making their award, shall not be bound to decide according to the strict rules of law or evidence, but may decide upon equitable principles.

"That any two of the said arbitrators shall have power to make an award, which award shall be made in writing, and the expenses of the arbitrators, under the said arbitration, shall be in the discretion of the arbitrators.

"The minister therefore recommends that it be ordered that the said claim be referred to arbitration as aforesaid, and that the Hon. F. E. Barker, the Hon. F. C. S. Langlier, and the Hon. J. G. Macdonald, be appointed to make such inquiry and report.

"And whereas the government of the said province of New Brunswick, in the same reference, and whereas, the said arbitrators, took upon themselves the burden of the said reference and in the hearing of the matters alleged on both sides we have been assisted by counsel on behalf of the province of New Brunswick and after hearing all the evidence and duly considering all the evidence, do hereby report the facts and circumstances in respect of the said claim as ascertained by us and our opinion as to what would be a just and equitable disposition thereof, and the sum which is justly and equitably due and payable by the Dominion government to the said province in respect of the said claim.

"We find and report that the section of railway in question, in or about the year 1889 was taken over by the government of Canada and that the Dominion government, in connection with the construction of the Intercolonial railway, the government paying for the road the sum of \$894,000, of which \$250,000 was carried to the credit of the province on debt account, and the balance was paid to the contractors who had constructed the road under contract with the government of New Brunswick.

"That up to the time the road was to be taken over the government of New Brunswick had paid to the Dominion government subsidy for the construction of the road, \$400,000 and there was therefore a balance of \$190,000 of this total expenditure, by the province, unpaid to them at that time.

"That the sum of \$894,000 was much less than the amount which the road had actually cost, but that sum appears to have been arrived at by taking as a base the estimated cost of the road, and the estimated cost of other portions of the Intercolonial railway.

"That at various times between 1889 and 1894, the government of the province claimed from the Dominion government, to be reimbursed in full for the outlay which the province had made and, accordingly, the Dominion government directed a further investigation of the cost of the road to be made by their own engineers, from whose reports it appears that the estimated cost which formed the basis of the original payment of \$894,000 was altogether too low.

"That in 1894 the government of Canada under these facts as to the cost and value of the road as then determined by their engineers, obtained from parliament a vote of \$150,000 to reimburse the government of New Brunswick for money expended by them in the construction of the railway; and under this authority that vote the sum of \$150,000 was paid to the province on debt account; but previous to 1894 the government of the province was only claimed to be repaid this sum of \$150,000, but in addition the various amounts which they would have obtained semi-annually as interest on that sum if it had been carried to the credit of the province in 1889 when they contained it should have been; and it is for this sum so retained and interest thereon since 1889 that the present claim is made.

"We, the said arbitrators, having duly considered all the matter upon equitable principles do award and determine as our opinion that it would be a just and equitable disposition of the claim that the Dominion government should pay to the province of New Brunswick the various semi-annual payments of \$3,750 to which it would have been entitled if this \$150,000 had been carried to the credit of the province in 1889 instead of being paid to the contractors; together with interest at 5 per cent on the several semi-annual payments from the time they would have been payable to the province of New Brunswick, and we also award and state as our opinion that on this sum the province is entitled to be paid by the Dominion government interest at the rate of 5 per cent per annum.

(Signed) FRED E. BARKER, "F. LANGELIER, "D. OULTON."

Hon. Mr. Blair Warmly Received in Carleton County.

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