

VII.

be supplied equally from the revenues of the two Provinces; and the survey went on during the years 1853-4-5, each Province furnishing whatever was required of her by any of the Imperial boundary Commissioners towards the service.

In the last year of the survey, Provincial Commissioners were appointed to investigate and report upon the state of the funds accrued from the disputed territory, the claims thereon, and the amount applicable to the expenses of the survey.

This Commission was suggested by New Brunswick, at the instance of the Canadian licensees, whose claims to refund of the "fines and penalties" exacted of them were to be considered.

The Commission consisted of Mr. Cutler for New Brunswick, and Mr. Dawson for Canada. They reported the amount accrued from the disputed territory available in this case, and the principle upon which a refund should be made to the licensees, with certain recommendations, which were accepted by both Provinces and the Commissioners directed to proceed upon the basis therein set forth,—Mr. Harding for New Brunswick, having however, from a change of administration, replaced Mr. Cutler. The further report of Messrs. Dawson and Harding, specially named the amount of the joint fund accrued from the disputed territory and the respective amounts in the hands of each Province applicable to the survey, after payment of certain adjudications they made in favor of the licensees: And the only duty remaining to be done was to strike a balance between the Provinces on the amount *actually expended* by the Imperial Commissioners on the survey and the amount in the hands of each Province respectively applicable to it. Mr. Dawson's resignation from extraneous causes, prevented a final joint report at the time.

The accumulated mass of writing since then, upon so simple a matter need not be touched upon in this brief notice further than to say that the survey cost much more than the whole available amount of the joint fund accrued from the disputed territory, and that it was found that while New Brunswick held the larger part of the joint fund applicable to the survey she had paid out less than she had in hand, while Canada had paid out much more than the small amount of the joint fund in her hands, a balance thus necessarily resulting against New Brunswick.

The present creditors have, as a further indemnity for her inability to protect them at the time, in the rights she conferred upon them, been substituted for the late Province of Canada in the ownership of the debt thus due, as before understood and finally concurred in by Quebec and Ontario and recognized by the Dominion Government. It was in view of all the facts that the Dominion Government passed the Order in Council of 30th August, 1877, to pay the debt to the present creditors, subject to the sole condition that Quebec and Ontario representing the original creditor should concur, which they have done.

It is further to be remarked that New Brunswick, that took such strong grounds originally in maintaining that the licensees were entitled to "*a large amount of indemnities*" and has since acknowledged that she was the wrong-doer in seizing their timber, *is contributing nothing to this indemnity*. It is Canada's money that is going to indemnify them, not hers, and she is only interfering to prevent Canada