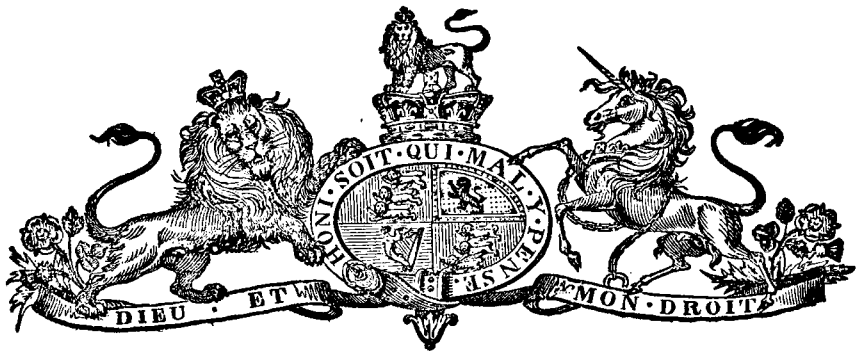


ANNO DECIMO QUARTO & DECIMO QUINTO

VICTORIÆ REGINÆ.

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CAP. LXIII.

An Act for the Settlement of the Boundaries between the Provinces of *Canada* and *New Brunswick*. [7th *August* 1851.]

WHEREAS certain Disputes have existed respecting the Boundary Line between the Provinces of *Canada* and *New Brunswick* in *North America*; and pending such Disputes certain Funds have arisen from the disputed Territory, and have been received by the Governments of such Provinces respectively: And whereas, with a view to the Settlement of such Disputes, the Governor General of *Canada* and the Lieutenant Governor of *New Brunswick*, by the Advice of their respective Councils, agreed that the Matter in dispute should be referred to Arbitrators, who should be directed to report to Her Majesty's Government, and that such Governor General and Lieutenant Governor should each name an Arbitrator on behalf of the said respective Provinces, and that such Arbitrators should name a Third Arbitrator, the Award to be made by the Three Arbitrators or any Two of them; and it was also agreed by such Governor General and Lieutenant Governor, with the Advice aforesaid, that the net Proceeds of the Funds in the Hands of the said Governments arising from the disputed Territory should be applied, first, to defray the Expenses of the Arbitration, second,

second, to defray the necessary Expenses of running the (Boundary) Line as settled, (in case such Funds should prove insufficient, the Expenses to be borne equally by the respective Governments,) and, third, the Balance of such Funds to the Improvement of the Land and Water Communication between the Great Falls of the *Saint John* and the *Saint Lawrence*: And whereas, in pursuance of the Agreement in this Behalf, the Governor General of *Canada* named *Thomas Falconer* Esquire to be One of the said Arbitrators, and the Lieutenant Governor of *New Brunswick* named *Travers Twiss* Doctor of Laws, to be another of the said Arbitrators, and the said *Thomas Falconer* and *Travers Twiss* named the Right Honourable *Stephen Lushington*, Judge of the Admiralty Court, to act as the Third Arbitrator: And whereas on the Seventeenth Day of *April* One thousand eight hundred and fifty-one the said *Stephen Lushington* and *Travers Twiss* made an Award concerning the said Boundary, and transmitted the same, together with a Plan therein referred to, to the Right Honourable Earl *Grey*, One of Her Majesty's Principal Secretaries of State, and such Award is in the following Terms:

Appointment of Arbitrators between Canada and New Brunswick.

Award of Dr. Lushington and Dr. Twiss, 17th April 1851.

" That *New Brunswick* shall be bounded on the West by the " Boundary of the United States, as traced by the Commissioners of " Boundary under the Treaty of *Washington* dated *August* 1842, " from the Source of the *Saint Croix* to a Point near the Outlet of " Lake *Pech-la-wee-kaa-co-nies* or Lake *Beau*, marked A. in the " accompanying Copy of a Part of Plan 17 of the Survey of the Boun- " dary under the above Treaty; thence by a straight Line connecting " that Point with another Point to be determined at the Distance of " One Mile due South from the Southernmost Point of *Long* Lake; " thence by a straight Line drawn to the Southernmost Point of the " Fiefs *Madawaska* and *Temiscouata*, and along the South-eastern " Boundary of those Fiefs to the South-east Angle of the same; thence " by a meridional Line Northwards till it meets a Line running East " and West, and tangent to the Height of Land dividing the Waters " flowing into the River *Rimouski* from those tributary to the *Saint* " *John;* thence along this tangent Line Eastward until it meets another " meridional Line tangent to the Height of Land dividing Waters " flowing into the River *Rimouski* from those flowing into the *Resti-* " *gouche* River; thence along this meridional Line to the 48th " Parallel of Latitude; thence along that Parallel to the *Mistouche* " River; and thence down the Centre of the Stream of that River to " the *Restigouche;* thence down the Centre of the Stream of the " *Restigouche* to its Mouth in the Bay of *Chaleurs;* and thence " through the Middle of that Bay to the Gulf of the *Saint Law-* " *rence;* the Islands in the said Rivers *Mistouche* and *Restigouche* to " the Mouth of the latter River at *Dalhousie* being given to *New* " *Brunswick:*"

"*Brunswick*:" And whereas it is expedient that the said Boundary should be settled in conformity with the said Award: Now, therefore, be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

The Line described in the Award to be the Boundary, and to be set out accordingly.

I. *New Brunswick* shall be bounded as in the said Award mentioned; and it shall be lawful for One of Her Majesty's Principal Secretaries of State to appoint such Person or Persons as he may think fit to ascertain, define, and mark the Boundary Line between the said Province of *New Brunswick* and the said Province of *Canada*, according to the Intent of the said Award.

The Funds accrued from the disputed Territory to be applied according to the Agreement.

II. The net Proceeds of the Funds in the Hands of the local Governments of the said Provinces of *Canada* and *New Brunswick* respectively arising from the Territory heretofore in dispute between such Provinces shall be applied according to the Terms herein-before mentioned of the said Agreement concerning the same.

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