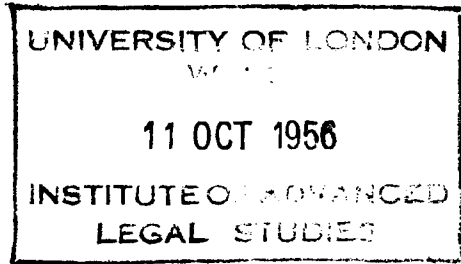


29443



IN THE PRIVY COUNCIL

Nos. 25 and 26 of 1896.

ON APPEAL FROM THE

SUPREME COURT OF CANADA

BETWEEN THE DOMINION OF CANADA,

APPELLANTS.

AND

THE PROVINCE OF ONTARIO,

RESPONDENTS.

AND BETWEEN

THE PROVINCE OF QUEBEC,

APPELLANTS.

AND

THE PROVINCE OF ONTARIO,

RESPONDENTS.

JOINT APPENDIX OF DOCUMENTS.

JOINT APPENDIX

INDEX OF REFERENCE.

No.	Description of Document.	Date.	Page.
1	Extract—Canada Sessional Papers 1844-45—Appendix to Journals of Assembly—Appendix EEE. (Rawson Report). With references to Imperial Blue Books on Indian affairs.....	1834 to 1839.....	6-7
2	Despatch—Sir F. B. Head to Lord Glenelg, enclosing surrenders Manitoulin Island and Saugeen Territory.	20th August, 1836....	7-9
3	Despatch—Lord Glenelg to Sir George Arthur laid before the Provincial Legislature relative to the proposed surrender of the Casual and Territorial Revenue, and the establishment of a permanent Civil List.	28th December, 1837..	10-17
10	4 Memorial of Commissioner of Crown Lands of Canada to Executive Council, asking authority to pay proceeds of Crown Lands and Timber dues to Receiver-General, leaving other proper authorities to pay Indian Annuities, and referring to opinion of Law officers of the Crown.	Not dated but made prior to 3rd February, 1843.	18
5	Order by Governor-General in Council, approving the Report of the Committee of 20th February, 1843, whereby the Committee agreed with the opinion of the Law officers that the Indian annuities were a permanent first charge on the Crown revenues surrendered.	20th February, 1843..	19 20
6	Imperial Act, 10 and 11 Vic., cap. 71, confirming Provincial Act 9 Vic., cap. 114, granting a permanent Civil List, including the Indian annuities.	22nd July, 1847.....	21-25
20	7 Extract from 12 Vic., cap. 200, Canada (1849) and Consolidated Statutes of Canada, cap. 26 (1859).	1849 and 1859.....	26
8	14 and 15 Vic., cap. 106, Canada, setting apart Public Lands for Indian Tribes in Lower Canada. Schedule of appropriation of said lands	30th August, 1851 ... 8th June, 1854	27 28
9	Dominion Order-in-Council advising a communication to the Government of Ontario, and enclosing the Report of the Deputy Superintendent of Indian Affairs of 9th July, 1873, on the subject of increasing the annuities to the Treaty Indians.	9th July, 1873.....	29-30
30	10 Deputy Minister of the Interior to Secretary of State for Canada, enclosing, for transmission to the Government of Ontario, the Order-in-Council of 9th July, 1873.	8th August, 1873	30
11	Memorandum of Commissioner of Crown Lands of Ontario, of collections made in surrendered territories.	31st October, 1874 ...	31
12	Despatch—Lieutenant-Governor of Ontario to Secretary of State for Canada, enclosing Order-in-Council of Ontario of the 30th October, 1874, concurring in a Report of Attorney-General of Ontario, 14th October, 1874.	31st December, 1874..	31-3
13	Minister of Justice reports on certain papers relating to the increase of annuities.	7th July 1875.....	33-4
40	14 Report of the Minister of the Interior to the Privy Council, on the increase of annuities.	12th July, 1875.....	34-5

INDEX FOR REFERENCE.—Continued.

No.	Description of Document.	Date.	Page.
15	Dominion Order-in-Council upon the Report of the Minister of the Interior....	22nd July, 1875	36
16	Deputy Minister of the Interior to Assistant Commissioner of Crown Lands, Ontario, applying for statement of proceeds from sales of certain lands ceded.	21st September, 1887.	37
17	Assistant Provincial Secretary Eckhart, Ontario, to Secretary of State for Canada, enclosing statements of moneys received and distributed between 1850 and 1877, in respect of the surrendered lands, (The Statement enclosed in No. 17.)	15th April, 1879.....	37
18	The Lake Huron Territory.....	10th April, 1879	38 10
19	The Lake Superior Territory.....	10th April, 1879.....	39
20	Memorandum of Deputy Superintendent of Indian Affairs, stating case of department for claim for arrears chargeable for Huron and Superior annuities.	22nd November, 1882.	40
	The Statement accompanying the above memorandum.....		41
21	Memorandum of Deputy Superintendent of Indian Affairs, for submission to the Superintendent-General that the Deputy Finance Minister requests to be informed whether the Superintendent-General of Indian Affairs approves of the annuities being capitalized as on 30th June, 1867.	8th December, 1882..	42
22	Extract from the Book of Accounts, Canada Sessional Papers No. 56, 1884, prepared and delivered by the Dominion Government to the Provinces of Ontario and Quebec, 17th December, 1883, and laid before Parliament 11th February, 1884. The Book contains the account against the late Province of Canada and the accounts against the Provinces of Ontario and Quebec, between 1st July, 1867, and 30th July, 1882.	17th December, 1883.	43-4 20
23	Extract from the Book of Accounts, Canada Sessional Papers No. 18, 1886, prepared and delivered by the Dominion Government to the Provinces of Ontario and Quebec on 11th June, 1886, and laid before Parliament 29th May, 1886.	11th June, 1886	45
	The Book contains the account against the late Province of Canada and the accounts against the Provinces of Ontario and Quebec from 1st July, 1867, to 30th June, 1885.		30
	The extract is from page 52 of No. 18.		
24	The Particulars of the Dominion claim, for arrears and increase of annuities laid before arbitrators, in three tables :	1893.....	46-7-8
	Table I.....1851 to 1866		
	Table II.....1867 to 1873		
	Table III.....1874 to 1892		

IN THE PRIVY COUNCIL.

On Appeal from the Supreme Court of Canada.

IN THE MATTER OF THE ARBITRATION

FOR SETTLEMENT OF ALL QUESTIONS RELATING OR INCIDENT TO THE ACCOUNTS, AND FOR THE SETTLEMENT OF MATTERS OF ACCOUNT BETWEEN THE DOMINION OF CANADA AND THE PROVINCES OF ONTARIO AND QUEBEC, AND BETWEEN THE SAID TWO PROVINCES, PURSUANT TO 54 AND 55 VIC. CAP. 6, CANADA; 54 VIC. CAP. 2, ONTARIO; AND 54 VIC. CAP. 4, QUEBEC.

THE DOMINION OF CANADA AND THE PROVINCE OF QUEBEC,

APPELLANTS,

and

THE PROVINCE OF ONTARIO,

RESPONDENT.

The counsel for the respective parties in this appeal have agreed that the following documents shall form a Joint Appendix to the printed Record of proceedings, and that the said documents may be referred to upon the Argument of the Appeal before the Judicial Committee of the Privy Council:—

This appendix is printed for convenience of reference only, and neither the Appellants nor the Respondent are to be precluded on the argument from denying or disputing the relevancy of any of the facts or conclusions therein contained.

JOINT APPENDIX.

OF TREATIES, REPORTS, OPINIONS, HISTORICAL ACCOUNTS, EXTRACTS FROM SESSIONAL PAPERS,
AND STATUTES IMPERIAL AND PROVINCIAL.

No 1.

No. 1.
Extracts,
Rawson
Report.

Extracts from Report of the Commissioner's appointed to enquire into the Affairs of the Indians in Canada, dated 22nd January, 1844, laid before the Legislative Assembly, 20th March, 1845. Appendix (EEE) to Journals of the Legislative Assembly of the Province of Canada, 1844-45; and continued in appendix (T) to the Journals, 1847, and known as "Rawson's Report."

Extracts from Report * * * * *

10

Contrast, con-
dition and
number of
Indians in two
Provinces.

In Upper Canada much has since been done in furtherance of Indian civilization—it is true that much more was required—than in the Lower Province. The number of resident Indians was double, and many thousands more were wanderers in the remote and uninhabited districts. Almost all the tribes in Lower Canada had long been partially civilized and converted to christianity; the majority of those in the Upper Province were uncivilized and pagans. The former possessed no annuities, and were dependent wholly on the Parliamentary grant, the inadequacy of which, to meet any large increase of expenditure, has been already pointed out. The latter were in the enjoyment of an annual income, payable by the Government, or derived from investments in public and private securities, amounting to above £6,500.

Hence the opportunities and means for promoting their improvement were much greater, and 20 successive Lieutenant-Governors, prompted and aided by the Secretaries of State, and by the zealous and laudable exertions of missionaries of all classes, have conferred great and lasting benefits on the tribes within their jurisdiction. Their efforts have been restricted by the same causes as in the other Province. In both, it appears that the Indians have now attained nearly the same stage of civilization at which their further progress requires more enlarged measures, and more active interference.

The steps by which the Upper Canadian Indians were brought to this condition are described in the official correspondence.

(See Despatch, 14th October, 1830, *Parl. Papers*, page 128.)

In 1830, Sir John Colborne reported that certain tribes, comprising a few hundred individuals, 30 had been placed under the charge of a Superintendent of the Indian Department, and urged to clear a tract of land between Lakes Huron and Simcoe; that he had directed houses to be built for them, on detached lots, and that they were clearing ground for farms. Agricultural implements had been procured for them, experienced farmers had been engaged to instruct them, and schoolmasters appointed to educate their children.

(See note 2, T. G. Anderson's *Rep. to Sir J. C.*, 22nd January, 1836, page 118.)

References to some Public Documents accompanying the above Report on Indian Affairs.

1.—Return to several addresses to His Majesty, relating to the Aboriginal Tribes in North America, etc., ordered to be printed by the House of Commons, 4th August, 1834, No. 617. (*See Parl. Papers 1834, Despatch 14th October, 1830, p. 128, p. 138-146.*)
Rawson's Report, Appx. to Jo. of Leg. Assembly, No. 2, 1844-45, Appx. EEE, pp. 7-8.

2.—Copies or extracts of correspondence since 1st April, 1835, between the Secretary of State for the Colonies, and the Governors of the British North American Provinces respecting the Indians in these Provinces. Ordered to be printed by the House of Commons, 17th June, 1839, No. 323.

No 2.

10 *Surrenders by Chippewa and Ottawa Indians to Sir Francis Bond Head, 9th August, 1836, at Manitoulin Islands, of Islands on the north shore of Lake Huron and by the Saugeen Indians of the Territory known as the Huron Tract.*

[Ordered by the House of Commons to be printed 17th June, 1839.]

SIR. F. B. HEAD, TO LORD GLENELG.

Toronto, 20th August, 1836.

MY LORD,—On arriving at the Great Manitoulin Island, where I was received by 1,500 Indians, who had assembled for their presents. I found that this Island, as well as those I had mentioned, belonged (under the Crown) to the Chippewa and Ottawa Indians, and that it would be necessary to obtain their permission before we could avail ourselves of them for the benefit of
 20 the other tribes.

Although I did not approve of the responsibility as well as the expense of attracting, as had been proposed, the wild Indians from the country north of Lake Huron to Manitoulin, yet it was evident to me that we should reap a very great benefit if we could persuade these Indians who are now impeding the progress of civilization in Upper Canada, to resort to a place possessing the double advantage of being admirably adapted to them (inasmuch as it affords fishing, hunting, bird-shooting and fruits) and yet in no way adapted to the white population.

Nothing could be more satisfactory than the calm deliberate manner in which the chief gave, in the name of the great Ottawa tribe, his entire approval of my projects; and as the Chippewas and Ottawas thus consented to give up the 23,000 Islands, and as the Saugeens also consented to
 30 give up a million and a half acres adjoining the lands of the Canada Company, I thought it advisable that a short plain Memorandum should be drawn up explanatory of the foregoing arrangements, to be signed by the Chiefs while in Council, and witnessed by the Church of England, Catholic and Methodist clergymen who were present, as well as by several officers of His Majesty's Government.

I enclose to your Lordship a copy of this most important document. * * * Your Lordship will at once perceive that the document is not in legal form; but our dealings with the Indians have been only in equity, and I was therefore anxious to show that the transaction had been equitably explained to them.

No. 2.

Despatch.
 20 Aug., 1836.
 Sir F. B. Head
 to
 Lord Glenelg
 with
 surrenders.

Manitoulin
 Island and
 Saugeen Terri-
 tory.
 (Record 121.)
 line 8.
 Huron Tract,
 Rec. 121, line
 8.

No. 2.—*Con.* The Surrender of the Saugeen territory has long been a desideratum in the Province, and it is now especially important, as it will appear to be the first fruits of the political tranquility which has been obtained.

I feel confident that the Indians, when settled by us in the manner I have detailed, will be better off than they were, that the position they occupy can *bona fide* be fortified against the encroachments of the whites, while on the other hand there can be no doubt that the acquisition of their vast and fertile territory will be hailed with joy by the whole Province.

I have, etc., etc.,

F. B. HEAD.

MEMORANDUM REFERRED TO IN THE FOREGOING DESPATCH.

10

(*Seal of Sir F. B. Head and the Wampum.*)

Manitoulin
Island sur-
render,
9 Aug., 1836.

MY CHILDREN,—Seventy snow seasons have now passed away since we met in Council at the Crooked Place (Niagara), at which time and place your Great Father the King and the Indians of North America tied their hands together by the Wampum of friendship.

Since that period various circumstances have occurred to separate from your Great Father many of his Red children, and as an unavoidable increase of white population, as well as the progress of cultivation, have had the natural effect of impoverishing your hunting grounds, it has become necessary that new arrangements should be entered into for the purpose of protecting you from the encroachments of the whites.

In all parts of the world farmers seek for uncultivated land as eagerly as you, my red child- 20 ren, hunt in your great forests for game. If you would cultivate your land it would then be considered your own property; in the same way as your dogs are considered among yourselves to belong to those who have reared them; but uncultivated land is like wild animals, and your Great Father, who has hitherto protected you, has now great difficulty in securing it for you from the whites who are hunting to cultivate it.

Under these circumstances I have been obliged to consider what is best to be done for the Red children of the forest and I now tell you my thoughts.

It appears that these Islands in which we are now assembled in Council, are as well as all those on the north shore of Lake Huron, alike claimed by the English, the Ottawas and the Chippewas.

30

I consider that, from their facilities, and from their being surrounded by innumerable fishing islands, they might be made a most desirable place of residence for many Indians who wish to be civilized as well as to be totally separated from the Whites; and I now tell you that your Great Father will withdraw his claim to these Islands, and allow them to be applied for that purpose.

Are you, theretofore, the Ottawas and Chippewas, willing to relinquish your respective claims No. 2.—*Con.* to these Islands, and make them the property (under your Great Father's control) of all Indians whom he shall allow to reside on them? If so, affix your marks to this proposal.

F. B. HEAD.

10	J. B. Assekinack, Mokominock, Wawarphack, Kimowm, Kitchemokomon, Pega Ata Wich, Paimausigal, Naimaumuttebe	Mosuweko, Kewuckanc, Shewenausaway, Espaniole, Snake, Pantauseway, Parmaugumeshcum, Wagaumauguin.
----	---	--

Manatowanning, 9th August, 1836.

TO THE SAUKINGS.

MY CHILDREN,—You have heard the proposal I have just made to the Chippewas and Ottawa-
 was, by which it has been agreed between them and your great Father that these Islands (Mani-
 toulin), on which we are now assembled in Council, should be made the property (under your
 Great Father's control), of all Indians whom he shall allow to reside upon them.

Saugeen
surrender,
9 Aug., 1836.

Huron Tract,
12 Vic., c. 200.
Record 121,
line 8.

I now propose to you that you should surrender to your Great Father the Sauking territory
 20 you at present occupy, and that you should repair either to this Island or to that part of your
 territory which lies in the north of Owen's Sound, upon which proper houses shall be built for
 you, and proper assistance given to enable you to become civilized and to cultivate land, which
 your Great Father engages forever to protect for you from the encroachment of the whites.

Are you therefore, the Sauking Indians, willing to accede to this arrangement? If so, affix
 your marks to this my proposal.

F. B. HEAD.

Kaguta.	Crenevirem.
Matiewabe.	Konquawis.
Alescandre.	Mattwaush.

WITNESS:—

T. G. Anderson, S. I. A.

30 Joseph Stinson, *General Supt. of Wesleyan Missionary Society.*
 Adam Elliott.
 James Evane.
 F. L. Ingall, *Lieutenant 15th Regiment commanding Detachment.*
 H. W. Fields, D. A. C. General.

MANATOWANNING, 9th August, 1836.

No. 3.

No 3.

Despatch
28 Dec., 1837.
Lord Glenelg
to
Sir George
Arthur.

(*Appendix to Journals of Upper Canada, 1839, Volume 2, page 581.*)

Extract from a despatch, dated 28th December, 1837.

Proposed sur-
render of the
revenues at
the disposal of
the Crown.

From Her Majesty's Principal Secretary of State for the Colonies, relative to the surrender of the Casual and Territorial Revenue of the Crown in Upper Canada.

TO THE PROVINCIAL LEGISLATURE.

In the arrangements to be concluded with the Assembly, Her Majesty's Government desire only to secure the efficient and upright discharge of the duties of the Executive Government, and the maintenance of the pledged faith of the Crown.

The revenues now at the disposal of the Crown in Upper Canada, appear from the Blue Book returns, to have amounted in the year 1836, to £35,399-7s-5d. : the items of which they consist 10 are stated in the Schedule marked A. appended to this Despatch.

Of these revenues the first item in the annexed schedule, arising from the payments of the Canada Company, and amounting to £20,000, is of a temporary nature, and will altogether cease after the year 1842; but on the other hand, it is not unreasonable to expect an increased return from other sources. Thus, as the population and capital of the Province advance, the sales of Crown lands and timber will naturally be augmented; while by the arrangement concluded with the Ordnance Department, for the sale of the Military Reserve, at Toronto, the price of that Reserve which cannot but be considerable, will, subject to a deduction to be hereafter noticed, be placed at the disposal of the Legislature.

The existing charges on this revenue amount to £32,005: the items of which they consist 20 are stated in the annexed schedule marked B. Of these items a large proportion may, I conceive, be altogether excluded from the Civil List to be proposed to the Local Legislature—while others, though they must for the present be maintained, are yet to be considered as only temporary charges.

In the first class are to be placed the salaries of the officers mentioned in the margin—the contingent expenses of the Government Office—of the Secretary and Registrar—and of the Administration of Justice—together with that general expenditure, on account of public objects, of an occasional or fluctuating nature: to the support of which the faith of the Crown is not pledged. From the schedule marked C. you will perceive that the total amount of these charges, on an average of three years, is £12,565. The incidental expenditure of the Surveyor-General's Office 30 is omitted in this schedule, as well as in the proposed Civil List—because being as I presume, for expenses incurred in the management of the Crown Lands it must, according to the universal practice, be deducted from the gross proceeds of the land revenue, before that revenue is paid over. But in order to prevent any misconstruction on this subject, you will lay before the Assembly of Upper Canada, annually, within fourteen days of their meeting, a statement of the incidental expenditure during the preceding year, the Offices connected with the management and sale of the Crown property.

In excluding these charges from the proposed Civil List, I am influenced by no doubt of their propriety, but by the consideration that there is no sufficient ground for withdrawing them from the annual revision of the Provincial Legislature. I feel confident that the Assembly of Upper 40 Canada will pay due regard to the fair claims of the Public Officers thus thrown on their liber-

ality ; but so soon as you shall have submitted to that House the propositions of Her Majesty's Government, you will apprise those Officers of the change which will probably take place in their situation. No. 3.—*Con.*

In the second class to which I have referred, that, namely, of charges which must for the present be maintained, but which are only of a temporary nature, the first and the most important is the charge of £6,995 per annum for the Ministers of the different religious communities in Upper Canada. Those payments are made under engagements which have been contracted at various times with the representatives of these bodies, and the fulfilment of which they have a right to demand so long as they cannot obtain an equivalent from other public funds in the Province, and as the Crown shall possess funds at its own disposal sufficient to meet their demands after satisfying the claims of the various public services which must necessarily be provided for in order to the efficient conduct of the Local Government. An equitable settlement of the Clergy Reserve question to which your attention has been called in a separate Despatch, would, I trust, provide for each of these bodies a secure and permanent provision, which would be far more than an adequate substitute for the one now made to them from the Crown Revenue. On the other hand, the diminution of this revenue in 1842 by the cessation of the receipts from the Canada Company, would deprive the Crown of the power of continuing these payments on their present footing, nor can I hold out any prospect that it would be in the power of Her Majesty's Government to propose to Parliament to provide from the funds of this country for the support of ecclesiastical establishments in Upper Canada.

In the earnest hope, therefore, that your efforts to effect a satisfactory adjustment of the clergy Reserve question, will be successful, I feel that I am entitled to consider this charge as only a very temporary burthen on the Crown Revenue. For the present, however, and until such arrangements can be effected, it must be retained, subject to the contingency to which I have already referred.

The next charge of a temporary nature, is that of pensions, now amounting to £1,598 10s. 9d., but which will gradually decrease as the interests of the actual receivers cease. As however, the faith of the Crown has been pledged to these payments from funds at its own disposal, this charge must be retained, on the surrender of those funds, subject to an understanding that the Province will have the benefit of whatever reduction may from time to time take place by the gradual diminution of the payments.

The salary and commuted allowance to Mr. Cameron must also be considered as subject to future reduction. In conformity with the assurance heretofore given to that gentleman, his emoluments will be continued during his tenure of office at their former amount, but on the appointment of a successor, the whole salary of the Provincial Secretary will be fixed at £600, a sum which from Sir John Colborne's Despatch of the 16th April, 1834, would seem to be a sufficient remuneration for the duties of the office.

After making these deductions, the whole of the permanent Civil List to be demanded in return for the cession of the Crown Revenues, will amount to £9,000 the temporary charges above alluded to, constitute a further demand of £8,929 10s. 9d. In the schedule marked D, will be found a statement of these charges.

I now proceed to advert to the items of which the permanent Civil List is composed :

1. The charge is a sum of £1,500 per annum for the salary of the Lieutenant-Governor, making the entire emoluments of that Officer £3,500 a year. This is a departure from the intention respecting the future amount of the Lieutenant-Governor's salary, announced by the Earl of Ripon

No 3 — *Con.* to Sir John Colborne, on the 24th of April, 1832, and actually carried into effect in the case of your predecessor. But it must be observed, that the experience of the last two years has shown the insufficiency of the civil salary of £3,000 a year alone, to support the dignity of the office, without a considerable departure from the ordinary habits of hospitality observed by the Lieutenant-Governor. At the date of the Earl of Ripon's communication, it was the general practice to appoint to the Government of the British Colonies, officers holding high military rank, and enjoying considerable military emoluments. Although these emoluments were entirely independent of such appointments, yet being paid out of public funds, they might not improperly be taken into account, in considering the further remuneration to be granted by the public for the additional duties attached to the Administration of a Colonial Government. Under these circumstances, a salary of £3,000 sterling per annum, added to the military emoluments, would seem an ample remuneration for the office of Lieutenant-Governor of Upper Canada because it would enable the Officer selected for that high station to discharge the duties and to maintain the dignity of it, without trenching on his private fortune. To this amount, therefore, I should propose to restrict it in the case of an Officer drawing large military emoluments, but where, as in your own case, and that of Sir F. Head, the only remuneration received from the public is the civil salary attached to the office, Her Majesty's Government are of opinion, that the salary should not be less than £3,500 a year. Considering the prominent station occupied by the Lieutenant-Governor of Upper Canada, and the large claims necessarily imputed on him as the Representative of the British Sovereign, I entertain a full confidence that the Assembly of Upper Canada will give a fair consideration to this proposition. 10 20

2. The salaries of the Provincial Secretary, the Commissioner of Crown Lands, and Surveyor-General of Woods and of the Surveyor-General, are the next items on the Civil List. I need not make any further comment on the first of these charges and with regard to the salary enjoyed by Mr. Sullivan, who fills the offices of Commissioner of Crown Lands and Surveyor-General of Woods. I think it only necessary to observe, that it does not exceed one moiety of that received by his predecessor. The salary proposed for the Surveyor-General is evidently, no more than an adequate remuneration for the duties of that office.

Payments to
Indians under
Treaties.

3. The payments to the Indians form the next item on the Civil List. These payments being made under treaties, and in return for the Cession to the Crown of large tract of land, can, of course, admit of no question. 30

4 The last item is a sum of £395 for contingencies, on which it seems superfluous to offer any explanation.

These are all the fixed charges for which I consider it necessary to stipulate, but there are two contingent charges to which a portion of the Crown Revenues of Upper Canada are subject, and which it is, therefore, necessary here to notice.

The first of these charges is the expense of surveying the land sold to the Canada Company, and of completing the road through the Clergy Reserves in the District of Gore which, by the eighth clause of the definite agreement with the Company, Her Majesty's Government are bound to undertake. What may be the amount of expenditure required for these works, or what portion of them may have been already completed, I have no means of stating; but you will probably, be able to ascertain these points, and afford to the Assembly, should they desire it, a tolerably accurate estimate of the reduction to be made on this account from the payments of the Company. 40

The second charge of this nature is for the erection of new barracks at Toronto. When it was proposed to the Ordnance Department, in 1833, that the Reserve at Toronto should be sold, the Master-General and Board stated that such a proceeding would make it necessary to remove their barracks from their present site. As, however, the grounds of the proposition were the advantages which would thence result to the City of Toronto, the Board consented to the sale on condition that a sufficient site for new barracks should be reserved, and that the expense of erecting them should be defrayed out of the proceeds of the sale; to this condition Her Majesty's Government felt bound to accede, and the obligation of it still exists, although various circumstances have hitherto delayed the commencement of the barracks. But in transferring to the control of the Provincial Legislature the proceeds of this reserve, it is necessary that the conditions on which the sale of it was permitted, should be distinctly explained. The amount required for the barracks will not, I apprehend, exceed £10,000 while the proceeds of the reserve will, probably, be not less than £60,000.

In stating the resources from which an addition may be expected to the Casual and Territorial Revenue, I have not adverted to the lands ceded by the Indian Tribes in the autumn of 1836; because, however valuable those lands may be, their proceeds will not, for many years be more than sufficient to meet the charges which it is intended to place on them. On referring to my Despatch of the 20th of January last, you will perceive, that in conformity with a suggestion of your Predecessor, Her Majesty's Government have decided to devolve on the fund arising from the sale of these lands, the expenditure at present defrayed by this country for presents to Indians in Upper Canada. This is an expenditure almost entirely of a local nature and although the Imperial Parliament, in deference to the faith plighted to the Indians, having during many years consented to bear the burthen of it, Her Majesty's Government would not feel justified in continuing to demand a vote for this service after there should have accrued within the Province a fund legitimately applicable to it. No fund could be more properly applied to such a purpose than that which arises from the sale of Indian lands; and adverted to the great advantages which the Province will derive from the possession of these lands, I have little apprehension that the Legislature will object to the condition with which that possession is connected.

It is possible, that if the Assembly should accede to the proposition now to be made to them, they may desire to incorporate into one Act the whole of the provisions for the grant of the Civil List to the Crown, and to repeal the Provincial Act of the 1st William IV chap. 14. There would, of course, be no objection to such a proceeding, should they think it advisable, provided that the whole amount, so to be granted to the Crown, be not thereby diminished. For the forms which must be observed in the presentation of any such bill for your acceptance, I refer to my Despatch to Sir Francis Head, of the 7th of February last, (No. 142).

I have now gone through all the topics connected with the subject, which it seems necessary for me to notice. I am confident that in the offer which, by the Queen's commands, I have instructed you to make to the Legislature of Upper Canada, the Council and Assembly will recognize the anxiety of Her Majesty to meet the wishes of her subjects in that part of her dominions, and the confidence which Her Majesty feels in their attachment and liberality. It will afford Her Majesty the most sincere gratification if the result of this offer should be a satisfactory settlement of the question respecting the Crown Revenues in Upper Canada.

I have the honor to be, &c.,

[Signed]

GLENELG.

Major-General Sir George Arthur, K. C. H.

&c., &c., &c.

SCHEDULE A.

Schedule A. to
despatch of
28 Dec, 1837.

AMOUNT of the Crown Revenues in Upper Canada for the year 1836.

Canada Company's payment	£20,000	0	0
Rents of Mines, Ferries, &c	381	19	5
Fines	106	2	9
Seizures	864	19	4
Sales of Timber	7,795	18	10
Rents of Crown Reserves	220	16	3
Sales of Military Reserves at Toronto	2,961	18	10
Sales of Crown Lands	581	18	1
Fees on Commissions	37	16	0
Fees on Grants of Land, and Leases	2,645	18	2
	<hr/>		
	£35,399	7	5

SCHEDULE B.

Schedule B.
to despatch of
28 Dec., 1837.

SCHEDULE of the Expenditure charged on the Crown Revenues of Upper Canada, in 1836.

Ordinary and fixed Expenses of the Departments of Government, 1836.			Contingent expenses.		Total.			
	£	s. d.	£	s. d.	£	s. d.	£	s. d.
Lieutenant-Governor	1,035	3 0			1,034	3 0		
Government Office			210	16 2	210	16 2		
Executive Council	200	0 0			200	0 0		
Receiver-General	200	0 0			200	0 0		
10 Secretary and Registrar	936	11 4	191	8 4	1,127	19 8		
Inspector-General	200	0 0			200	0 0		
Surveyor-General	366	17 6	2,482	13 11	2,849	11 5		
Commissioner of Crown Lands	500	0 0			500	0 0		
Surveyor-General of Woods	500	0 0			500	0 0		
Administration of Justice			47	14 3	47	14 3		
							6,800	4 6
Canals, Roads and Bridges					1,023	15 0		
Location and subsistence of Emigrants and Commuted Pensioners					3,621	17 9		
Government Printer					479	6 11		
20 Payment for Indian Lands ceded to Government					5,947	6 9		
The Government proportion of the expense of surveys by the Canada Com- pany					309	8 7		
Speaker of the Legislative Council					360	0 0		
Upper Canada College					1,000	0 0		
Central School of Toronto					353	15 6		
Government School at Peterboro'					67	10 0		
Maps for the Surveyor-General					180	0 0		
Missionaries of the Church of England					2,565	12 6		
Ministers of the Church of Scotland					1,541	10 0		
30 Ministers of the United Presbyterian Synod of Upper Canada					699	19 11		
Priests of the Roman Catholic Clergy					1,500	0 0		
House rent, Lord Bishop of Quebec					180	0 0		
Grant to Wesleyan Methodist Missions					700	0 0		
							20,530	2 5
Pension to the Honourable T. Talbot					400	0 0		
do Roman Catholic Bishop of Regiopolis					100	0 0		
do Sir David W. Smith					200	0 0		
do William Chewett					360	0 0		
do Family of the late Major-General Shaw					100	0 0		
40 do Officers of the late Incorporated Militia					176	10 9		
do Oneida Joseph--Indian Chief					15	0 0		
do Thomas Merritt					47	0 0		
do Samuel Ridout					200	0 0		
							1,598	10 9
Uncertain charges, viz. :—								
Repairs to Government House					1,305	0 0		
Writs of Election					442	4 1		
Compensation for land surveyed					495	0 0		
Explorations					370	1 2		
50 Miscellaneous					394	2 3		
							3,006	7 6
Total charge							32,005	5 2

Schedule C.
to despatch
28 Dec., 1837.

SCHEDULE C.

AVERAGE charge in 1834, 1835, and 1836, for the items to be at once excluded from the Civil List of Upper Canada.

	1834.			1835.			1836.			Average.		
	£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.
Salary of Clerk of Executive Council	40	1	10	278	16	9	200	0	0			
do Receiver-General	200	0	0	200	0	0	200	0	0			
do Inspector-General	150	0	0	250	0	0	200	0	0			
do Government Printer	780	16	8	53	6	7	479	6	11			
do Speaker of Legislative Council	540	0	0	360	0	0	360	0	0			10
Contingencies of Secretary and Registrar's office							191	8	4			
do Administration of Justice	442	15	3	679	8	0	47	14	3			
Canals, Roads and Bridges	1,673	13	3	1,467	19	6	1,023	15	0			
Location etc., of Emigrants	3,596	12	5	4,421	2	0	3,621	17	9			
Surveys by the Canada Company				1,518	7	0	309	8	7			
Upper Canada College	1,000	0	0	1,000	0	0	1,000	0	0			
Central School of Toronto	230	0	0	317	14	0	353	15	0			
Government School at Peterboro'	67	10	0	67	10	0	67	10	0			
Maps for the Surveyor-General							180	0	0			
Repairs, etc., of Public Buildings and Works	630	13	4	2,012	0	4	1,305	0	0			20
Costs of attending Writs of Elections							442	4	1			
Compensation for lands surrendered by individuals to the Government							495	0	0			
Explorations				1,135	3	6	370	1	2			
Miscellaneous	379	19	7	1,999	14	2	394	2	3			
	10,093	2	4	15,761	1	10	11,241	3	4	12,565	2	6

1834

1835

1836

3) £37,095 7 6
12,565 2 6

30

SCHEDULE D.

CHARGES to be permanently defrayed out of the proposed Civil List.

Schedule D.
Despatch
28 Dec., 1837.

		£	s.	d.	£	s.	d.	
	Salary of Lieutenant-Governor	1,500	0	0				
	do Secretary and Registrar	600	0	0				
	do Commissioner of Crown Lands and Surveyor-General of Woods	500	8	0				
	do Surveyor-General	600	0	0				
	Payments to Indians	5,405	0	0				Payments to Indians.
	Contingencies	395	0	0				
10					9,000	0	0	
	<i>Charges to be placed temporarily on the Civil List but to be hereafter discontinued.</i>							
	Additional salary of Secretary and Registrar				336	0	0	
	Pension to the Honorable Thomas Talbot	400	0	0				
	do Roman Catholic Bishop of Regiopolis	100	0	0				
	do Sir D. W. Smith	200	0	0				
	do William Chewett	360	0	0				
	do The Family of the late Major-General Shaw	100	0	0				
	do Officers of Incorporated Militia	176	10	9				
20	do Oneida Joseph	15	0	0				
	do Thomas Merritt	47	0	0				
	do Samuel Ridout	200	0	0				
					1,598	10	9	
	Missionaries of the Church of England	2,565	0	0				
	House rent for the Bishop	180	0	0				
	Ministers of the Church of Scotland	1,350	0	0				
	United Synod of Upper Canada	700	0	0				
	Roman Catholic Bishop	500	0	0				
	do Priests	1,000	0	0				
30	Wesleyan Methodists	700	0	0				
					6,995	0	0	
					£17,829	10	9	

No. 4.

No. 4.

Memorial,
Commissioner
Crown Lands
to Governor-
General in
Council

To His Excellency Sir Charles Bagot, G.C.B., Governor-General of British North America, etc., etc.

MAY IT PLEASE YOUR EXCELLENCY.

On the subject of the claim of the Commissary-General for the sum of £9,164.11.6 $\frac{3}{4}$ army Sterling, to be repaid to the Military Chest on account of annuities due to the several tribes of Indians up to the 30th September, 1842, the undersigned Commissioner of Crown Lands has the honor to report.

That before the Union Act and the surrender of the Territorial Revenue, the net proceeds arising from Crown lands and timber were paid to the Receiver-General of Upper Canada by the Land Department, the Indian annuities not being first deducted but being paid and accounted for 10 in other departments.

on claim of
the Commis-
sary-General
to be repaid
annuities paid
Indians,

That since the Union there has been an instance of a payment made directly by the Land Department of the united Province to the Commissariat in reimbursement of advances for those annuities, viz., the sum of £2,491.13.10 currency, paid under authority of the letter of Mr. Secretary Murdoch of the 9th October, 1841, that since that time no payment has been made either to the Commissariat or to the Indian Department by the Commissioner of Crown Lands on that account.

That the Commissioner of Crown Lands humbly prays to have the matter investigated and that directions be made whether he is to pay the balances that are in his hands directly in discharge of that claim, or whether he is to pay them to the Receiver-General, leaving it to other 20 proper authorities to settle the matter with the Indians.

That one of the reasons for paying to the Receiver-General is that owing to the large amount of those alleged annuities, the Land Department might be without sufficient funds to cover the claim, which has already been the case ;

And that presently the whole funds in hand arising from land and timber would be barely sufficient for that, the whole of which funds arise nearly from timber, on account of scrip being received in payment for land.

and whether
such annuities
are to be paid
by balances in
his hands.

That the undersigned is aware of the joint opinion of the late Attorneys-General, Messrs. Ogden and Draper, which goes to say that those annuities may be considered as a permanent charge on the Crown revenues to be paid before the net produce of those revenues is paid over 30 to the Consolidated Revenue Fund, but that in his humble opinion it does not follow from that that he is to pay those sums himself to any other than the Receiver-General.

That admitting that legal opinion to be correct, and that as far as the net proceeds of Territorial Revenues go, those annuities should be paid in preference to any debt on that Consolidated Revenue, there might still remain a yearly balance to be otherwise provided for.

That those considerations require the action of the Provincial Legislature and of the Executive Government in that behalf. That the yearly amount of those annuities is stated in the letter of Mr. Secretary Murdoch to the law officers of the Crown, bearing date 11th September, 1841, to amount to £5,405 (not mentioned whether sterling currency), but that no document is before your memorialist to show whether annuities are fixed or variable, nor how far each of the three 40 half-years mentioned in the letter from the Indian Department, dated 14th December, 1842, a claim is preferred amounting to more than one-half of the said sum of £5,405.

Upon the whole the undersigned respectfully recommends that he be directed to pay the monies in his hands to the Receiver-General, to await the further action of Government, and, in the meantime, information be obtained on the whole subject.

The whole nevertheless humbly submitted,

(Signed) A. N. M.

No. 5

No. 5.

To His Excellency the Right Honorable Sir Charles Bagot, G.C.B., Governor-General of British North America, etc., etc.

[*Appd. in Council 20th February, 1843. (Sgd.) C. B.*]

- 10 Report of a Committee of the Executive Council. Present: the Honorable Mr. Sullivan in the chair, Mr. Harrison, Mr. Hincks, Mr. Lafontaine, Mr. Baldwin, Mr. Small and Mr. Morin, on the claim of the Commissary-General for the sum of £9,164. 11. 6 $\frac{1}{2}$ army Sterling, to be repaid to the Military Chest on account of annuities due to several tribes of Indians.

Order by Governor-General in Council, 20 Feb., 1843, in respect of foregoing memorial and opinion of Law Officers that the Indian annuities are a first charge on Crown revenues surrendered to Provincial Legislature by Union Act of 1840,

MAY IT PLEASE YOUR EXCELLENCY.

- 20 The Committee of the Executive Council have had under consideration a memorial of the Commissioner of Crown Lands stating that a claim has been made upon him for the sum of £9,164. 11. 6 $\frac{1}{2}$ army Sterling, to repay the Military Chest for disbursements on account of annuities due to several tribes of Indians, that before the Union and the surrender of the Crown Revenue, the net proceeds arising from Crown lands and timber were paid to the Receiver-General by the Land Department, the Indian annuities not being first deducted, but being paid and accounted for in other departments; that since the union there has been an instance of a payment made directly by the Land Department of the united Province to the Commissary-General in reimbursement of advances on account of these annuities, that is to say, of the payment of £2,491. 13. 10, currency, under authority of a letter of Mr. Secretary Murdoch of the 9th October, 1841; that since that time no payment has been made to the Commissariat or to the Indian Department by the Commissioner of Crown Lands on the same account, and he asks instructions as to the payment of the sum now demanded.

The Committee have before them, the following reference to, and opinion from Messrs. Ogden and Draper, the late Attorneys-General:

- 30 "Under various treaties with the Indian tribes in the late Province of Upper Canada, the Government is bound to pay to them annuities amounting in the whole to £5,405 in consideration of lands ceded by them at different times to the Government; these payments were made heretofore out of the revenues at the disposal of the Crown, under instructions from Her Majesty's Secretary of State, but do not appear to be recognized by any law of the Province of Upper Canada. I am to request you to consider, in consultation with Mr. Attorney-General Draper, and report to the Governor-General his and your joint opinion, whether under the provisions of the Union Act these annuities can be considered as permanent charges on the late Crown Revenue to be paid before it is handed over to the consolidated fund, or whether it will be necessary to apply to the Legislature for a special grant for their liquidation."

OPINION OF THE LAW OFFICERS.

“ In obedience to the commands of His Excellency the late Governor-General conveyed to us “ in your letter of the 11th instant, we have considered the question therein referred to us, and we “ have now the honor to report for the information of the Administrator of the Government that “ we are of opinion that the annuities amounting in the whole to £5,405, which the Government “ is bound under various Treaties with the Indian Tribes in the late Province of Upper Canada, “ to pay to them in consideration of lands ceded by them at different times to the Government, “ and which annuities have heretofore been paid out of the revenues at the disposal of the Crown “ under instructions from Her Majesty’s Secretary of State, having been granted for a considera- 10
 “ tion by which the Territorial Revenues of the Crown must be supposed to have benefited to an
 “ amount at least equal to the said annuities, and for lands which in many cases form part of those
 “ placed by the Union Act at the disposal of the Legislature, may be considered as a permanent
 “ charge on the Crown Revenues, of which the net product is to be paid over to the Consolidated
 “ Revenue Fund under the 54th section of the Union Act, and may therefore be paid out of the
 “ said Crown Revenues before the net produce thereof is handed over to the Consolidated Revenue
 “ Fund of the Province.”

and ordered
 that the
 Receiver-
 General place
 at credit of an
 Indian annu-
 ity account
 the sum due
 on annuities
 from which
 fund the
 Indian annu-
 ities may be
 paid from time
 to time by His
 Excellency’s
 warrant.

The Committee of Council agree with the opinion expressed by the Law Officers that the annuities granted to the Indian Tribes must be considered as a permanent and first charge on the Crown Revenues surrendered to the Legislature, of which the net produce is to be paid over to the Consolidated Revenue Fund under the 54th section of the Union Act, and they think, there- 20
 fore, that the Consolidated Revenue should only be credited by the Receiver-General, after deduct-
 ing the amount of the Indian annuities.

But the Committee see no reason why the Commissioner of Crown Lands should be made a disburser of public monies not connected with the expenses of his Department, and they would therefore recommend that a warrant issue directing the Receiver-General to place at the credit of an Indian annuity account, the sum due on the annuities, and that for the future the Receiver-General be instructed in the first place to credit the same account, with the half-yearly amount of the annuities, carrying the balance of the sum received to the account and credit of the Consolidated Revenue. From the fund so established the Indian annuities may be paid by your Excellency’s warrant, to be issued from time to time. 30

The Inspector-General should be informed of the several Treaties under which the annuities were created, and furnished with such information as will enable him to report upon the amount and whether it has varied, and upon his reports the Receiver-General will regulate the new account.

The Committee are desirous to be placed in possession of all particulars relating to the amount and nature of these annuities, as they are in reduction of the amount coming to the Consolidated Revenue, the Committee think they should appear in the Public Accounts for the information of Parliament.

All of which is respectfully submitted,

By order, (Sgd.) R. B. SULLIVAN, 40
 Chairman.

COUNCIL CHAMBER,
 KINGSTON, 3rd February, 1843.

10° AND 11° VICTORIA, CAP. 71, (IMPERIAL).

An Act to authorize Her Majesty to assent to a certain Bill of the Legislative Council and Assembly of the Province of CANADA, for granting a Civil List to Her Majesty; and to repeal certain Parts of an Act for re-uniting the Provinces of UPPER and LOWER CANADA, and for the Government of CANADA.

Imperial Act, 22 July, 1847, confirming Provincial Act, 9 Vic., 114, to include the Indian annuities in permanent civil list.

[22nd July, 1847.]

WHEREAS the Legislative Council and the Legislative Assembly of the Province of *Canada*, constituted and assembled by virtue of and under the Authority of the Act of Parliament passed
10 in the session holden in the Third and Fourth years of Her Majesty's Reign, intituled *An Act to re-unite the Province of Upper and Lower Canada, and for the Government of Canada*, did, in the year one thousand eight hundred and forty-six, pass a Bill, intituled *An Act for granting a Civil List to Her Majesty*, of which Bill a Copy is contained in the Schedule to this present Act annexed: And whereas the said Bill was presented for Her Majesty's Assent to the then Governor of the said Province of *Canada*; and the said Governor did thereupon declare that he reserved the said Bill for the signification of Her Majesty's Pleasure thereon:

AND WHEREAS it is by the final Provision of the said reserved Bill provided that the foregoing Provisions thereof shall have no Force or Effect until such Parts as are herein mentioned of the said recited Act of Parliament shall have been repealed: And whereas it is not competent to
20 Her Majesty to assent to the said reserved Bill without the express Authority of Parliament for that purpose, in as much as the said Bill is in certain respects repugnant to the said recited Act of Parliament:

AND WHEREAS it is expedient that Her Majesty should be authorized to assent to the said reserved Bill, and that so much and such Parts as aforesaid of the said recited Act should thereupon be repealed: Be it therefore 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, That it shall be lawful for Her Majesty, with the Advice of Her Majesty's Privy Council, to assent to the said reserved Bill, anything in the said recited Act of Parliament or any Law, Statute, or Usage to the contrary in anywise notwithstanding.
30

II. And be it enacted, That if Her Majesty, with the Advice of Her Privy Council, shall assent as aforesaid to the said reserved Bill, those parts of the first-recited Act which in the copies thereof printed by the Queen's Printer are printed as separate clauses, and severally numbered LI., LII., LIII., LIV., LV., LVI., LVII., and also the Schedules annexed to the said first-recited Act, being the Parts thereof mentioned or referred to in the said final Provision of the said reserved Bill, shall be repealed upon and from the Day on which the said reserved Bill (being first so assented to by Her Majesty in Council) shall take effect in the said Province.

III. And be it enacted, That this Act may be amended or repealed by an Act to be passed in this Session of Parliament.

SCHEDULE.

(9 Victoria, Chap. 114.)

An Act for granting a Civil List to Her Majesty.

MOST GRACIOUS SOVEREIGN :—

The Provin-
cial Act, 9
Vic., c. 114.All duties and
revenues over
which Provin-
cial Legisla-
ture has
power of
appropriation
shall form the
Consolidated
Revenue
Fund, subject
to charges
hereinafter
mentioned.

WHEREAS Your Majesty has been most graciously pleased to declare to Your faithful Canadian Commons, in Provincial Parliament assembled, Your Majesty's gracious desire to owe to the spontaneous liberality of Your Canadian people such grant, by way of Civil List, as shall be sufficient to give stability and security to the great Civil Institutions of the province, and to provide for the adequate remuneration of able and efficient officers in the executive, judicial, and other departments of Your Majesty's public provincial service, the granting of which Civil List constitutionally belongs only to Your Majesty's Canadian faithful people in their Provincial Parliament. 10

We therefore, your Majesty's most dutiful and loyal subjects, the Commons of Canada, in Provincial Parliament assembled, desirous that a certain competent Revenue be settled upon Your Majesty (to whom may God grant a long and happy reign) as a testimony of our unfeigned affection to Your sacred person and Government, have accordingly freely resolved to grant unto Your Majesty a certain Revenue, payable out of the consolidated Revenue Fund of this Province; we do, therefore, most humbly beseech Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Legislative Council, and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, "An Act of re-unite to Provinces of "Upper and Lower Canada, and for the Government of Canada," and it is hereby enacted, by the authority of the same, that all duties and revenues over which the respective Legislatures of Upper Canada or Lower Canada had before the passing of the Act of the Imperial Parliament, intituled, "An Act to re-unite the "Provinces of Upper and Lower Canada, and for the Government of Canada," or over which the Legislature of this Province has or may have power of appropriation, shall form the Consolidated Revenue Fund, to be appropriated for the public service of this Province in the manner and subject to the charges hereinafter mentioned. 20

And be it enacted, That the Consolidated Revenue Fund of this Province shall be permanently charged with all the Costs, charges, and Expenses incident to the collection, management and Receipt thereof, such Costs, charges and Expenses being subject, nevertheless, to be reviewed and audited in such manner as shall be directed by any Act of the Legislature. 30

Schedule A.

And be it enacted, That there shall be payable in every Year to Her Majesty, Her Heirs and Successors, out of the Consolidated Revenue Fund of this Province, a sum not exceeding Thirty-four thousand six hundred and thirty-eight Pounds Fifteen shillings and Four-pence Currency, for defraying the Expense of the several services and Purposes named in the Schedule (A.) to this Act annexed; and during the Life of Her Majesty, and for Five Years after the Demise of Her Majesty, there shall be payable in every Year of Her Majesty, Her Heirs and Successors, out of the said consolidated Revenue Fund, a further sum not exceeding Thirty-nine thousand two hundred and forty-five Pounds Sixteen shillings Currency, for defraying the Expense of the several Services and Purposes named in the Schedule marked (B.) to this Act annexed; the said sums of Thirty-four thousand six hundred and thirty-eight Pounds Fifteen shillings and Four pence and Thirty-nine thousand two hundred and forty-five Pounds Sixteen shillings to be issued by the Receiver- 40

Schedule B.
includes the
Indian
annuities.

General in discharge of such Warrant or Warrants as shall be from Time to Time directed to him **No. 6.—Con.**
 under the Hand and Seal of the Governor ; and the said Receiver-General shall account to Her **Prov. Act, 9**
 Majesty for the same, through the Lords Commissioners of Her Majesty's Treasury, in such man- **vic. c. 114.**
 ner and Form as Her Majesty shall be graciously pleased to direct.

And be it enacted, That the sums set down in the First Column opposite to each office or Department in the said Schedule [A.] and [B.] shall be payable for each, while the present Incumbents shall respectively remain in office ; and as often as any such present Incumbent shall cease to hold such office the sums respectively mentioned in the First Column shall cease to be payable, and the sums mentioned in the Second Column shall, as each Case arises, be payable instead, as in
 10 the said Schedules mentioned.

And be it enacted, That it shall be lawful for the Governor to abolish any of the offices named in the Schedule [B.], or to vary the sums thereby appropriated to such Purposes connected with the Administration of the Government of this Province as to Her Majesty, Her heirs and Successors, shall seem fit ; and that accounts in detail of the expenditure of the several sums expended under the authority of this act shall be laid before both Houses of the Legislature within thirty days from the beginning of the session next after such expenditure shall be made : Provided always, that not more than two thousand, two hundred and twenty-two pounds, two shillings and four pence shall be payable at the same time for pensions, out of the sum mentioned in Schedule (B.) ; and that a List of all such pensions and of the persons to whom the same shall have been
 20 granted, shall be laid in every year before the Legislature.

And be it enacted, that during the time for which the said several sums mentioned in the said schedules are severally payable, the same shall be excepted and taken by Her Majesty, by way of Civil List, instead of all territorial and other Revenues now at the disposal of the Crown, arising in this Province ; and that three-fifths of the net produce of the said Territorial and other Revenues now at the disposal of the Crown within this Province shall be paid over to the account of the said Consolidated Revenue Fund ; and also that during the life of Her Majesty, and for five years after the demise of Her Majesty, the remaining two-fifths of the net produce of the said territorial and other revenues now at the disposal of the Crown within this Province shall also be paid over in like manner to the account of the said Consolidated Revenue Fund.

And be it enacted, that the consolidation of the duties and revenues of this province shall not
 30 be taken to affect the payment out of the said Consolidated Revenue Fund of any sum or sums heretofore charged upon the rates and duties now raised, levied and collected, or to be raised, levied and collected, to and for the use of either of the former Provinces of Upper or Lower Canada, or of this Province, for such Time as shall have been appointed by the several Acts of the Legislature of the Province by which such charges were severally authorized.

And be it enacted, that it shall not be lawful for the Legislative Assembly to originate or pass any vote, resolution, or bill for the appropriation of any of the said Consolidated Revenue Fund, or of any tax or impost, to any purpose which shall not have been first recommended by a message of the Governor to the said Legislative Assembly during the session in which such vote, resolution
 40 or bill shall be passed.

Provided always, and be it enacted, That the foregoing Provisions of this Act shall have no Force or Effect until the Fiftieth, Fifty-first, Fifty-second, Fifty-third, Fifty-fourth, Fifty-fifth, Fifty-sixth and Fifty-seventh Sections of the Act of the Parliament of the United Kingdom of Great Britain and Ireland, intituled " An Act to re-unite the Provinces of Upper and " Lower Canada, and for the Government of Canada," and the Schedules referred to in the said sections, shall have been repealed.

SCHEDULE (A).

No. 6.—*Con.*Prov. Act, 9
Vic. c. 114.

Schedule A.

OFFICES, ETC.	Amount payable while the present Incum- — — Currency.	Amount to be allowed in future as vacancies occur by Removal of the present Incumbents. — — Currency.	
	£ s. d.	£ s. d.	
Governor-General, to be in lieu of Fees, Seizures and Forfeitures. £7,000 sterling	7 777 15 6	7,777 15 6	10
UPPER CANADA.			
One Chief Justice	1,666 13 4	1,250 0 0	
Four Puisne Judges, at £1,000 each	4,000 0 0	4,000 0 0	
One Vice-Chancellor	1,250 0 0	1,111 2 2	
LOWER CANADA.			
One Chief Justice of Lower Canada	1,666 13 4	1,250 0 0	
Three Puisne Judges at Quebec, at £1,000 each	3,000 0 0	3,000 0 0	
One Chief Justice of Montreal or of Quebec, as the case may be	1,222 4 4	1,200 0 0	
Three Puisne Judges at Montreal, at £1,000 each	3,000 0 0	3,000 0 0	20
One Judge at Three Rivers	1,000 0 0	500 0 0	
One Judge of the District of St. Francis	555 11 1	500 0 0	
First Judge, District of Gaspé	555 11 1	500 0 0	
Second Judge, District of Gaspé	500 0 0	500 0 0	
Pensions to Judges	2,222 2 4	2,222 2 4	
Attorneys and Solicitors-General, Salaries and Allowances for Contingencies ..	3,900 0 0	3,900 0 0	
Court of Vice-Admiralty	472 4 4	470 0 0	
Circuit Allowances to Judges	1,550 0 0	1,550 0 0	
Permanent Clerk attached to Crown Law Department	300 0 0	300 0 0	
Totals, Currency	34,638 15 4	33,031 0 0	30

SCHEDULE (B).

OFFICERS, ETC.		Amount payable while the present Incumbents are respectively in office.			Amount to be allowed in future as vacancies occur by Removal of the present Incumbents.		
		Currency.			Currency.		
		£	s.	d.	£	s.	d.
10 :	Governor's Secretary and his office	1,925	8	6	1,536	0	0
	Provincial Secretary, and his office	4,423	1	10	4,242	0	0
	Registrar's Office, to merge in the Provincial Secretary's Office after the present Incumbency	1,083	6	6	650	0	0
	Receiver-General's Office	2,300	8	8	2,056	0	0
	Inspector-General and his office	4,022	13	4	3,856	0	0
	Executive Council Office	2,922	4	4	2,637	0	0
	Board of Management of Public Works	2,094	17	7	2,000	0	0
20	Emigrant Agent	752	4	2	752	4	2
	Pensions	5,555	11	1	5,555	11	1
	Indian annuities	6,666	0	0	6,666	0	0
	Contingencies of Public Offices	7,500	0	0	7,500	0	0
Totals, Currency		39,245	16	0	37,450	15	3

Indian annuities.

No. 7.

No. 7.

CONSOLIDATED STATUTE OF CANADA, CHAPTER 26.

An Act respecting the Public School Lands and Fund for Education.

Consolidated
Statute of
Canada, ch.
26.

Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

12 Vic., c. 200.

1. The Commissioner of Crown Lands having, under the provisions of the Act 12 V. c. 200, and under the direction of the Governor in Council, set apart and appropriated one million of acres of Public Lands for Common School purposes, and portions thereof having been disposed of under the said authority, the remainder shall be disposed of by the Commissioner, on such terms and conditions as may by the Governor in Council be approved, and the money arising from the sale or disposal of any portion of the said lands shall remain or be invested and applied towards creating a capital sum sufficient at the rate of six per cent. per annum, interest to produce a clear sum of four hundred thousand dollars per annum, and such capital and the income therefrom shall form the Common School Fund :

||

But before any appropriation of the moneys arising from the sale of such Lands shall be made, all charges thereon for the management or sale thereof, and all Indian annuities charged upon such lands or moneys, shall be first paid.

12 V., c. 200, s. 3.

(the Consolidated Act continues as follows) * * * * *

7. The Governor in Council may reserve out of the proceeds of the School Lands in any county a sum not exceeding one-fourth of such proceeds, and out of the proceeds of unappropriated Crown Lands, in any county, a sum not exceeding one-fifth thereof—such sums to be funds for public improvements within the county, and to be expended under the direction of the Governor in Council.

16 V., c. 159, s. 14.

Huron Tract,
12 Vic., c. 200,
record 121,
line 8.

2. The particulars of all such sums, and of the expenditure thereof shall be laid before Parliament within the first ten days of each Session ; and not exceeding six per cent. on the amount collected, including surveys, shall be charged for the sale and management of lands forming part of the one million of acres of land set apart in the Huron tract, for the Common School Fund.

16 V., c. 159, s. 14. 30

No 8.

14 & 15 VICTORIA, CAP. 166. [CANADA].

An Act to authorize the setting apart of Lands for the use of certain Indian Tribes in Lower Canada.

[30th August, 1851.]

No. 8.

14 and 15 Vic.,
c. 166, setting
apart Public
Lands for
Indian Tribes
of Lower
Canada,
230,000 acres.

WHEREAS it is expedient to set apart certain Lands for the use of certain Indian Tribes resident in Lower Canada: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, that tracts of Land in Lower Canada, not exceeding in the whole two hundred and thirty thousand acres, may, under Orders-in-Council to be made in that behalf, be described, surveyed and set out by the Commissioner of Crown Lands, and such tracts of Land shall be and are hereby respectively set apart and appropriated to and for the use of the several Indian Tribes in Lower Canada, for which they shall be respectively directed to be set apart in any Order-in-Council, to be made as aforesaid, and the said tracts of Land shall accordingly, by virtue of this Act, and without any price or payment being required therefor, be vested in and managed by the Commissioner of Indian Lands for Lower Canada, under the Act passed in the session held in the thirteenth and fourteenth years of Her Majesty's Reign, and intituled, *An Act for the better protection of the Lands and property of the Indians in Lower Canada*.

And be it enacted, that there shall be paid yearly out of the Consolidated Revenue Fund of this Province, a sum not exceeding one thousand pounds currency, to be distributed amongst certain Indian tribes, and in such manner as the Governor-General in Council may from time to time direct.

SUB-APPENDIX No. 34.

Canada Sessional Papers, 1858, Appendix No. 21 to the 16th Volume of the Journals of Legislative Assembly.

SCHEDULE.—Showing the distribution of the Area of Land set apart and appropriated under the Statute 14 and 15 Victoria, Chapter 106, for the benefit of the Indian Tribes in Lower Canada.

County.	Township or Locality.	No. of Acres.	Description of the Boundaries.	Names of the Indian Tribes.	R marks.
Ottawa.	Lake Temiscamingue.	38,400	A tract extending along the River Ottawa or DesQuinzes, six miles in breadth from the divisional boundary between Upper and Lower Canada, at the head of Lake Temiscamingue, by ten miles in depth.	Nipissingues, Algonquins and Outaouais.	Non-madic Tribes inhabiting the country watered by the Ottawa, adjacent to the Hudson's Bay Company Territory.
	Maniwaki or River Desert.	45,750	A tract on the west bank of the Gatineau, bounded on the northeast, by the River Desert, and on the north and northwest, by the Eagle branch, averaging nine miles in front by eight in depth.	Tetes de Boule, Algonquins and Nipissingues.	Tribes hunting on the Territory, between the St. Maurice and Gatineau, principally residing at the mission of Lake of Two Mountains.
Megantic.	Coleraine.	2,000	Lots numbers 1, 2, 3, 4, 5, 6, 7 and 8, in 10th range, 6, 7 and 8, in 12th range, lots numbers 1 to 8 inc, in 13th range.	Becancour Indians.	Village of Becancour.
Doncaster.	Doncaster N. River.	16,000	A quarter Township in rear of Wexford.	Iroquois of Caughnawaga and Two Mont's.	Caughnawaga.
Portneuf.	La Tuque.	14,000	A tract on the River St. Maurice, five miles square.	Tetes de Boule, Algonquins and Abenaquins of Becancour.	Dwelling on the banks of the St. Maurice and its tributaries, in the vicinity of Three Rivers, and of St. Francis.
	Roemont.	9,600	A tract three miles in front on the north-west branch of the River St. Ann, by five miles in depth.	Hurons.	Indian Lorette, Sillery.
Rimouski.	Viger.	3,650	A tract in rear of the Ile-Verte, bounded south-east by third range and by lot number 38, in the 1st, 2nd and A ranges, of the Township.	Amalicités.	Resident Tribes upon an allocation by Government.
	Mann.	9,600	A tract three miles in front by five in depth, as surveyed by Mr. McDonald.	Micmac.	Mission Point, Restigouche.
Bonaventure.	Peribonka.	16,000	A tract five miles on the River Peribonka, north of Lake St. John.	Montagnais of Lake St. John and Tadoussac.	Indian Tribes having their hunting grounds along the Saguenay and its tributaries.
	Metabetchouan Manicouagan.	4,000 70,000	The ranges 1st and C, south of Lake St. John On the River St. Lawrence, from the River Des Vases in the River des Outardes at Manicouagan, about eleven miles in breadth, by ten miles in depth.	Montagnais, Tadoussacs, Kapina-chois, Nauthapi- and other Non-madic Tribes in the interior of the King's Post.	Indian Tribes having their hunting grounds on the territory watered by the tributaries on the north shore of the St. Lawrence, east of the river Saguenay, within the King's Post.
	Total	230,000			

CROWN LAND DEPARTMENT, Quebec, 8th July, 1854.

For the Commissioner of Crown Lands. [Signed] E. F. FLETCHER.

[Signed] E. F. FLETCHER.

COPY of a Report of the Committee of the Honorable the Privy Council, approved by His Excellency the Governor-General in Council, on the 9th July, 1873.

The Committee of Council have had under consideration the annexed Report from the Honorable the Secretary of State, on complaints made by Indians of Lakes Huron and Superior, who were parties to the Treaties concluded by the Hon. W. B. Robinson, in 1850, that notwithstanding the sale of considerable quantities of land, no augmentation of the annuities specified in the Treaties has taken place.

The Committee advise that the facts of the Treaty and the claims now put forward by the Indians, and the grounds thereof, be made the subject of a communication to the Government of Ontario, and that that Government be moved to take such steps in the matter as under the circumstances may seem to them to be just on the part of the Province of Ontario.

Certified,

[Signed] W. A. HIMSWORTH,
C. P. C

To the Honorable
The Secretary of State,
&c., &c., &c.

The facts connected with the treaties alluded to in the accompanying Order-in-Council of the 9th July, 1873, are as follows:

The treaties were concluded in September, 1850, by which the Indians of Lakes Huron and Superior surrendered to the Crown all their lands on the shores of those lakes and the islands, except certain reservations retained for their own occupation, for the nominal annuities of two thousand four hundred dollars for the Lake Huron Indians, and two thousand dollars for the Lake Superior Indians. The claim of the Lake Huron and Lake Superior Indians to an augmentation rests upon the following provision inserted in each of the treaties.

"The said Wm. Benjamin Robinson, on behalf of Her Majesty, who desires to deal liberally and justly with all Her subjects, further promises and agrees, that in case the territory ceded by the parties of the second part shall at any future period produce an amount which will enable the Government, without incurring loss, to increase the annuity secured to them, then in that case the same shall be augmented from time to time, provided that the amount paid to each individual shall not exceed the sum of one pound provincial currency in any one year, or such further sum as Her Majesty may be graciously pleased to order, and provided further that the number of Indians entitled to the benefit of the treaty shall amount to two-thirds of their present number (those of Lake Huron then numbering 1,422, and those of Lake Superior 1,240), to entitle them to claim benefit thereof; and should their numbers at any future period not amount to two-thirds of those numbers, the annuity shall be diminished in proportion to their actual numbers."

The Indians of Lakes Huron and Superior claim the fulfilment of the above quoted stipulation to the extent of four dollars annuity per capita on the plea that the profitable sales of lands and timber upon the shores and islands of those lakes would warrant the Government benefitted by the proceeds derived therefrom, in advancing their annuities to the amount per head as specified in said treaties would be the case in the event of the lands and timber becoming sufficiently profitable to admit of it.

No. 9.—*Con.*

Upon reference to the annuity pay-lists last received, it appears that the rate per head to the Lake Huron Indians has latterly been one dollar and ten cents, and those of Lake Superior, one dollar and forty-nine and one-half cents. The census returns of these Indians indicate a fluctuation in each year—thus, in 1850 that Lake Huron Indians are put down as numbering 1,846, and in 1871 as numbering 1,072. This last decrease may be accounted for by the supposition that many of them had removed to the Manitoulin Island—the Indian population of which is stated in the same return as 1,566; whereas, in 1858 the Indian population of that island was reported to be but 1,290.

With reference to the Lake Superior Indians, the returns for 1871 exhibit a population of 1,453 instead of 1,240 as in 1850, but the preceeding annual census gave their numbers as 1,502; 10 whereas, the report for 1864 computed them at 1,242.

In view of the foregoing statement as to the fluctuating population of those Indians, the computation should be based upon their numbers at the time of making the treaties in 1850—namely, Lake Superior Indians 1,240, Lake Huron Indians 1,422.

Certified,

[Signed]

WM. SPRAGGE,

D. S. I. A.

Indian Office,

Ottawa, August 9th, 1873.

No. 10.

No. 10.

20

DEPARTMENT OF THE INTERIOR,

INDIAN BRANCH,

OTTAWA, 8th August, 1873.

8 Aug., 1873.
Transmission
Order-in-
Council to
Ontario.

SIR,—I have the honor to enclose a copy of an Order-in-Council of the 9th inst., all subject of complaints made by the Indians of Lakes Huron and Superior, parties to the Treaties concluded by the Hon. W. B. Robinson, in 1850, that certain provisions by those Treaties have been carried out.

I also enclose a memorandum giving the facts of the Treaties, and the claims now put forward by the Indians, in order that the same may be made the subject of a communication to the Government of Ontario, as the Order-in-Council directs.

[Signed]

E. A. MEREDITH,

30

Deputy of the Minister of the Interior.

HON. J. C. AIKINS,

Secretary of State for Council.

No 11.

No. 11.

DEPARTMENT OF CROWN LANDS,

TORONTO, 31st October, 1874.

On account of lands on the north shore of Lake Superior, embracing in the Treaty of the 7th September, 1850, moneys to the amount of about \$382,000 have been received on account of mining locations or unsurveyed lands of timber, and of sales of lands in the surveyed townships, viz. : \$110,000 before, and \$272,000 since Confederation in 1867. It may be mentioned that there was a similar Treaty of the same date with the Ojibeway Indians, on the northern and eastern shores of Lake Huron, but as the boundary of the territory on the east of the lake, commencing at Penetanguishene, is undefined, the wording of the Treaty being "all unconceded lands within the limits of Canada West to which they (the Indians) have any just claims," this Department would be unable to supply any information with regard to moneys derived from lands until the eastern boundary of the said tract be defined, which can, it may be presumed, be done by the Indian Department at Ottawa.

Memorandum
Commissioner
Crown Lands
relating to
collections
from sur-
rendered terri-
tories.

[Signed] T. B. PARDEE,
Commissioner.

No. 12.

No. 12.

GOVERNMENT HOUSE,

TORONTO, 31st December, 1874.

20 SIR,—I have the honor to transmit herewith copy of an Order-in-Council, approved of by me, the thirtieth day of October, 1874, having reference to an order of His Excellency the Governor-General in Council, dated the 9th day of July, 1873, respecting complaints made by the Indians of Lakes Huron and Superior, parties to the treaties concluded by the Honorable W. B. Robinson, in the year 1850, that certain provisions of those treaties had not been carried out.

31 Dec., 1874.
Reply by
Ontario.

I have, etc.,

[Signed], JOHN CRAWFORD,

The Honorable
The Secretary of State, Canada,
Ottawa.

No. 12.— *Copy of an Order-in-Council appointed by His Excellency the Lieutenant-Governor, the thirtieth day of October, 1874.*
Continued

Ontario
Order-in-
Council,
30 Oct., 1874.

The Committee of Council have had under consideration the annexed report of the Honorable Attorney-General with reference to an order of His Excellency the Governor-General in Council, dated 9th July, 1873, respecting complaints made by the Indians of Lake Huron and Superior, parties to the treaties concluded by the Honorable W. B. Robinson, in 1850, that certain provisions of those treaties had not been carried out.

The Committee concur in the said report, and advise that a copy thereof be transmitted to the Honorable the Secretary of State for submission to His Excellency the Governor-General in Council.

10

Certified,

[Signed],

J. G. SCOTT,
Clerk Executive Council, Ontario.

31st October, 1874.

ATTORNEY-GENERAL'S DEPARTMENT,
TORONTO, 14th October, 1874.

Report,
14 Oct., 1874,
Attorney-
General
Ontario.

The undersigned has had under consideration a despatch from the Under-Secretary of State of the Dominion, dated 22nd August, 1873, enclosing, for the consideration of this Government, a copy of an Order of His Excellency the Governor-General in Council, in reference to complaints made by the Indians of Lakes Huron and Superior, parties to the Treaties concluded by the Hon. 20 W. B. Robinson, in 1850, that certain provisions of those Treaties had not been carried out.

In the Order-in-Council it is directed that the Government should be moved to take such steps in the matter as under the circumstances might seem to them to be just on the Part of the Province of Ontario.

The complaint made by the Indians is of the omission to carry out a stipulation contained in the Treaties of 1850, that in case the territory ceded by the Indians should at any future period produce an amount which would enable the Government, without incurring loss, to increase the annuities secured to the Indians, these annuities should be augmented, subject to certain conditions.

The undersigned presumes that this matter was brought under the notice of this Government 30 with the view of contending that upon this Province devolves the burden of any increase of the annuities.

The undersigned respectfully submits that there is no sufficient ground for this contention.

Under the British North America Act, and the Dominion Act, 36 Vic., Cap. 30, the Dominion assumed the debts and liabilities of each Province existing at the time of the Union, except as far as the general language of Sec. 111 of the British North America Act is controlled by Sec. 109, which subjects the property of every Province to any trusts existing in respect thereof, and to any interest other than that of the Province. The lands now in question were not subject to any trust. Legally, they were the property of the Crown before the surrender. The so-called title of the Indians was one of courtesy only, and was by the Treaties extinguished absolutely, in order 40

that these lands might be opened up for settlement, and that patents might be issued therefor to purchasers. It was not contemplated that the annuities should be a lien upon the lands, the liability for the amount of the annuities being assumed as a charge upon the entire revenue of the Province.

No. 12.—
Continued.

Besides the policy of the B. N. A. Act was to place all matters relating to the Indians under the exclusive authority of the Dominion Parliament and Government, and not to leave the rights of these people to depend on, or to be dealt with by the Provincial authorities.

The undersigned has received information from the Crown Lands Office that the amount received before Confederation in respect of the lands on the north shore of Lake Superior was 10 about \$110,000. The amount so received in respect of the east and north shores of Lake Huron, the undersigned has not been able to ascertain. But there is no doubt that enough has been received to entitle the Indians to the increased annuities which they claim. The question of the liability of Ontario in respect of the Indian annuities was fully discussed by the respective counsel for the Provinces of Ontario and Quebec, before the arbitrators appointed under the British North America Act, and the undersigned is of opinion that the arguments which were advanced by counsel then representing Ontario, and which were afterwards printed, establish conclusively that this Province is not liable to be charged with the Indian annuities.

If the Dominion Government is advised that the lands in question are subject to a trust, the undersigned would suggest that the point should be forthwith submitted to the Court of Chancery 20 on a statement of facts concurred in by the Governments concerned, or that the Dominion Government should settle with the Indians without prejudice to any question as to what Government ought ultimately to pay the proposed increase.

[Signed], O. MOWAT,
Attorney-General.

No. 13.

No. 13.

DEPARTMENT OF JUSTICE,

OTTAWA, 7th July, 1875.

With reference to the claim of the Indians of the north shore of Lake Huron and the great Manitoulin Island for an increased annuity in respect of the lands ceded by them in 1850, the 30 undersigned has pursued the papers.

The Treaty contains the following stipulation: That should the territory so ceded at any future period produce such a sum as will enable the Government of the Province, without incurring loss, to increase the annuity to them (*i. e.*, the Indians), then, and in that case, the same shall be augmented from time to time, provided that the amount paid to each individual shall not exceed the sum of *one pound* Provincial currency, in any one year, or such further sum as Her Majesty may be graciously pleased to order. (7 July, 1875.)

From the papers laid before the undersigned, as well as oral information of the Minister of the Interior, the undersigned is led to believe that at the period of confederation a certain augmentation would, under this provision, have been properly claimable by the Indians, but there 40 seems to be no doubt from this statement and information that for some years back the full augmentation, up to \$4 a head, has been claimable.

No. 13.—
Continued.

The 111th section of the B. N. A. Act, 1867, is as follows : Canada shall be liable for the debts and liabilities for each Province existing at the union.

The 109 section of the same Act provides that "all lands shall belong to the several Provinces in which the same are situated, subject to any trusts existing in respect thereof, and to any interest other than that of the Province in the same."

It appears to the undersigned that the liability to the Indians to which he has referred comes within the 11th section, and this whether or no Canada be entitled to claim that the lands in question are under the 109th section charged in any way with the satisfaction of that liability.

The papers show that the Government of Ontario repudiates any such charge, and that this view was asserted by the counsel for the Province during the arbitration between the two Provinces. The Government of Ontario, however, acknowledging that the Indians are entitled to the increase, propose that the Government of Canada should settle with the Indians without prejudice to any question as to what Government ought ultimately to pay the proposed increase.

The Government of Ontario also suggests that the question as to the liability of the Province or of these specific lands under the 109th section should be submitted to the Court of Chancery. Having regard to the circumstances connected with the obtaining of this Treaty in particular, and to the general policy of the Canadian and British Governments with reference to the Indians, it would seem to be of great importance that their just demand should be met without further delay; and the undersigned recommends that the suggestion of the Government of Ontario should be acted upon, and that the increased annuity for the current year should be paid, without prejudice to any question, by this Government.

The question of the arrears might be postponed for a while, and, meantime, the question as to the liability of the Ontario Government on the specific lands might be decided either by the Court of Chancery, as proposed, or by the Supreme Court, after the organization of that tribunal.

[Signed] EDWARD BLAKE.

No. 14.

No. 14.

DEPARTMENT OF THE INTERIOR,

INDIAN BRANCH,

OTTAWA, 12th July, 1875.

Report to the Honorable the Privy Council.

30

Report to
Privy Council
by Minister of
the Interior
on the
increase

The undersigned has the honor to state that he concurs in the views expressed in the annexed report of the Honorable the Minister of Justice, under date the 7th instant, on the claims of the Indians of the north shore of Lake Huron, for an increased annuity in respect of lands ceded by them in the year 1850; and inasmuch as a treaty precisely similar in its terms was in the same year made with the Indians of the north shore of Lake Superior, the undersigned submits that the same principle should be adopted in settling the claims of the last-named Indians as it is proposed to apply to those of the Lake Huron Indians.

The Minister finds that at the date of the Treaty of 1850, the number of the Indians on the north shore of Lake Huron was \$1,422; that the amount of annuity then divided among them was \$2,400, or about \$1.68 per head. The present number of those Indians is 2,491 and they have for some years past received a little under \$1 per head.

The Lake Superior Indians numbered, when the Treaty of 1850 was made with them, 1,240, and the annuity then received by them, amounted to \$2,000, or about \$1.61 per head; they now number 1,230, and receive about \$1.62 per head.

The Honorable the Minister of Justice, in the report herewith submitted, is of opinion, in which he has already expressed his concurrence, that the Lake Huron Indians are entitled, under 10 the Treaty of 1850, to the maximum amount of annuity thereby stipulated, namely, \$4 per head; and it has been already stated that the Lake Superior Indians are in a precisely similar position in regard to the Treaty made with them in that year.

The Minister accordingly represents that the sum required to increase the annuities this year payable to those Indians to the maximum figure of \$4.00 per annum, will be somewhat as follows:—

	Lake Huron Indians—	
	About 2,491, at \$4 per head	\$9,964
	Less present annuity	2,400
		————— \$7,564
20	Lake Superior Indians—	
	1,230, at \$4.00 per head	\$4,920
	Less present annuity	2,000
		————— 2,920
	Total	————— <u>\$10,484</u>

This sum represents what will be required to pay the annuities under both of the Robinson Treaties for the current year on the new basis, providing the population of the bands be the same as last year. To provide against the contingency of a probable increase, he begs to recommend that the round sum of \$11,000 be placed to the credit of Indian Funds, and be charged (or so much of it as may be expended) against “unforeseen expenses” to be voted by Parliament at its 30 next session, unless it be, in the meantime, decided by the courts of law, to whom the Minister of Justice suggests the matter be referred for decision, or by any other mode of settlement that may be agreed upon, that the amount in question is to be paid by the Province of Ontario, or by the old Province of Canada.

[Signed]

DAVID LAIRD,
Minister of the Interior.

No. 15.

No 15.

22nd July, 1875.

Dominion
Order-in-
Council

On a report, dated 12th July, 1875, from the Honorable the Minister of the Interior, stating that he concurs in the views expressed in the annexed report of the Honorable the Minister of Justice, under date the 7th inst., on the claims of the Indians of the north shore of Lake Huron for an increased annuity in respect of lands ceded by them in the year 1850; and inasmuch as a treaty, precisely similar in its terms, was in the same year, made with the Indians of the north shore of Lake Superior, he submits that the same principle should be adopted in settling the claims of the last named Indians as it is proposed to apply to those of the Lake Huron Indians.

The Minister finds that, at the date of the Treaty of 1850, the number of the Indians on the north shore of Lake Huron was 1,422; that the amount of annuity then divided among them was \$2,403, or about \$1.68 per head.

The present number of those Indians is 2,491, and they have, for some years past, received a little under \$1 per head.

approving of
increase of
annuities.

That the Lake Superior Indians numbered, when the Treaty of 1850 was made with them, 1,240; and the annuity then received by them amounted to \$2,000, or about \$1.61 per head; they now number 1,230 and receive about \$1.62 per head.

That the Honorable the Minister of Justice, in the report herein submitted is of opinion, in which he has already expressed his concurrence, that the Lake Huron Indians are entitled, under the Treaty of 1850, to the maximum amount of annuity thereby stipulated, namely, \$4.00 per head; and it has been already stated that the Lake Superior Indians are in a precisely similar position in regard to the Treaty made with them in that year.

The Minister accordingly represents that the sum required to increase annuities this year payable to those Indians to the maximum figure of \$4.00 per annum will be somewhat as follows:

Lake Huron Indians—

About 2,491, at \$4.00 per head.....	\$9,964
Less present annuity.....	2,400
	———— \$7,564

Lake Superior Indians—

1,230 at \$4.00 per head.....	\$4,920	30
Less present annuity.....	2,000	
	———— \$2,920	

Total \$10,484

Question of
ultimate lia-
bility to be
decided by
court of law
or other mode
to be agreed
upon.

That this sum represents what will be required to pay the annuities under both of the Robinson Treaties for the current year on the new basis, providing the population of the bands be the same as last year. To provide against the contingency of a probable increase, he recommends that the round sum of \$11,000 be placed to the credit of Indian Funds, and be charged (or so much of it as may be expended) against “unforeseen expenses,” to be voted by Parliament at its next session, unless it be, in the meantime, decided by the courts of law, to whom the Minister of

Justice suggests the matter be rendered for decision, or by any other mode of settlement that may be agreed upon, that the amount in question is to be paid by the Province of Ontario or by the old Province of Canada.

The Committee submit the foregoing recommendations for Your Excellency's approval.

Certified.

[Signed]

JOS. O. COTE.

Assistant Clerk.

No 16.

No. 16.

September 21st, 1877.

10 SIR,—I have the honor to request that you will have the goodness to furnish this Department at your earliest convenience with a statement showing the net proceeds annually realized from the lands ceded by the Indians of Lake Huron under the Treaty of the 9th Sept., 1850; also from the lands ceded by the Indians of Lake Superior under the Treaty of the 7th Sept., 1850. The statement should embrace the period between the years the Treaties were made and the date when the net annual receipts exceeded the amount of \$4 per head of the Indians entitled to receive annuity, the average number of whom may be stated at 4,000.

Deputy Minister Interior applies to Ontario for statement of sales, etc.

I have, &c.,

[Signed] E. A. MEREDITH,

Deputy of the Minister of the Interior.

20 THOS. H. JOHNSON, Esq.,
Assistant Commissioner of Crown Lands,
Toronto.

No 17.

No. 17.

COPY OF COPY.

Office of the Provincial Secretary of Ontario,
TORONTO, 15th April, 1879.

30 SIR,—With reference to the correspondence that has taken place respecting the amounts of money received and distributed during the years from 1850 to 1877 inclusive, in relation to the lands ceded by the Ojibeway Indians inhabiting the north shore of Lake Superior, under the Rob-
inson Treaty of 7th September, 1850. I have now the honor to transmit the statements applied for by you, also a similar statement in relation to the lands ceded by the Indians inhabiting the north shore of Lake Huron, under the Robinson Treaty of 9th September, 1850.

Ontario transmits statements of sales, etc.

I have, &c.,

[Sgd.] S. ECKART,

Assistant Provincial Secretary.

The Hon. the Secretary of State, Ottawa.

STATEMENT showing the amount received and disbursed during the years from 1850 to 1877, inclusive, in relation to the territory lying north and east of Lake Huron, under the Robinson Treaty of 9th September, 1850.

Year.	Revenue.			Expenditure.						Total expenditure.					
	Collections on land.	Collections on timber.	Total collections.	Surveys.	Roads.	Public works.	Administra- tion of Justice.	Cost of col- lecting tim- ber revenue.	Expenses of land agents.						
	\$	cts.	\$	\$	cts.	\$	cts.	\$	cts.	\$	cts.				
1850.															
1851.															
1852.	5,166	40	5,166	1,026	60					1,026	60				
1853.				2,640	05					2,640	05				
1854.															
1855.		369	369	9,906	70			46	18	9,952	88				
1856.	5,421	79	7,917	6,760	00			311	92	7,115	67				
1857.	2,730	14	3,817	22,880	00			135	86	23,083	04				
1858.	6,168	42	7,104	12,516	17		426	41	117	01	13,070	59			
1859.	8,253	07	9,045	9,419	93		1,336	59	90	09	12,911	83			
1860.	1,958	54	1,989	17,507	97		908	93	3	82	27,254	31			
1861.	1,485	38	2,098	21,153	93		3,897	06	76	59	47,766	60			
1862.	3,262	29	3,262	17,770	18		3,766	63			55,861	79			
1863.	1,890	08	3,282	219	86		3,313	40	173	99	15,476	91			
1864.	14,113	90	15,278	4,003	36		1,614	25	145	52	21,60				
1865.	6,035	90	8,668	14,583	04		3,909	56	329	04	23,10				
1866.	2,279	65	4,349	16,806	28		3,885	54	258	73	34,588	74			
1867.	3,173	60	8,869	22,015	59		6,717	13	711	93	40,736	76			
1868.	1,636	10	9,721	1,933	27		4,101	12	1,010	73	119	11			
1869.	1,887	03	37,319	13,889	47		3,219	60	4,491	62	526	67			
1870.	2,075	33	21,572	11,360	92		4,596	55	2,437	70	1,680	34			
1871.	4,482	37	133,453	9,774	94		7,371	10	6,448	54	1,333	53			
1872.	3,351	65	280,649	19,306	33		8,990	29	13,859	87	1,559	36			
1873.	5,963	45	319,197	5,512	89		10,234	49	15,661	67	2,044	64			
1874.	5,987	50	55,744	19,306	33		24,973	06	6,219	57	2,398	46			
1875.	6,684	28	26,683	17,478	83		6,281	74	2,499	90	2,329	73			
1876.	5,631	44	56,777	26,075	15		53,796	00	6,393	20	2,805	62			
1877.	4,666	30	77,810	33,381	21		42,329	00	9,143	03	2,822	72			
Totals.....	103,804	61	1,100,046	326,531	74	452,325	00	127,307	66	70,575	51	20,922	91	1,102,413	66

STATEMENT showing the amount received and disbursed during the years from 1850 to 1877, Lake Superior Territory, inclusive, in relation to the territory lying north and west of Lake Superior, under the Robinson Treaty of 7th September, 1850. Lake Superior Territory, statement of sales and disbursements, 1850 to 1877.

REVENUE.		EXPENDITURE.					
Year.	Receipts for sale of lands.	Surveys.	Roads.	Public Works.	Administration of justice.	Expenses of land agents.	Total disbursements.
	\$ c.	\$ c.	\$ c.	\$ c.	\$ c.	\$ c.	\$ c.
1850							
1851							
1852							
1853	5,120 00						
1854	5,120 00						
1855							
1856	39,789 20						
1857							
1858					426 41		426 41
1859		2,400 00			1,336 59		3,736 59
1860		7,404 17			908 93		8,313 10
1861		4,800 00			3,897 05		8,697 05
1862	1,908 20	13,234 16			3,776 63		17,000 79
1863	2,930 40	4,946 34			3,313 39		8,259 73
1864	16,147 24				1,614 24		1,614 24
1865	24,466 40				3,909 55		3,909 55
1866	7,057 90	1,000 00			3,885 55		4,885 55
1867	8,775 95	4,543 39	1,862 00		5,717 12		23,345 51
1868	5,120 00				3,478 72		5,340 72
1869	20,788 50	4,515 57			2,534 14	638 13	7,687 84
1870	19,168 68	16,592 92			3,447 26	1,000 00	21,040 18
1871	57,853 78	2,449 54		2,191 95	1,046 55	1,000 00	6,688 04
1872	86,224 81	14,034 92		3,494 07	3,027 69	1,000 00	21,556 68
1873	47,769 14	18,220 28	23,492 00	15,449 81	4,532 52	1,048 58	62,743 19
1874	15,595 10	8,498 01	18,706 00	11,408 96	2,742 66		41,355 63
1875	8,718 35	4,802 80	3,079 00		3,117 09	328 00	11,326 89
1876	9,776 58	163 45	1,500 00	5,561 08	4,204 76	500 00	11,929 29
1877	1,278 65		2,000 00	4,227 82	5,722 98	500 00	12,450 80
	\$383,608 88	\$107,605 55	\$63,724 00	\$42,333 69	\$62,629 83	\$6,014 71	\$282,307 78

(Signed) WM. FORD,
Dept. of Crown Lands.

(Signed) THOS. H. JOHNSON,
Assistant Commissioner.

TORONTO, 19th April, 1878.

No. 20.

No. 20.

COPY.

DEPARTMENT OF INDIAN AFFAIRS,
OTTAWA, 22ND November, 1882.

MEMORANDUM.

OJIBBEWAS OF LAKES HURON AND SUPERIOR, ROBINSON 'TREATIES.

Memorandum
by Deputy
Superinten-
dent Indian
affairs,
22 Nov., 1882.

In respect to the claims of these Indians for arrears of annuity under the Treaties and for compensation because of the non-payment to them of at least three-fourths of the amount to which it is considered they were justly entitled, the case of the Department in any action which may be taken with a view to the adjustment of the question and the interests at issue may be regarded as fairly set forth in the accompanying statement: 10

- 1. It is claimed that the old Province of Canada is liable for arrears of annuity and interest thereon from 1851 to 1867, the date of Confederation, amounting to the sum of\$140,800 00
And to interest on \$102,400 of arrears from that date to 1882 81,920 00

\$222,720 00
- 2. That the Province of Ontario is liable for arrears of annuity and interest thereon from 1867 to 1882, amounting to the sum of\$212,293 60
And for a sum which funded at five per cent. will yield \$19,276, the sum requisite for the payment of \$4 per head to 4,619 Indians, the number which is known to exist, and which may yet possibly be increased by stragglers 297,520 00

\$509,813 60

20

From which will have to be refunded to the Dominion the sum of \$93,000 advanced since 1876, to bring up the payments to \$4 per head.

(Sgd.) L. VANKOUGHNET,
D.S.G.I.A.

Year.	Apprx. No. of Indians paid.	Average value of annuity per head.	Amount paid.	Amount which should have been paid.	Arrears.	Interst.	From.	To.	Term.	Rate.	Amount of arrears and interest.	Total.	Due by
		\$	\$	\$	\$	\$				%	\$	\$	
1851	2,700	1 60	4,000 00	10,400 00	6,400 00	4,800 00	1851	1866	15	5	11,200 00		
1852	2,700	1 60	4,400 00	10,800 00	6,400 00	4,480 00	1852	1866	14	5	10,880 00		
1853	2,700	1 60	4,400 00	10,800 00	6,400 00	4,160 00	1853	1866	13	5	10,560 00		
1854	2,700	1 60	4,400 00	10,800 00	6,400 00	3,840 00	1854	1866	12	5	10,240 00		
1855	2,700	1 60	4,400 00	10,800 00	6,400 00	3,520 00	1855	1866	11	5	9,920 00		
1856	2,700	1 60	4,400 00	10,800 00	6,400 00	3,200 00	1856	1866	10	5	9,600 00		
1857	2,700	1 60	4,400 00	10,800 00	6,400 00	2,880 00	1857	1866	9	5	9,280 00		
1858	2,700	1 60	4,400 00	10,800 00	6,400 00	2,560 00	1858	1866	8	5	8,960 00		
1859	2,710	1 60	4,400 00	10,800 00	6,400 00	2,240 00	1859	1866	7	5	8,640 00		
1860	2,700	1 60	4,400 00	10,800 00	6,400 00	1,920 00	1860	1866	6	5	8,320 00		
1861	2,700	1 60	4,400 00	10,800 00	6,400 00	1,600 00	1861	1866	5	5	8,000 00		
1862	2,700	1 60	5,400 00	10,800 00	6,400 00	1,280 00	1862	1866	4	5	7,680 00		
1863	2,700	1 60	4,400 00	10,800 00	6,400 00	960 00	1863	1866	3	5	7,360 00		
1864	2,700	1 60	4,400 00	10,800 00	6,400 00	640 00	1864	1866	2	5	7,040 00		
1865	2,700	1 60	4,400 00	10,800 00	6,400 00	320 00	1865	1866	1	5	6,720 00		
1866	2,700	1 60	4,400 00	10,800 00	6,400 00	00	1866	1866	0	5	6,400 00	140,800 00	Province of Canada.
1867	2,700	1 60	4,400 00	Interest on	102,400 00	00	1866	1882	16	5	11,520 00	81,900 00	
1868	2,700	1 60	4,400 00	10,800 00	6,400 00	5,120 00	1867	1882	16	5	11,200 00		
1869	2,700	1 60	4,400 00	10,800 00	6,400 00	4,800 00	1868	1882	15	5	10,880 00		
1870	2,700	1 60	4,400 00	10,800 00	6,400 00	4,480 00	1869	1882	14	5	10,560 00		
1871	2,700	1 60	4,400 00	10,800 00	6,400 00	4,160 00	1870	1882	13	5	10,240 00		
1872	2,700	1 60	4,400 00	10,800 00	6,400 00	3,840 00	1871	1882	12	5	9,920 00		
1873	2,700	1 60	4,400 00	10,800 00	6,400 00	3,520 00	1872	1882	11	5	9,600 00		
1874	3,791	1 20	4,400 00	15,164 00	11,764 00	4,843 80	1873	1882	10	5	15,607 80		
1875	3,771	1 20	4,400 00	15,084 00	10,684 00	4,273 60	1874	1882	9	5	14,957 60		
1876	4,156	1 10	4,400 00	16,624 00	12,224 00	4,788 40	1875	1882	8	5	17,012 40		
1877	3,988	1 10	4,400 00	15,952 00	11,552 00	3,465 00	1876	1882	7	5	15,017 60		
1878	3,994	1 10	4,400 00	15,976 00	11,576 00	2,891 00	1877	1882	6	5	14,470 00		
1879	4,451	1 00	4,400 00	17,804 00	13,404 00	2,680 80	1878	1882	4	5	16,084 80		
1880	4,440	1 00	4,400 00	17,760 00	13,360 00	2,004 00	1879	1882	3	5	14,634 40		
1881	4,426	1 00	4,400 00	17,704 00	13,304 00	1,330 40	1880	1882	2	5	14,634 40		
1882	4,725	1 00	4,400 00	18,900 00	14,500 00	725 00	1881	1882	1	5	15,225 00	212,293 60	Province of Ontario.

9 P.C.D.

No. 20.—
Continued.
The statement made by the Deputy Superintendent Indian affairs to accompany the above memorandum.

No. 21.

No. 21.

DEPARTMENT OF INDIAN AFFAIRS,

OTTAWA, 8th December, 1882.

MEMORANDUM.

Memorandum
Deputy
Superinten-
dent Indian
affairs, for
submission to
the Superin-
tendent-
General, to
approve of the
view of the
Deputy Minis-
ter of Finance
capitalizing
the annuities
payable before
and after con-
ederation,
including
arrears, and
charging the
amount to the
Province of
Canada,
(8 Dec., 1882).

The undersigned has the honor to submit herewith for the consideration of the Superintendent-General of Indian Affairs a memorandum which has been prepared setting forth the claims of the Ojibeways of Lake Huron and Superior to arrears of annuity (and interest thereon) under the Robinson treaty, together with a statement in detail showing the yearly accruals of arrears and interest from 1851 to 1882.

The memorandum was placed in the hands of the Deputy-Minister of Finance for conference with the late Auditor-General, Mr. Langton, of the subject and the decision at which Mr. Courtney has arrived is expressed as follows :

"The Treasurers of Ontario and Quebec have asked for a statement of affairs based on the award.

"Between Ontario and Quebec the 1st section of the award proportions the excess debt of the old Province of Canada as on the 30th June, 1867.

"It is therefore necessary to find the excess debt.

"In addition to the sums charged in the Dominion books the Indian Department has made a claim for arrears of annuity payable Ojibeways of Lakes Huron and Superior and interest thereon under the Robinson treaty.

"The claim of the Indian Department divides itself into parts, namely, the part accruing before Confederation and the part which accrues after that event.

"Believing the claim to be one which the Government considers to be valid, the Deputy-Minister of Finance, in the statement of affairs, has charged the old Province of Canada as on the 30th June, 1867, with arrears and interest due to the Indians before Confederation.

"The Deputy-Minister has a doubt as regards the accruals since Confederation, but he has nevertheless capitalized the annuities as on the 30th June, 1867, and charged the amount to the Province of Canada, that course being in accordance with section 13 of the Award, and being also in accordance with the course pursued in respect of other Indian annuities.

"Mr. Langton is unable at this distance of time to say why such a course was pursued with regard to other annuities and omitted so far as the Robinson Treaties were concerned."

"As regards the alleged omission, it is however proper to remark that to meet the payments under the Robinson Treaty, a sum of \$88,000 was capitalized, and it is the interest on that sum, viz., \$4,400 a year, which has been divided among the Indians at rates varying from \$1.66 to \$1 per capita"* from 1851 to the time when the first Parliamentary grant in 1875 enabled the Department to increase the annuities from \$1 to \$4 per capita.

The Deputy-Minister has also doubts whether under section 109 of the British North America Act any Indian annuities should be capitalized.

*This amount, as well as the additional sum required to make up the annuities to \$4 per capita should, of course, be charged against Ontario since the date of Confederation.

The Deputy-Minister of Finance requests that he may be informed at an early period whether the course he has pursued with respect to this matter meets with the approval of the Superintendent-General of Indian Affairs, in order that he may be prepared to confer with the Treasurers of Ontario and Quebec, when the question of those claims is reached in the course of settlement which they are endeavoring to arrive at.

[Sgd.] L. VANKOUGHNET,
Deputy Supt. General of Indian Affairs.

The Right Honourable
Sir John A. Macdonald, etc., etc., etc., etc.

10

No. 22.

No. 22.

See Record of Proceedings, page 121, line 33.

The extract below is from Canada Sessional Papers of 1884, No. 56, p. 102, Schedule C (1), being the accounts of the Dominion against the Province of Canada, and also the separate accounts against the Provinces of Ontario and Quebec, between 1867 and 1882, contained in Book of accounts No. 56. These accounts were delivered to the Provinces of Ontario and Quebec on 17th December, 1883, and laid before Parliament as a Return to an Address of the House of Commons on 11th February, 1884. Extract book
of accounts
No. 56,
(17 Dec., 1883)

The charges at foot of left column,—

20 " Arrears of payment to Indians under Robinson Treaty \$140,800
" Capitalization of annuities 303,280,"
are not otherwise charged against either Ontario or Quebec, in Book of Accounts No. 56.

(See Record, p. 122, line 7.)

No. 22.— THE EXTRACT FROM THE ACCOUNT OF THE LATE PROVINCE OF CANADA, 1884, TO WHICH
Continued. THE ABOVE NOTE REFERS.

The book of accounts No. 56, from which the extract is made is filed for examination, Record p. 121, line 35, p. 122, lines 5 to 10.

SCHEDULE C—[1].

July 1st, 1867.		July 1st, 1867.	
Direct debt assumed by the Dominion, 30th June, 1867, Vide balance-sheet, 1866-67.....	\$62,734,797 63	Sinking Fund of Imperial Guarantee Loan	\$681,333 32
Indirect debt assumed by the Dominion, 30th June, 1867...	150,400 00	do Consolidated Canadian Loan	1,207,222 26
Special funds bearing interest, Indian Fund.....	1,810,110 61	Investments for Consolidated Fund.....	997,666 72
Common School Fund.....	\$1,733,224 47	Bank of Upper Canada.....	500,000 00
Less-Investments :—		Northern Railway special account.....	30,976 70
Quebec Turnpike Trust. . . \$58,000 00		Catawaqui property.....	6,581 54
Arrears of interest on Turnpike Trust.....	29,580 00	Cast and Banking accounts transferred to the Dominion.....	\$1,461,250 61
	87,580 00	Less-Glyn & Co. suspense account.....	\$17,498 25
	1,645,644 47	Baring Bros., susp. acc't.	32,788 34
Upper Canada Grammar School Fund.....	362,769 04		50,286 59
Less-Investments : (City of Hamilton).....	50,000 00		1,410,964 02
	312,769 04	Hydraulic and other rents.....	101,784 44
Upper Canada Building Fund.....	1,578,808 96	Road and harbor security.....	202,377 63
Less-Investment : (City of Hamilton. \$30,000 00		Consolidated Fund Investment Account, being excess of par value of Consolidated Canadian Loan Debentures assumed from the Bank of Upper Canada....	5,353 33
Arrears of interest.....	10,800 00	Expenses of delegation to England.....	12,000 00
Expenditure in 1866-67....	65,617 55	Authorized debt under British North America Act.....	62,500,000 00
	106,417 55	Proportion of debt chargeable to Ontario, as per 1st section of award :—\$18,587,520.57; \$9,808,728.02; \$10,178,867.02..	5,371,439 28
	1,472,391 41	Proportion of debt chargeable to Quebec, as per 1st section of the award :—\$18,587,520.57; \$8,778,792.55; \$10,178,867.02.....	4,807,427 74
Lower Canada Superior Education Fund....	377,251 53		
Less-Investments : (Huron and Bruce).....	19,400 00		
do (City of Hamilton)....	10,000 00		
	29,400 00		
	347,851 53		
Normal School Building Fund.....	61,761 84		
Superannuated Teachers' Fund.....	2,700 88		
	412,314 25		
Compensation to Seigniors, capital.....	3,113,100 02		
Seigniorial indemnity to townships, capital.....	756,710 00		
Widows' Pensions and Uncommuted Stipends, Upper Can. do do do Lower Can.	50,143 84		
	4,126 31		
Miscellaneous liabilities payable in cash, Court House, Lower Canada.....	4,061 20		
Montreal District Council.....	3,912 05		
Public works, special.....	20,000 00		
Municipalities Fund, Upper Canada.....	302,553 66		
Upper Canada Grammar School Income Fund..	36,167 65		
Less : Arrears of Interest on investments.....	18,000 00		
	18,167 65		
Upper Canada Improvement Fund.....	5,119 08		
Compensation to seigniors' arrears.....	72 25		
Seigniorial indemnity to townships.....	130,347 39		
Banking accounts, 30th June, 1867, assumed by the Dom'n.	3,096,415 22		
Capitalization of annuities.....	999,835 55		
Balance of special appropriations, Ontario.....	213,473 37		
do do do Quebec.....	99,482 20		
Surveys ordered before 30th June, 1867, Ontario.....	7,074 01		
do do do Quebec.....	7,651 53		
Discount at which £63,000 stg. debentures taken from the Bank of Montreal at par per agreement, were placed in the sinking fund.....	46,184 66		
Less-Premium at which £42,501 13s. 4d. due to Sinking Fund, 30th June, 1867, might have been invested.....	30,807 42		
	15,377 24		
Arrears of payment to Indians under Robinson Treaty....	140,800 00		
Capitalization of annuities.....	303,280 00		
	\$77,835,129 98		\$77,835,129 98

See Record of Proceedings, page 122, line 9.

The Extract below is from Canada Sessional Papers of 1886, No. 18, page 52, Schedule C, Suspense Account, being the account of the Dominion against the Province of Canada.

The book of accounts No. 18, from which the extract is made, is filed for examination, Record p. 121, line 35, p. 122, lines 5 to 10.

These accounts were delivered to the Provinces of Ontario and Quebec on 11th June, 1886, and laid before Parliament on 29th May, 1886, with the following explanatory letter :

FINANCE DEPARTMENT,
OTTAWA, 21st January, 1886.

Hon. A. W. McLELAN,
10 Minister of Finance, Ottawa :

SIR,—I have the honor to submit herewith a statement of the accounts of the Province of Canada, and of the Provinces of Ontario and Quebec, from 1st July, 1867, to 1st July, 1885.

Schedule "A" is a continuation of the statement previously printed, beginning 1st July, 1882.

Schedule "B" contains the accounts re-cast in the form desired by the Treasurers of Ontario and Quebec.

Schedule "C" contains, in a suspense account, the amount chargeable for Indian annuities.

The balances brought out by these accounts are : Ontario credit, \$4,175,276.95 ; Quebec credit, \$1,861,594.11 ; suspense account, debit, \$866,177.17.

20 There would also appear to be chargeable against the balance of the Quebec account the interest on \$67,200, Montreal Turnpike Trust Debentures (held by the Dominion Government) from 5th January, 1872, to 5th July, 1885, at six per cent. per annum, amounting to \$51,432.00, and the compound interest on the same, \$21,998.60.

I have the honor to be, Sir,

Your obedient servant,

J. M. COURTNEY,

Deputy Minister of Finance.

THE EXTRACTS FROM THE ACCOUNTS OF THE LATE PROVINCE OF CANADA, 1886, TO WHICH THE ABOVE NOTE REFERS.

Extract from page 52 of book of accounts No. 18 filed.

SCHEDULE "C."

30 SUSPENSE ACCOUNT.

Arrears of payment under Robinson Treaty.....	\$ 52,800 00	
Capitalization of Annuities	303,280 00	
		\$356,080 00
Compound interest on the above from 1st July, 1867, to 1st July, 1885, at 5 per centum per annum, calculated half-yearly		510,097 17
		\$866,177 17
Amount chargeable to Ontario	\$457,086 04	
do Quebec.....	409,091 13	
		866,177 17

No. 24.

Table I.
Particulars of
the claim of
Dominion laid
before the
Arbitrators,
1851 to 1866.

Table I.

THE PARTICULARS OF THE CLAIM OF THE DOMINION AGAINST THE PROVINCE OF CANADA FOR ARREARS OF THE ANNUITIES PRIOR TO CONFEDERATION, BUT NOT PAID, FILED BEFORE THE ARBITRATORS.

See Record of proceedings, page 30.

	Approximate number of Indians paid.	Average value of annuity per head.	Amount paid.	Amount which should have been paid.	Arrears.	Interest.	From 1st July	To 30th June.	Terms	Rate.	Amount of arrears and interest.	Total.
1851	2,700	\$1 60	\$4,400 00	\$10,800 00	\$6,400 00	\$5,120 00	1851	1867	16	5%	\$11,520 00	
1852	2,700	1 60	4,400 00	10,800 00	6,400 00	4,800 00	1852	1867	15	"	11,200 00	
1853	2,700	1 60	4,400 00	10,800 00	6,400 00	4,480 00	1853	1867	14	"	10,880 00	
1854	2,700	1 60	4,400 00	10,800 00	6,400 00	4,460 00	1854	1867	13	"	10,560 00	
1855	2,700	1 60	4,400 00	10,800 00	6,400 00	2,800 00	1855	1867	12	"	10,240 00	
1856	2,700	1 60	4,400 00	10,800 00	6,400 00	3,520 00	1856	1867	11	"	9,920 00	
1857	2,700	1 60	4,400 00	10,800 00	6,400 00	3,200 00	1857	1867	10	"	9,600 00	
1858	2,700	1 60	4,400 00	10,800 00	6,400 00	2,880 00	1858	1867	9	"	9,280 00	
1859	2,700	1 60	4,400 00	10,800 00	6,400 00	2,560 00	1859	1867	8	"	8,960 00	
1860	2,700	1 60	4,400 00	10,800 00	6,400 00	2,240 00	1860	1867	7	"	8,640 00	
1861	2,700	1 60	4,400 00	10,800 00	6,400 00	1,920 00	1861	1867	6	"	8,320 00	
1862	2,700	1 60	4,400 00	10,800 00	6,400 00	1,600 00	1862	1867	5	"	8,000 00	
1863	2,700	1 60	4,400 00	10,800 00	6,400 00	1,280 00	1863	1867	4	"	7,680 00	
1864	2,700	1 60	4,400 00	10,800 00	6,400 00	960 00	1864	1867	3	"	7,360 00	
1865	2,700	1 60	4,400 00	10,800 00	6,400 00	640 00	1865	1867	2	"	7,040 00	
1866	2,700	1 60	4,400 00	10,800 00	6,400 00	320 00	1866	1867	1	"	6,720 00	
Interest on arrears and interest (\$145,920.00) from 1st July, 1867(to 30th December, 1862.....											179,520 00	
												\$325,440 00

Table II.

THE PARTICULARS OF THE CLAIM OF THE DOMINION AGAINST THE PROVINCE OF ONTARIO FOR ARREARS OF THE ANNUITIES BETWEEN 1867 AND 1873, BUT NOT PAID, FILED BEFORE THE ARBITRATORS. See Record of Proceedings, page 30.

Year.	Approximate number of Indians paid.	Average value of annuity.	Amount paid.	Amount which should have been paid.	Arrears.	Interest.	From 1st July,	To 30th Dec.	Terms.	Rate.	Amount of arrears and interest.	Total.
1867	2,700	\$1 00	\$4,400 00	\$10,800 00	\$6,400 00	\$8,160 00	1867	1892	25½	5 p. cent.	\$14,560 00	
1868	2,700	1 60	4,400 00	10,800 00	6,400 00	7,840 00	1868	1892	24½	"	14,240 00	
1869	2,700	1 60	4,400 00	10,800 00	6,400 00	7,520 00	1869	1892	23½	"	3,920 00	
1870	2,700	1 60	4,400 00	10,800 00	6,400 00	7,200 00	1870	1892	22½	"	13,600 00	
1871	2,700	1 60	4,400 00	10,800 00	6,400 00	6,880 00	1871	1892	21½	"	13,280 00	
1872	2,700	1 60	4,400 00	10,800 00	6,400 00	6,560 00	1872	1892	20½	"	12,900 00	
1873	2,700	1 60	4,400 00	10,800 00	6,400 00	6,240 00	1873	1892	19½	"	12,640 00	\$95,200 00

Table II.
Dominion particulars of claim laid before the Arbitrators, (1867 to 1873).

Table III.
Dominion
particulars of
claim laid
before the
Arbitrators,
(1874 to 1892).

Table III.

THE PARTICULARS OF THE CLAIM OF THE DOMINION AGAINST THE PROVINCE OF ONTARIO FOR AMOUNT OF ANNUITIES OVER AND ABOVE THE INTEREST ON \$88,000 CAPITALIZED, PAID TO THE INDIANS BETWEEN 1874 AND 1892, FILED BEFORE THE ARBITRATORS. See Record of Proceedings, page 30.

Year.	No. of Indians.	Amount per head.	Interest on \$88,000 at 5 per cent.	Amount paid.	Amount due the Dominion.	Interest on amount due.	From 1st July.	To 31st Dec.	Terms.	Rate.	Amount due with interest	Total.
1874	3,791	\$4 00	\$4,400 00	\$15,164 00	\$10,764 00	\$9,956 70	1874	1892	18 1/2	5 p. cent	\$20,720 70	
1875	3,771	4 00	4,400 00	15,084 00	10,684 00	9,248 50	1875	1892	17 1/2	"	20,032 50	
1876	4,156	4 00	4,400 00	16,624 00	12,224 00	10,084 00	1876	1892	16 1/2	"	22,308 50	
1877	3,988	4 00	4,400 00	15,592 00	11,552 00	8,952 80	1877	1892	15 1/2	"	20,504 80	
1878	3,994	4 00	4,400 00	15,976 00	11,576 00	8,392 60	1878	1892	14 1/2	"	19,968 60	
1879	4,450	4 00	4,400 00	17,804 00	13,404 00	9,047 70	1879	1892	14 1/2	"	22,451 70	
1880	4,444	4 00	4,400 00	17,760 00	13,360 00	8,350 00	1880	1892	12 1/2	"	21,710 00	
1881	4,426	4 00	4,400 00	17,704 00	13,304 00	7,619 80	1881	1892	11 1/2	"	20,963 80	
1882	4,725	4 00	4,400 00	18,900 00	14,500 00	7,612 50	1882	1892	10 1/2	"	22,102 50	
1883	4,747	4 00	4,400 00	18,988 00	14,588 00	6,929 30	1883	1892	9 1/2	"	21,517 60	
1884	4,785	4 00	4,400 00	19,140 00	14,740 00	6,264 50	1884	1892	8 1/2	"	21,004 50	
1885	5,178	4 00	4,400 00	20,712 00	16,312 00	6,017 00	1885	1892	7 1/2	"	22,329 00	
1886	4,950	4 00	4,400 00	19,800 00	15,200 00	4,940 00	1886	1892	6 1/2	"	20,140 00	
1887	5,183	4 00	4,400 00	23,732 00	16,332 00	4,491 30	1887	1892	5 1/2	"	20,923 30	
1888	5,173	4 00	4,400 00	20,692 00	16,292 00	3,665 70	1888	1892	4 1/2	"	19,937 70	
1889	5,183	4 00	4,400 00	20,732 00	16,332 00	2,045 00	1889	1892	3 1/2	"	19,190 10	
1890	5,190	4 00	4,400 00	20,760 00	16,360 00	2,045 00	1890	1892	2 1/2	"	19,405 40	
1891	5,139	4 00	4,400 00	20,556 00	16,156 00	1,211 70	1891	1892	1 1/2	"	17,367 70	
1892	5,151	4 00	4,400 00	20,604 00	16,204 00	405 10	1892	1892	1/2	"	16,609 10	\$389,106 80

IN THE PRIVY COUNCIL.

Nos. 25 and 26 of 1896.

ON APPEAL
FROM THE SUPREME COURT OF
CANADA,

BETWEEN

THE DOMINION OF CANADA,
Appellants,

AND

THE PROVINCE OF ONTARIO,
Respondents,

AND BETWEEN

THE PROVINCE OF QUEBEC,
Appellants,

AND

THE PROVINCE OF ONTARIO,
Respondents.

Mr. Aldane, 2. C.

JOINT APPENDIX.

BOMPAS, BISCHOFF, DODGSON,
COXE, AND BOMPAS,
4 Great Winchester Street, S. E.,
for Appellants.

FRESHFIELDS AND WILLIAMS,
5 Bank Buildings, E. C.,
for Respondents.