

from making any award, as in our opinion it is not possible so to do, without assuming to decide and deciding a disputed constitutional question.

Mr. Justice Burbidge having had the matter mentioned in this paragraph brought before him when filling the office of the Deputy of the Minister of Justice, takes no part in the disposition of the same.

IN WITNESS WHEREOF we, the said John Alexander Boyd, Sir Louis Napoléon Casault, and George Wheelock Burbidge, having hereunto set our hands and seals the fifteenth day of May, A.D. 1897.

(Signed) J. A. BOYD, [Seal]
 " L. N. CASAULT, [Seal]
 " GEO. W. BURBIDGE. [Seal]

Witness:

(Signed) L. A. AUDETTE.

THE TENTH AWARD.

CLAIM — HURON AND SUPERIOR INDIAN TREATIES CONJOINTLY AGAINST ONTARIO AND QUEBEC.

To all to whom these Presents shall come :

7th January, 1898.

The Honourable John Alexander Boyd, of the city of Toronto, and Province of Ontario, Chancellor of the said province ; the Honourable Sir Louis Napoléon Casault, of the city of Quebec, in the province of Quebec, Chief Justice of the Superior Court of the said province of Quebec ; and the Honourable George Wheelock Burbidge, of the city of Ottawa, in the said province of Ontario, Judge of the Exchequer Court of Canada, SEND GREETING :

Whereas it was in and by the Act of the Parliament of Canada, 53-54 Victoria, chapter 6, and in and by an Act of the Legislative Assembly of Ontario, 54 Victoria, chapter 2, and in and by an Act of the Legislature of Quebec, 54 Victoria, chapter 4, among other things, provided that for the final and conclusive determination of certain questions and accounts which had arisen or which might arise in the settlement of accounts between the Dominion of Canada and the provinces of Ontario and Quebec, both jointly and severally, and between the two provinces, concerning which no agreement had theretofore been arrived at, the Governor General in Council might unite with the Governments of the provinces of Ontario and Quebec in the appointment of three arbitrators, being judges, to whom should be referred such questions as the Governor General and Lieutenant Governors of the said provinces should agree to submit.

And whereas we, the undersigned, John Alexander Boyd, Sir Louis Napoléon Casault, and George Wheelock Burbidge have been duly appointed under the said Acts, and have taken upon ourselves the burdens thereof.

And whereas it was provided in and by the said Acts such arbitrators, or any two of them should have power to make one or more awards, and to do so from time to time.

And whereas certain questions respecting a claim made by the Dominion of Canada against the Provinces of Ontario and Quebec that in ascertaining the debt of the Province of Canada mentioned in the 112th section of *The British North America Act*, 1867, the contingent obligation to pay the increased annuities mentioned in the Robinson Treaties of the 7th and 9th of September, 1850, and the arrears of such increased annuities between the years 1867 and 1873, inclusive, and the sums paid by the Dominion in respect of such increased annuities up to