

VII. Were not the "Chiefs and their tribes," contracting with the Honourable William B. Robinson *es qualite*, bound to see that the terms of the treaties were kept?

Quebec answers in the affirmative.

VIII. Can interest be claimed on arrears of annuities, if any, so long as no demand or protest has been made?

Quebec answers in the negative.

IX. Looking at the nature of the claim, can interest be demanded?

Quebec submits that the nature of the claim does not justify the allowing of interest, as the transaction is not of a mercantile character; 10 and inasmuch, also, as there has been no default and no promise on the part of the Province, express or implied, to pay interest, and no such promise can be inferred from the circumstances of the case.

X. Is not the said claim subject to prescription, as it is not due to the Government, but merely to the said "Chiefs and Tribes." Is it not subject to the same prescription as the claim of any other person?

Quebec contends that it is.

XI. Could the Dominion Government increase the annuities at any time without the consent of the Province or Provinces interested, or without at least putting them in default of rendering an account with respect 20 to the said Territories? Are the said Indians entitled to any increase without "the gracious pleasure" of Her Majesty—that is, without a vote of Parliament, or at least an Order-in-Council? Can such grant have a retroactive effect without the consent of the Provinces?

Quebec answers in the negative.

XII. The lands so ceded under the said "Robinson Treaties" being in the Province of Ontario, do the said Annuities or increased Annuities constitute "a trust existing in respect thereof, and an interest other than that of the Province in the same" within the meaning of section 109 of the British North America Act?

Quebec contends that the said Section 109 of the B. N. A. Act can 30 have no other meaning. All claims of third parties, whether of individuals or of corporations, or of Indians, must be met and liquidated by the Province upon whose lands any trust or claim existed in favor of third parties at the time of Confederation. In the Indian Treaties referred to, it is stated that the Annuities granted to the Indians might be increased to £1 currency per head, provided the value of the lands thus ceded by the Indians would warrant the increase, or, at the pleasure of the Government. This might happen before or after Confederation, but at all times it was a burden upon the lands so ceded. This, also, shows that a trust 40 was created on those lands, and that the amount payable from the proceeds of the same might be increased from time to time.