

Will Indians not belonging to the said tribes, or not inhabiting the said district, be entitled to the benefit of the same?

Quebec contends that Indians, or their descendants, not belonging to these tribes, or not inhabiting these territories, are not entitled to benefit by said treaties.

II. In determining the increased annuities, is the value of the territories or lands, at the date of the treaties, to be considered? Is such value settled by the treaties? Should not the amount of the increased annuities be based upon the profit realized, rather than upon the increased value? 10

Quebec contends that only the increase in value since the date of the treaties or the profits, can be taken into consideration.

III. In considering whether the annuities could be increased, is the Government entitled to charge against receipts all expenditures in respect of the said territories, and especially those mentioned at page 6 of the Answer of the Province of Ontario?

Quebec submits that all expenditure and charges in respect to the said territories should be taken into account.

IV. The administration of Indian affairs being in the hands of the Imperial Government up to the year 1860, is the late Province of Canada responsible for any omission in rendering an account of the said receipts and expenditures in respect to the said territories? Was the said Province bound to render such account, and if so, when and to whom? Was the said Province bound to prepare and present an account without any demand being made, either by the Imperial Government or the chiefs of the said Indians?

Quebec contends that there is no law and no agreement which obliged them to keep and present such account; and more particularly so in the absence of any demand for the same.

V. Is the Province of Canada responsible for any fault or negligence in the administration of Indian affairs by the Imperial Government in respect to the said treaties? 30

VI. In 1868, the Department of the Secretary of State was organized, and the management of Indian lands was transferred to that department. 31 V., c. 42.

Before that time and since 1860, when the Imperial Government ceased to manage Indian affairs, the latter were under the management of the Commissioner of Crown Lands, who was a responsible officer bound to give security for the due discharge of his duties. 23 V., c. 2, s. 6.

Under such circumstances, how can it be held that the late Province of Canada was in any way responsible for the said management of Indian affairs? 40