

“5th. That the assets enumerated in the 4th schedule to be the property of Ontario and Quebec conjointly, shall be divided or allowed on the same basis.

“6th. That the expenditure made in the creation of the said assets shall be taken as the value thereof, and, where no asset has been left, the amount paid shall be taken as the debt incurred.” Judge Day, for the province of Quebec, dissented and resigned.

The two arbitrators deemed their duty to be to continue the work, notwithstanding the resignation of their colleague.

In September, 1871, they rendered an award. The contention was then set up that the award was invalid, as made by two, and not by the three, arbitrators.

After some years a case was submitted to the Privy Council of England, and in 1878 a decision was given that the award was valid. But during fifteen years no settlements under the award were effected. In 1893 arbitrators were appointed and the questions in dispute discussed. On the 2nd November, 1893, the arbitrators made the following statement:—

TO ALL TO WHOM THESE PRESENTS SHALL COME :

The Honourable John Alexander Boyd, of the city of Toronto and province of Ontario, Chancellor of said province; the Honourable George Wheelock Burbidge, of the city of Ottawa, in the said province, Judge of the Exchequer Court of Canada, and the Honourable Louis Napoléon Casault, of the city of Quebec, in the province of Quebec, Judge of the Superior Court of the said province of Quebec, send greeting.

Whereas, it was in and by the Act of the Parliament of Canada, 54-55 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, chapter 4, among other things provided that for the final and conclusive determination of certain 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 heretofore 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 provinces should agree to submit,

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

And whereas, it was provided in and by the said Act that 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 the allowance of interest and other matters incident to the taking of such accounts have been submitted to such arbitrators and they have heard the parties thereto.

Now, therefore, the said arbitrators, exercising their authority to make a partial award at this time respecting the same, do award, order and adjudge in and upon the premises as follows. That is to say:—

1. That from the 1st of July, 1867, to the passing of the Act of the Parliament of Canada, 36th Victoria, chapter 30, the provinces of Ontario and Quebec shall be credited with the subsidy half yearly in advance, deducting therefrom at the end of each half year their respective shares of interest as determined by the award of 31d September, 1870, at the rate of 5 per cent per annum on the excess of debt of the