

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 admitted 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 affected. In 1892 arbitrators were appointed and the questions in dispute discussed.

(1.) On the 2nd November, 1893, the arbitrators made the following award respecting what was called "The Question of Interest," to wit:—

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 Napoleon 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-Governor of the provinces should agree to submit;

And whereas, we the undersigned, John Alexander Boyd, George Wheelock Burbidge, and Louis Napoleon 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 3rd September, 1870, at the rate of 5 per cent per annum on the excess of debt of the Province of Canada over \$62,500,000 as actually ascertained in amount at each period, the first of such deductions to be made on the 1st of January, 1868, and the others on the 1st days of July and January thereafter, down to and including the 1st day of January, 1873.

2. That in the Province of Canada account there shall be credited on the 23rd day of May, 1873, the sum of \$10,506,088.84 related by the said Act, and thereafter the subsidy shall be credited in the separate accounts of Ontario and Quebec without any such deduction.

3. That on and from the 1st July, 1884, the Provinces of Ontario and Quebec shall be credited with the additional subsidy granted by the Act 47 Victoria, chapter 4, in the proportion determined for the excess of debt by the award hereinbefore mentioned.

4. That each province shall be credited as of the 1st of July, 1867, with its share of \$200,000 representing the purchase money of the library and other personal property mentioned in the 14th paragraph of the said award.

5. That the "trust funds" shall be treated as intact and unimpaired and interest thereon at the rate of 5 per cent per annum carried half yearly into the separate accounts of Ontario and Quebec.

6. That the Province of Canada account shall be made up at simple interest at the rate of 5 per cent per annum, as has been agreed upon between the parties.

7. That in the separate accounts of Ontario and Quebec the said provinces shall respectively be allowed simple interest on any balances from time to time existing in their favour and at the rate of 5 per centum per annum, except where other rate has been expressly agreed to.