

jointly liable to Canada for any excess of the debt of the Province of Canada at the union over \$62,500,000, and chargeable with 5 per cent. interest thereon. Sections 114 and 115 make a like provision for the debts of Nova Scotia and New Brunswick, exceeding eight and seven millions respectively; and by section 116, if the debts of those provinces should be less than said amounts, they are entitled to receive, by half-yearly payments in advance, interest at the rate of 5 per cent. on the difference. Section 118, after providing for annual payments of fixed sums to the several provinces for support of their governments, and an additional sum per head of the population, enacts that "such grants shall be in settlement of all future demands on Canada, and shall be paid half-yearly in advance to each province, but the Government of Canada shall deduct from such grants, as against any province, all sums chargeable as interest on the public debt of that province in excess of the several amounts stipulated in this Act." The debt of the Province of Canada at the union exceeded the sum mentioned in section 112, and on appeal from the award of arbitrators appointed to adjust the accounts between the Dominion and the Provinces of Ontario and Quebec;

Held, affirming said award, that the subsidy to the provinces under section 118 was payable from the 1st of July, 1867, but interest on the excess of debt should not be deducted until 1st January, 1868; that unless expressly provided interest is never to be paid before it accrues due; and that there is no express provision in the B.N.A. Act that interest shall be deducted in advance on the excess of debt under section 118.

By 36 Vict., c. 30 (D.), passed in 1873, it was declared that the debt of the Province of Canada at the union was then ascertained to be \$73,006,088.84, and that the subsidies should thereafter be paid according to such amount. By 47 Vict., c. 4, in 1884, it was provided that the accounts between the Dominion and the provinces should be calculated as if the last-mentioned Acts had directed that such increase should be allowed from the coming into force of the B.N.A. Act; and it also provided that the total amount of the half-yearly payments which would have been made on account of such increase from July 1st, 1867, to Jan. 1st, 1873, with interest at 5 per cent. from the day on which it would have been so paid to July 1st, 1884, should be deemed capital, owing to the respective provinces bearing interest at 5 per cent., and payable after July 1st, 1884, as part of the yearly subsidies.

Held, affirming the said award, GWYNNE, J., dissenting, that the last-mentioned Acts did not authorize the Dominion to deduct in advance from the subsidies payable to the provinces half-yearly, but leaves such deduction as it was under the B.N.A. Act.

Ritchie, Q.C., and *Hogg*, Q.C., for the appellant.

Irving, Q.C., and *Moss*, Q.C., for the respondent, the Province of Ontario.

Girouard, Q.C., and *Hall*, Q.C., for the respondent, the Province of Quebec.

Quebec.]

[Oct. 8.]

BARRINGTON v. THE CITY OF MONTREAL.

Appeal—Mandamus—Appeal from Court of Review—Jurisdiction.

B. applied for a mandamus to compel the city of Montreal to carry out the