

Held, affirming the decision of the Court of Review, that under this agreement B. was only required to show that any furnace so started did not have an actual output worth more than \$100 per day on an average for a reasonable period, and that the words "could not have a production of more than one hundred dollars per day" did not mean mere capacity to produce that quantity, whether it was actually produced or not.

Appeal dismissed with costs.

Martin, Q.C. (Ontario Bar), and *Martin* for appellant.

Beique, Q.C., and *Geoffrion*, Q.C., for respondent.

Quebec.]

[May 6.

VILLAGE OF ST. JOACHIM DE LAPOINTE CLAIRE *v.* THE LAPOINTE CLAIRE
TURNPIKE ROAD COMPANY.

Statute—Construction of—Retroactive effect of—Municipal corporation—Turnpike road company—Erection of toll-gates—Consent of corporation.

A turnpike road company has been in existence for a number of years in the village of Lapointe Claire, and had erected toll-gates and collected tolls therefor, when an Act was passed by the Quebec Legislature, 52 Vict., c. 43, forbidding any such company to place a toll or other gate within the limits of a town or village without the consent of the corporation. Section 2 of said Act provided that "this Act shall have no retroactive effect," which section was repealed in the next session by 54 Vict., c. 36. After 52 Vict., c. 43, was passed, the company shifted one of its toll-gates to a point beyond the limits of the village, which limits were subsequently extended so as to bring said gate within them. The corporation took proceedings against the company, contending that the repeal of section 2 of 52 Vict., c. 43, made that Act retroactive, and that the shifting of the toll-gate without the consent of the corporation was a violation of said Act.

Held, affirming the decision of the Court of Queen's Bench, that as a statute is never retroactive unless made so in express terms section 2 had no effect, and its repeal could not make it retroactive; that the shifting of the toll-gate was not a violation of the Act, which only applied to the erection of new gates; and that the extension of the limits of the village could not affect the possessory rights of the company.

Appeal dismissed with costs.

Geoffrion, Q.C., and *Charbonneau* for the appellant.

St. Pierre, Q.C., for the respondent.

Award of Arbitrators.]

[May 6

DOMINION OF CANADA *v.* PROVINCES OF ONTARIO AND QUEBEC.
IN RE ARBITRATION RESPECTING PROVINCIAL ACCOUNTS.

Construction of statute—B.N.A. Act, ss. 112, 114, 115, 116, 118—36 Vict., c. 30 (D.)—47 Vict., c. 4 (D.)—Provincial subsidies—Half-yearly payments—Deduction of interest.

By section 111 of the B.N.A. Act, Canada is made liable for the debt of each province existing at the union. By section 112, Ontario and Quebec are