

and Lords Macnaghten, Davey, Robertson and Lindley and Sir Arthur Wilson) have affirmed the judgment of the Court of Appeal, 27 A.R. 54. The appellants agreed to accept a lease of lands from the City of Toronto, and the principal question was whether the lease, in the absence of any express agreement on the point, should contain a covenant by the lessees to pay taxes. The city contended that it should, on the ground that such a covenant is a "usual covenant" in an open agreement, but the Judicial Committee agreed with the courts below that the question turned upon other considerations: viz., that the burden of paying taxes falls by the Assessment Act on the lessee, and that the covenant was usual in the sense that the corporation invariably insisted on it in their leases. There was another point in regard to the liability of the lessees for interest on rent in arrear. They had gone into possession before 1st January, 1895, from which date the rent was to begin, but the lessors had failed to shew title until May 28, 1898, and their Lordships considered that the lessees could not be considered to be in default until the latter date, from which date they would be liable for interest on the rent in arrear.

B. N. A. ACT, s. 51, s.-s. 4; ss. 3, 146—READJUSTMENT OF REPRESENTATION—"AGGREGATE POPULATION OF CANADA."

*Attorney-General of Prince Edward v. Attorney-General of Canada* (1905) A.C. 37 deals with the construction of the B. N. A. Act in regard to the clauses relating to the readjustment of the representation from time to time in the Dominion House of Commons. The case came before the Judicial Committee of the Privy Council on appeal from the Supreme Court of Canada, and it may suffice to state briefly the conclusions at which their Lordships of the Privy Council (Lords Macnaghten, Davey, Robertson and Lindley, and Sir Arthur Wilson) have arrived. They hold first: that for the purpose of determining whether the representatives of New Brunswick are liable to be reduced, the expression "aggregate population of Canada," in s. 51 (4) of the B. N. A. Act means the whole of Canada as constituted by the Act, and not merely the four Provinces originally federated, but includes those and all other Provinces subsequently incorporated by Order in Council under s. 146. The decision of the Supreme Court on this point was affirmed. Secondly, they hold that Prince Edward, which had been admitted under s. 146 by Order in Council directing it to have six members, its representation to be readjusted from time to time under the provisions of the Act, was not by s. 51 (4) protected from reduction, until an increase thereof had been previously effected. On this point also the judgment of the Supreme Court was affirmed.