

Government has paid the annuities since 1867 and claims to be re-imbursed therefor by Ontario.

*Held*, affirming the award of the arbitrators, that the payment of the annuities was a debt or liability of the Province of Canada assumed by the Dominion under the B. N. A. Act.

*Held* also, reversing the said award, that the provision in the treaties as to increased annuities had not the effect of burdening the lands with a "trust in respect thereof" or "an interest other than that of the Province in the same" within the meaning of said sec. 109, and therefore Ontario held the lands free from any trust or interest, and was not solely liable for repayment to the Dominion of the annuities, but only liable jointly with Quebec as representing the said Province of Canada.

Appeal allowed with costs.

*Æmilius Irving, Q. C., S. H. Blake, Q. C., and J. M. Clark*, for Province of Ontario.

*Christopher Robinson, Q. C., and Hogg, Q. C.*, for the Dominion of Canada.

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

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25 Feb., 1896.

Quebec.]

HAMEL V. HAMEL.

*Appeal—Final judgment—Interlocutory proceeding—Petition for leave to intervene.*

In an action brought by one executor of an estate to have the other removed, E. H., *mis-en-cause* in the action, wishing to take proceedings for the removal of both executors, presented a petition to the Superior Court asking to be allowed to intervene. His petition was dismissed, the court holding that as he was already in the cause as *mis-en-cause*, if he wanted relief that he could not obtain in that capacity he must bring a separate action. The judgment dismissing the petition was affirmed by the Court of Queen's Bench and the petitioner sought to appeal to the Supreme Court.

*Held*, that the proceedings were only interlocutory, and there was no final judgment from which an appeal would lie.

Appeal quashed with costs.

*Drouin, Q. C.*, for the motion.

*Belcourt*, contra.