

S. P. had acquired for value, and was holding a share in a ferry contract with the Local Government, subsidized to the extent of \$95 per annum.

The Judge at the trial held that S. P. had not properly resigned his seat, as the Island Statute 39 Vict. c. 3, had not provided for the resignation of a member in the interval between the dissolution of one general assembly the first session of the next general assembly, but held that his seat had become vacant under the provisions of the 4th section of the Provincial Act, 39 Vict. c. 3 (P. E. I.).

On appeal to the Supreme Court of Canada, *Held*, affirmative of the court below. *TASCHEREAU*, J., dissenting, that S. P. enjoyed and held such an interest in a public contract as rendered his seat vacant in the local House of Assembly (P. E. I.) under sections 4 and 8, 39 Vict. c. 3 (P. E. I.), and therefore that he was properly eligible to the House of Commons.

Appeal dismissed with costs.

Hodgson, Q.C., for appellant.

Peters, for respondent.

THE ATTORNEY-GENERAL OF BRITISH COLUMBIA (Appellant) *v.* THE ATTORNEY-GENERAL OF CANADA (Respondent).

B. N. A. Act s. 92 ss. 5, 109 and 146—47 Vict. c. 14, s. 2 (B.C.)—Provincial public lands, transfer of, to the Dominion of Canada—Effect of—Precious metals vested in the Crown in right of the Dominion Government.

Appeal from the Exchequer Court of Canada.

By section 2 of the Order in Council, passed in virtue of section 146 of the B. N. A. Act, under which British Columbia was admitted into the Union it was provided as follows:

"And the Government of British Columbia agree to convey to the Dominion Government, in trust, to be appropriated in such manner as the Dominion Government may deem advisable in furtherance of the construction of the said railway, a similar extent of public lands along the line of railway throughout its entire length in British Columbia, not to exceed, however, twenty miles on each side of the said line, as may be appropriated for the same purpose by the Dominion Government from the public lands of the North-west Territories and the Province of Manitoba."

By 47 Vict. c. 14, s. 2 (B. C.) it was enacted as follows:

"From and after the passing of this Act there shall be, and there is hereby granted to the Dominion Government, for the purpose of constructing, and to aid in the construction of the portion of the Canadian Pacific Railway on the mainland of British Columbia, in trust, to be appropriated as the Dominion Government may deem advisable, the public lands along the line of the railway before mentioned, wherever it may be finally located, to a width of twenty miles on each side of the said line, as provided in the Order in Council, section 2, admitting the Province of British Columbia into Confederation."

A controversy having arisen in respect of the ownership of the precious metals in and under the lands so conveyed, the Exchequer Court, upon consent and without argument, gave judgment in favor of the Dominion Government.

On appeal to the Supreme Court,

Held, affirming the judgment of the Exchequer Court, *FOURNIER* and *HENRY*, JJ., dissenting, that the Order in Council admitting British Columbia into Confederation and the statutes transferring the public lands described therein, the precious metals in, upon and under such public lands, are now vested in the Crown as represented by the Dominion Government.

Appeal dismissed with costs.

McCarthy, Q.C., for appellant.

Burbidge Q.C., and *Hogg* for respondent.

THE QUEEN, ON THE INFORMATION OF THE ATTORNEY-GENERAL FOR CANADA (Appellant) *AND* A. S. FARWELL (Respondent).

47 Vict. c. 14 s. 2 (B.C.), Effect of—Provincial Crown grant void.

Appeal from the Exchequer Court of Canada.

By provision 2 of the Order in Council admitting the Province of British Columbia into Confederation, British Columbia agreed to convey to the Dominion Government, in trust, to be appropriated in such manner as the Dominion Government may deem advisable, in furtherance of the construction of the Canadian Pacific Railway, an extent of public lands along the line of railway. After certain negotiations between the Governments of Canada