such lands, mines, minerals, or royalties, shall belong to the several Provinces of Ontario, Quebec, Nova Scotia, and New Brunswick, in which the same are situate or arise, subject to any trusts existing in respect thereof, and to any interest other than that of the Province in the same." The Provincial Legislatures are not, in terms, here mentioned, but the words, "shall belong to the several Provinces" are obviously equivalent to those used in section 126—"are by this Act reserved to the respective Governments or Legislatures of the Provinces." That they do not apply to all lands held as private property at the time of the union seems clear from the corresponding language of section 125, "No lands or property belonging to Canada or any Province shall be liable to taxation"—where public property only must be intended. They evidently mean lands, etc., which were at the time of the union in some sense and to some extent *publici juris*, and in this respect they receive illustration from another section, the 117th (which their lordships do not regard as otherwise very material)—"The several Provinces shall retain all their respective public property not otherwise disposed of by this Act, subject to the right of Canada to assume any lands or public property required for fortifications or for the defence of the country." Their lordships are not satisfied that section 102, when it speaks of certain portions of the then existing duties and revenues as "reserved to the respective Legislatures of the Provinces," ought to be understood as referring to the powers of Provincial Legislation conferred by section 92. Even, however, if this were so held, the fact, that exclusive powers of legislation were given to the Provinces as to "the management and sale of the public lands belonging to the Province," would still leave it necessary to resort to section 109 in order to determine what those public lands were. The extent of the Provincial power of legislation over property and civil rights in the Province cannot be ascertained without at the same time ascertaining the powers and rights of the Dominion under sections 91 and 92, and therefore cannot throw much light on the extent of the exceptions and reservations now in question.

It was not disputed, in the argument for the Dominion at the Bar, that all territorial revenues arising within each Province from "lands" (in which term must be comprehended all estates inland) which at the time of the union belonged to the Crown, were reserved to the respective Provinces by section 109, and it was admitted that no distinction could, in that respect, be made between Crown lands then ungranted and lands which had previously reverted to the Crown by escheat. But it was insisted that a line was drawn at the date of the union, and that the words were not sufficient to reserve any lands afterwards escheated which at the time of the union were in private hands and did not then belong to the Crown. If the word "lands" had stood alone it might have been difficult to resist the force of this argument. It would have been difficult to say that the right of the lord paramount to future escheats was "land belonging to him" at a time when the fee-simple was still in the freeholder. If capable of being described as an interest in land, it was certainly not a present proprietary right to the land itself.

The word "lands," however, does not here stand alone. The real question is as to the effect of the words "lands, mines, minerals, and royalties" taken together. In the Court of Appeal of the Province of Quebec it has been held that these words are sufficient to pass subsequent escheats; and for this purpose, stress was laid by some at least, of the learned Judges of that Court (the others not dissenting) on the particular word "royalties" in this context.

If "lands and royalties" only had been mentioned (without "mines" and "minerals") it would have been clear that the right of escheats, whenever they might fall, incident at the time of the Union to the tenure of all socage lands held from the Crown, was a "royalty" then belonging to the Crown within the Province, so as to be reserved to the Province by this section and excepted from section 102. After full consideration, their Lordships agree with the Quebec Court in thinking that the mention of "mines" and "minerals" in this context is not enough to deprive the word "royalties" of what would otherwise have been its proper force. It is true (as was observed in some of the opinions of the majority of the Judges in the Supreme Court of Canada) that this word "royalties" in mining grants or leases (whether granted by the Crown or by a subject) has often a special