

B.C.]

BURREARD POWER CO. v. THE KING.

[Feb. 15.

*Constitutional law — Legislative jurisdiction — Crown lands — Terms of union of British Columbia, art. 11—Railway aid—Provincial grant to Dominion—Intrusion—Provincial legislation—Water-records within railway belt—B.N.A. 1867, ss. 91, 109, 117, 146—Imperial order in council, May 16, 1871—Water Clauses Consolidation Act, B.C.*

While lands within the "Railway Belt" of British Columbia remain vested in the Government of Canada in virtue of the grant made to it by the Government of British Columbia pursuant to the eleventh article of the "Terms of Union" of that province with the Dominion, the Water Commissioners of the Province of British Columbia are not competent to make grants of water-records, under the provisions of the Water Clauses Consolidation Act, 1897, R.S.B.C., c. 190, which would in the operation of the powers thereby conferred interfere with the proprietary rights of the Dominion of Canada therein. Cf. *The Queen v. Farwell*, 14 Can. S.C.R. 392.

Judgment appealed from, 12 Ex C.R. 295, affirmed. Appeal dismissed with costs.

*Lasfleur*, K.C., for appellants. *Newcombe*, K.C., for respondent.

B.C.]

[Feb. 15.

BRITISH COLUMBIA ELECTRIC RY. CO. v. CROMPTON.

*Construction of statute—Limitations of actions—Contract for supply of electric light—Negligence—Injury to person not privy to contract.*

The appellant company, having acquired the property, rights, contracts, privileges and franchises of the Consolidated Railway and Light Company, under the provisions of the Consolidated Railway Company's Act, 1896, 59 Vict. ch. 55 (B.C.), is entitled to the benefit of the limitation of actions provided by s. 60 of that statute, *IBINGTON*, J., dissenting.

The limitation so provided applies to the case of an infant injured while residing in his mother's house by contact with an electric wire in use there under a contract between the company and his mother.