"I am not quite certain whether the Government intends to keep in their own hands the management of the lands of the Crown. I presume that they mean to do so, but upon this point I hope to have a distinct assurance from my noble friend. I hope to hear that the management of the Crown lands will continue in the hands of the Crown; and that it is not the Crown lands themselves, but the *revenue* arising from them, that it is proposed to transfer to the House of Assembly."

Lord John, replying to this point in Lord Stanley's speech, said:—

"Then, Sir, as to the management of the Crown Lands. He asks whether it will remain in the hands of the Crown? Sir, I believe it will. There is no provision to transfer it; and even supposing that the revenue arising in part from land might be somewhat diminished, under the circumstances, I do not think that there will accrue any great loss to the revenue from this cause; for as fast as land may be alienated the other parts of the land will become of more value, and other portions of the Crown's revenue yield a greater increase than they have done of late years. It may be said there is danger of an indiscriminate sale of the lands. To prevent that, however, I think there will be sufficient guards in the protection and superintendence of the Crown officers. I therefore do not think that the Crown revenue will be materially affected."

We have here a commentary upon the land and revenue clauses of the Act of 1840, by those who framed them, and explained their meaning to Parliament. It supports my contention that, as Lord Stanley puts it, "it is not the Crown lands themselves, but the revenue arising from them" that was transferred to the Canadian Legislature. It results from this view of the reservation of the prerogative right of the Crown in the waste lands of the Crown, under the Act of 1840, that the same right subsists, and was not intended to be granted to the Local Legislatures by the Act of 1867. The judgment of the Court of Queen's Bench for the Province of Quebec, in the Fraser escheat case (vol. 2, Quebec Law Reports, page 236), on which the Respondents also rely as a decision in their favour, is based on the assumption that the word "royalties" in the 109th section of the British North America Act transfers to the provinces the hereditary revenues accruing from escheats. I admit that these revenues did belong to the old Province of Canada, subject to the right of her majesty to quit claim to or release them in favour of relatives, as I have already pointed out. But the "net produce" of these revenues is all that was granted by the Act of 1840, and the 102nd section of the Act of 1867 gives these revenues to the Consolidated Fund of the Dominion, in express terms. The word "royalties" has no reference to these casual revenues, but to the rents or dues reserved for mining rights in the Maritime Provinces. "It is usual for the Crown to reserve a *royalty* on minerals raised from waste lands in the colonies," (Forsyth, p. 178.) Not only is this clear from the associate words, but the next sentence shows that such a construction was never contemplated by the framers of the Act, "and all sums then due or payable *for* such lands, mines, minerals or royalties shall belong to" the provinces. What "sums" could possibly be then due or payable "for" the prerogative right to inherit, as *ultimus hæres*, the property of persons dying intestate and without heirs? Are the *jura regalia* of the Crown things, commodities, that can be sold in the market place, and for which