reversions is based. In the present case the land comes to the Crown as the last heir. In the colonies that now form part of the United States, as well as these provinces, and also in India, the Crown has always been treated as the ultimate heir, the person to whom property descends or passes that is vested in no one else, and it is by virtue of that doctrine that this property fell to, and is now vested in Her Majesty. It is not vested under any doctrine of reversion found in the old books with reference to feudal tenure. Perhaps it will be as well at this point to give your lordships the authority on which I rely, and which, in my judgment, is conclusive. I quote from Cruise's Digest, edition of 1835, vol. 3, in which the law on this subject is summed up with great clearness. The citation will be found at page 397, "An escheat is a casual profit. When the power of alienation was introduced the change of tenant changed the chance of the escheat but did not destroy it, and when a general liberty of alienation was allowed without consent of the lord, this right became a sort of *caducary succession*, the lord taking as *ultimus hæres*." The same doctrine is laid down by Lord Mansfield in *Burgess* vs. *Wheate*, 1 Wm. Blackstone, 163. The Master of the Rolls in the same case said, "The difference of taking by prerogative and escheat (*i.e.* feudal escheat) is material, and Lord Hale makes the distinction." 1 Wm. Black., 144.

That expresses very clearly the doctrine with respect to title by escheat since the abolition of military tenures. In New Brunswick it was held, on the authority of the law officers of the crown, that the wild lands of that province belonged to the Crown, *jure coronæ*, and were disposable by the representative of the Crown, and not by the Provincial Legislature. (Forsyth, 156.) I hold that the waste lands in Canada are still Crown lands in the same sense, and that only the *revenue* has been granted to the provinces, and only "the management and sale" entrusted to their legislatures. The pretence that this land, which has come to the Crown by the accident of escheat, was included or contemplated in the word "lands," as used in the 109th section, cannot be sustained as a matter of law, in my humble opinion, for a single moment. That it was not conveyed or transferred under the word "royalties" I hope I have succeeded in convincing your lordships. The learned judges of the Court of Queen's Bench were misled by Brown's Law Dictionary. Their attention was not directed to the use of this word in the provincial statutes. Upon that point I would direct your lordships to an opinion expressed in another place by a distinguished lawyer and politician. I refer to the Premier of this Dominion, who was one of the framers of the B.N.A. Act. It will be found in the House of Commons Debates for 1880, page 1,185. In the course of a debate on the fisheries award, he said:—

"The argument of my hon. friend is based principally on the language used in the British North America Act, which provides that all lands, mines, minerals and royalties belonging to the several provinces at the union, shall belong to the several Provinces of Ontario, Quebec, Nova Scotia and New Brunswick in which the same are situated or arise. Fisheries are not lands, mines, or minerals, nor do they come within the term "royalties." We know what "royalties" mean. My learned friend has quoted some authorities showing that sovereignties and regalities are the same things. But "royalties" has a distinct sig-