

March 13, 1893.

THE QUEEN v. DEMERS et al.

Federal and Provincial rights—Title to lands in railway-belt in British Columbia—Unsurveyed lands held under pre-emption record, at time of grant of railway lands coming into operation—British Columbia Land Acts of 1875 and 1879—Terms of Union, section 11—Construction.

Held (1) Lands that were held under pre-emption right, or Crown grant, at the time the statutory conveyance of the railway belt by the Province of British Columbia to the Dominion of Canada took effect, are exempt from the operation of such statutory conveyance, and upon such pre-emption right being abandoned or cancelled, all lands held thereunder become the property of the Crown in right of the Province, and not in right of the Dominion.

2. Unsurveyed lands recorded under the British Columbia Land Acts of 1875 and 1879 are lands held under "pre-emption right" within the meaning of the 11th section of the *Terms of Union* between the Province of British Columbia and the Dominion of Canada.

See Statutes of Canada, 1872, p. XCVII.

Richards, Q.C. and *Helmcken* for Crown.

Attorney-General, B.C. and *A. G. Smith* for defendants.

COURT OF APPEAL ABSTRACT.

Corporation municipale—Confirmation de certificat pour vente de liqueurs enivrantes—Conseillers intéressés—Arts. 135, 136, code municipal.

La corporation de Lachine avait, par une seule résolution, voté la confirmation de neuf certificats pour vente des boissons enivrantes. Parmi les membres du conseil présents et qui ont voté, se trouvaient trois conseillers intéressés, et en retranchant les noms de ces trois conseillers, il n'y avait pas quorum des membres du conseil.

Jugé, que, à raison de l'intérêt de ces trois conseillers, la résolution accordant la confirmation des neuf certificats était illégale et qu'on ne pouvait scinder le vote et se demander si, quant au certificat de l'appelant, il y avait un nombre suffisant de voteurs