

PUBLIC LANDS—ORDERS IN COUNCIL—CONSTRUCTION—GRANTS OF  
LAND AS SUBSIDY—EXCEPTION OF MINERALS—50 VICT. c. 4  
(D.).

*Calgary & Edmonton Ry. v. The King* (1904) A.C. 765 was an appeal from the Supreme Court of Canada, that Court having been equally divided. The appellant railway company was entitled to a grant of public lands, under 53 Vict. c. 4 (D.), and an Order in Council passed in pursuance thereof, in aid of the construction of their railway. The Dominion Lands Act, 1886, and the regulations made thereunder, provide that in grants made thereunder all mines and minerals are to be reserved; and the question was whether this provision of the Lands Act and the regulations made thereunder applied to grants in aid of the appellant railway. The Judicial Committee of the Privy Council (Lords Macnaghten, Davey, Robertson and Lindley and Sir Arthur Wilson) hold that it does not, but only to lands sold or granted for the purpose of settlement, and that the appellants were entitled to their grants free from any reservation of mines and minerals, except gold and silver, as to which no question was raised.

STATUTE—CONSTRUCTION—"ADJACENT."

*Wellington v. Lower Hutt* (1904) A.C. 773 was an appeal from the Court of Appeal of New Zealand, and turned upon the meaning of the word "adjacent" in a colonial statute. This Act empowered the construction of bridges by municipal councils, and provided that in certain circumstances the local authority of an "adjacent" district should contribute. The Court appealed from had determined that the appellant city was adjacent to the respondent borough for the purposes of the Act in question, although there was a distance of six miles between their respective boundaries and three other municipal divisions intervened. The Judicial Committee (Lords Davey and Robertson and Sir Arthur Wilson and Sir Henri Taschereau) refused to interfere with this decision, being of opinion that the word "adjacent" is not a word of precise and uniform meaning, and the degree of proximity intended by it must depend on the circumstances of the case.

SPECIAL LEAVE TO APPEAL TO KING IN COUNCIL.

*Daily Telegraph v. McLaughlin* (1904) A.C. 776 was an application for leave to appeal from the High Court of Australia to His Majesty in Council. By the Australia Commonwealth Act no appeal lay except by leave, and the Judicial Committee determined that the same rule will be followed in such cases as in