

## APPENDIX D.

ALPHABETICAL DIGEST OF THOSE BRITISH COLUMBIA CASES RELATING TO WATER RIGHTS WHICH ARE NOT ALREADY REPORTED IN THESE REPORTS.\*

1906  
Feb. 27

ATTORNEY-GENERAL OF BRITISH COLUMBIA v. CAN.  
PAC. RLY. CO.

Jud. Com.  
of  
(11 B. C., 289; 1906, A. C. 204.)

Privy Council, *Public Harbour of Vancouver—Foreshore—Obstruction by Can. Pacific Railway Terminals—Powers of Dominion Parliament over Provincial Crown Property—Terms of Union—Street—Public's Right of Way—44 Vict., cap. 1 (Dominion)—Brit. N. Am. Act, secs. 91, 92, 108.*

*Held*, in an action by the Attorney-General of British Columbia *ex rel.* the City of Vancouver against the Canadian Pacific Railway, for a declaration that the public has a right of access to the waters of Vancouver harbour through certain streets, that the streets at the time of the construction of the Canadian Pacific Railway were public highways extending to low water mark, and that the public right of passage over said highways existed at the time of the admission of British Columbia into Canada, but that these public rights have been extinguished or suspended by reason of the construction of the said railway.

The foreshore of Vancouver harbour is under the jurisdiction of the Parliament of Canada, either as having formed part of the harbour at the time of the union of British Columbia with the Dominion, or by reason of the jurisdiction of the Dominion attaching at the Union.

The Parliament of Canada has power to appropriate provincial public lands for the purposes of a railway connecting two or more Provinces.

1900  
Jan. 15.

ATTORNEY-GENERAL FOR BRITISH COLUMBIA ET  
AL. v. ESQUIMALT AND NANAIMO RLY. CO.

Full Court.  
(7 B. C., 221.)

*Public Harbour and Right to Minerals Beneath Waters and Bed of—Nanaimo Harbour—Foreshore—Brit. North Am. Act.*

Claims of Canada and British Columbia to minerals beneath waters and bed of Nanaimo Harbour considered by MARTIN, J., at pp. 240-6 in a dissenting judgment; the point not being dealt with by the rest of the Court owing to the case being otherwise decided.

\* Since March 1st, 1905, all such cases are herein reported, and before that date all those relating to mining and under the Water Clauses Consolidation Act and amendments are so reported.