

Judgment appealed from: 38 C.L.J. 196; 7 Ex. C.R. 287, affirmed.
Appeal dismissed with costs.

Campbell, K.C., and Hellmuth, K.C., for appellants. Attorney General of Canada and Newcombe, K.C., for respondent.

Yukon Terr.]

HARTLEY v. MATSON.

[Nov. 6, 1902.

Appeal—Jurisdiction—Yukon Territorial Court—Decisions of Gold Commissioner—Special appellate tribunal—Finality of judgment—Legislative jurisdiction of Governor in Council—62 & 63 Vict., c. 11, s. 13; 1 Edw. VII, O. in C. p. LXII;—2 Edw. VII, c. 35—Mining lands.

The Supreme Court of Canada has jurisdiction to hear appeals from the judgments of the Territorial Court of the Yukon Territory, sitting as the Court of Appeal constituted by the Ordinance of the Governor in Council of the eighteenth of March, in respect to the hearing and decision of disputes affecting mineral lands in the Yukon Territory. The Governor in Council has no jurisdiction to take away the right of appeal to the Supreme Court of Canada provided by 62 & 63 Vict. c. 11 (D).

Latchford, K.C., for motion. Peters, K.C., contra.

Que.]

QUEBEC BRIDGE CO. v. ROY.

[Nov. 6, 1902.

Railways—Construction of statute—Tramway for transportation of materials—Expropriation—51 Vict., c. 29, s. 114 (D)—2 Edw. VII, c. 29 (D).

The place where materials are found referred to in s. 114 of the Railway Act means the spot where the stone, gravel, earth, sand or water required for the construction or maintenance of railways are naturally situated and not any other place to which they may have been subsequently transported.

Per TASCHEREAU AND GIROUARD, JJ.—The provisions of s. 114 of the Railway Act confer upon railway companies a servitude consisting merely in the right of passage and do not confer any right to expropriate lands required for laying the tracks of a tramway for the transportation of materials to be used for the purposes of construction. Appeal dismissed with costs.

Alexandre Taschereau, for appellants. Pelletier, K.C., for respondents.