

12. With a view of setting at rest the differences arising between the Government of Canada and the Government of British Columbia, as herein set forth, an application was made to the Supreme Court of British Columbia by Messrs. Drake, Jackson and Helmcken, agent in that Province of the Minister of Justice, for a writ of injunction to restrain the Chief Commissioner of Lands and Works of the Province from issuing Crown patents for lands within the railway belt, claiming that (1) until the line of railway was definitely settled from Kamloops to the eastern boundary of British Columbia no lands could be sold by the Provincial Government or by the Chief Commissioner of Lands and Works acting on behalf of the said Government, and that after the line of railway had been defined in November, 1883, no lands within twenty miles of either side of the railway from Kamloops to the Rocky Mountains could be either pre-empted or purchased without the leave and license of the Dominion Government; (2) a declaration that the true construction of the Act of the 12th May, 1883, and the 1st December, 1883, is that no lands in British Columbia could be disposed of by the Provincial Government until the line of railway from Kamloops to the Rocky Mountains was located, and that after such location no lands within twenty miles of either side of the said located line could be sold or disposed of, except by the Dominion Government; (3) an account of all lands pre-empted within railway belt from Burrard's Inlet to Kicking Horse Pass subsequent to the 12th May, 1883; (4) an account of all lands sold or agreed to be sold within the said belt subsequent to the 12th May, 1883; and (5) such further and other relief as the nature of the case might require.

13. The Chief Justice refused the injunction asked for, on the ground that the application for such a writ should be made to the Exchequer Court of Canada; and his decision was confirmed by the full court.

14. The agent of the Dominion Government in British Columbia now reports that he is informed by the agents of the Minister of Justice that since the above decision of the court had been announced the Chief Commissioner of Lands and Works issued patents to several persons, a list of whose names, and the acreage of lands granted, is hereto attached.

The undersigned now recommends that the papers in this case be referred to the Minister of Justice, for the purpose of taking such further steps as may be necessary to restrain the Government of British Columbia from selling any lands within the railway belt, or from issuing any Crown patents for lands within said belt, and to cancel the patents issued by the Government of British Columbia for lands within the railway belt since the passing of the Act of the Provincial Legislature in May, 1883.

Respectfully submitted,

D. L. MACPHERSON, *Minister of the Interior.*

Hon. the Privy Council.

CANADIAN GOVERNMENT RAILWAYS,
OFFICE OF THE CHIEF ENGINEER AND GENERAL MANAGER,
OTTAWA, 18th February, 1885.

SIR,—I have the honor to enclose a copy of the statement of claim laid before the Supreme Court of British Columbia in connection with the application recently made to that court by Messrs. Drake, Jackson & Helmcken, agents in the Province of the Hon. Minister of Justice, under my instructions upon your directions to me, for a writ of injunction to restrain the Chief Commissioner of Lands and Works of the Province from issuing Crown grants for certain lands within the railway belt.

I also enclose copy of a letter to me from Mr. Drake, of Messrs. Drake, Jackson & Helmcken, of 20th ultimo, conveying the information that the issue of the writ applied for had been refused by the court on the grounds that the application for such a writ should have been made to the Exchequer Court of Canada, together with a copy of a further letter to me from Mr. Drake, stating that as soon as the above decision of the court had been announced the Chief Commissioner of Lands and Works had issued Crown grants to several persons, a list of whose names, and of the