

that the imperial authority retained any disposing power over any public ands in the colony was untenable. In the Imperial authority had any interess in the land, it was merely a right to retain it for military untroces and in the land, it was merely a right to retain it for military purposes, and upon that being given up the under-lying right of the province supervened. The surrender of the 'lands by Lord Derby to the Dominion, if one was made, was ineffective for want of dis-posing power. But no attempt to con-vey the land to the Dominion was made. Lord Derby simply notified the Cana-dian authority which which only he had official communication that the Im-perial authority did not need the lands for military purposes. It then became the duty of the Dominion to communi-cate that surrender to the Province as

the duty of the Dominion to communi-cate that surrender to the Province as the authority to whose benefit it inured. The Dominion had absolutely no title through the Imperial authority. The Dominion acquired no title under the B. N. A. Act. "Military Reserves" are not one of the classes of property spe-fied as going to the Dominion. The general grant of all the beneficial inter-est in all public lands in the colony be-ing to the province, with specified ex-ceptions which were to go to the Do-minion, no class of property not accuceptions which were to go to the Do-minion, no class of property not accu-rately falling within the specified ex-ceptions could be attributed to the Do-minion by any inference. The excep-tions were military roads, ordnance lands, armories, drill sheds and lands set apart for general public purposes, and by section 117 the Dominion had power to assume such lands as it needs for the defence of the country, so that the needs of Canada in that respect were provided for without any strained construction of the other specifications. were provided for without any strained construction of the other specifications. The Chief Justice suggested that lands set apart for military purposes were not set apart for a general pub-lic purpose, but for a specified or par-ticular purpose uot nominated in the schedule. Mr. Cassidy said he under-stood the privy council to have inti-mated that the word "general" meant federal as distinguished from local or provincial. provincial. The Chief Justice and Justices Drake and Irving then asked counsel whether a military purpose was not a federal purpose. It certainly was not a local

a military purpose was not a federal purpose. It certainly was not a local purpose. Mr. Cassidy renlied that the privy control had held that the fact that the Dominion had exclusively both legisla-tive and executive control of a subject. c. c. "Induans and lards reserved for Indians" was not to be regarded as carrying the underlying beneficial in-terest in lands being Indian reserves into the Dominion. The reserves re-mained in the authority having control of the purpose or subject in the inter-est of which the reserve was made, but the moment the reserve was re-moved the underlying beneficial right and interest which was always that of the province and in no case that of the Dominion supervened. The truth was that the language of section 108 making the excepted classes of property the "property" of the Dominion only dil so in a qualified sense. It was their property only so long as it was needed and administered for the Dominion mur-poses in respect of which it was taken. The right of both the Dominion and the provincial authority was only an edministrative right, and it was adminthe provincial authority was only a administrative right, and it was admi istration not at large, but "with the will annexed." namely the will of Par-"Hament as expressed in the B. N. A. Act. That will was that the only au-thority which had any disposing or pev-eume producing right over lands was the provincial authority. and the Do-minion had an administrative right over certain named lands for named purposes.

The further hearing was adjourned yesterday afternoon until Monday next.