

*Semble*, that letters-patent for public lands situated within the railway-belt in British Columbia should issue under the Great Seal of Canada, and not under the Great Seal of British Columbia.

*Richards, Q.C., Pooley, Q.C., and Helmcken for the Crown.*

*Bodwell, Q.C., and Hunter for the defendant.*

---

THE QUEEN EX REL. ATTORNEY-GENERAL OF CANADA *v.* DEMERS.

*Federal and provincial rights—Title to lands in railway-belt in British Columbia—Unsurveyed lands held under pre-emption record at time of grant of railway lands coming into operation—British Columbia Land Acts of 1875 and 1879—Terms of Union, section 11—Construction.*

*Held*, (1) Lands that were held under pre-emption right, or Crown grant, at the time the statutory conveyance of the railway belt by the Province of British Columbia to the Dominion of Canada took effect are exempt from the operation of such statutory conveyance, and upon such pre-emption right being abandoned or cancelled all lands held thereunder become the property of the Crown in right of the Province, and not in right of the Dominion.

(2) Unsurveyed lands recorded under the British Columbia Land Acts of 1875 and 1879 are lands held under "pre-emption right" within the meaning of the 11th section of the Terms of Union between the Province of British Columbia and the Dominion of Canada. (See Statutes of Canada, 1872, xcvi.)

*Richards, Q.C., and Helmcken for the Crown.*

*Attorney-General of British Columbia and A. G. Smith for the defendants.*

[March 20.

---

MAGEE ET AL. *v.* THE QUEEN.

*Rideau Canal—7 Vict. (Prov. Can.), c. 11; 9 Vict. (Prov. Can.), c. 42—Conditional gift—Expropriation—Acquiescence—Forfeiture for breach of condition subsequent—Remedy against the Crown for unauthorized use of land—Abandonment by Crown—Reverter—Solicitor and client—Privileged communication—Evidence.*

The Act 9 Vict., c. 42, was passed with the object of removing doubts as to the application of section 29 of the Act 7 Vict., c. 11, to certain lands set out and expropriated from one S. at Bytown. By the first section of the first-mentioned Act it was enacted that the proviso contained in the 29th section of the Ordnance Vesting Act should be construed to apply to all the lands at Bytown set out and taken from S. under the provisions of the Rideau Canal Act, except

"(1) So much thereof as was actually occupied as the site of the Rideau Canal, as originally excavated at the Sapper's Bridge, and of the basin and bywash, as they stood at the passing of the Ordnance Vesting Act; and excepting also

"(2) A tract of two hundred feet in breadth on each side of the said canal,