

and British Columbia, and in order to settle all disputes, an agreement was entered into, and on the 19th Dec., 1883, the Legislature of British Columbia passed the Statute 47 Vict. c. 14, by which it was enacted *inter alia* as follows: "From and after the passing of this Act there shall be, and there is hereby granted to the Dominion Government for the purpose of constructing, and to aid in the construction of, the portion of the Canadian Pacific Railway on the mainland of British Columbia, in trust, to be appropriated as the Dominion Government may deem advisable, the public lands along the line of railway before mentioned, wherever it may be finally located, to a width of twenty miles on each side of said line, as provided in the Order in Council, section 2, admitting the Province of British Columbia into Confederation. On the 20th Nov., 1883, by public notice, the Government of British Columbia, reserved a belt of land of 20 miles in width along a line by way of Bow River Pass. In November, 1884, to comply with the provisions of the Provincial Statutes, a survey of a certain parcel of land situate within the said belt of twenty miles was filed, and the survey having been finally accepted on the 13th January, 1885, Letters Patent under the Great Seal of the Province, were issued to F. for the land in question. The Attorney-General of Canada, by information of intrusion, sought to recover possession of said land, and the Exchequer Court having dismissed the information with costs, on appeal to the Supreme Court of Canada, it was

Held, reversing the judgment of the Exchequer Court, HENRY, J., dissenting, that at the date of the grant, the Province of British Columbia had ceased to have any interest in the land covered by said grant, and that the title to the same was in the Crown for the use and benefit of Canada.

Per STRONG, J., That the appellant should be ordered, if insisted upon by respondent, to file the affidavit of the Chief Engineer of the Canadian Pacific Railway to prove that at the date of the grant the line of the Canadian Pacific Railway had been located within twenty miles of the land in question.

Appeal allowed with costs.

J. S. D. Thompson, Burbidge, Q.C., and Hogg, for appellant.

T. Davie, for respondent.

SUPREME COURT OF JUDICATURE FOR ONTARIO.

HIGH COURT OF JUSTICE FOR ONTARIO.

Queen's Bench Division.

Re BOYLAN AND THE CITY OF TORONTO.

Tavern License—License Commissioners—
Municipal By-law.

Held, (1) That the Council of the Corporation of the City of Toronto has the power under R. S. O. c. 181, s. 17, to pass a by-law limiting the number of tavern licenses, and that power is not interfered with or diminished by the law (39 Vic. c. 26), granting limiting powers to the Board of License Commissioners.

Held, (2) That though the by-law contained on its face no description of the local limits of its operation, the fact that it was passed by the Council of the City and could have had no operation elsewhere than in the City, shewed that it must by reasonable intendment be held operative there.

Held, (3) That the by-law was not unreasonable or oppressive, or in restraint of trade, having been passed under a power expressly given by the Legislature to the City to pass the same.

O'Donohoe, for motion.

McWilliams, contra.

GORDON v. CITY OF BELLEVILLE.

Municipal Corporation—Liability for injury
caused by ice on sidewalk—Knowledge—
Contributory negligence.

The plaintiff, a resident of Belleville, in going to and from the main part of the city, to and from his residence, usually used a part of Queen Street, west of George Street, and which was bounded on the west by the school lot, forming a *cul de sac*. Foot passengers were in the habit of walking through the school lot as a short cut, and going across it they would come unto and walk over this portion of Queen Street.

The municipality had laid down a plank