

On an information of the Attorney General for the Dominion of Canada, praying for an order of the Court directing the defendant to execute to the Queen in right of Canada, a surrender or conveyance of the same land, the defendant in answer to the information, set up the provincial grant relied on in the first action, and contended further, that the Parliament of Canada had no power to give to the Exchequer Court original jurisdiction.

*Held*, affirming the judgment of the Court below, that there was *res judicata* as to the title sought to be relied on by defendant. *Atty. Gen. of British Columbia v. Atty. Gen. of Canada* (14 App. Cas. 295) distinguished.

*Held*, also, that the Parliament of Canada had power to give jurisdiction to the Exchequer Court of Canada in all actions and suits of a civil nature at common law or equity in which the Crown in right of the Dominion, is plaintiff or defendant. B. N. A. Act, sec. 101. *Taschereau, J., dubitante.*

Appeal dismissed with costs.

*D. McCarthy, Q.C.*, for appellant.

*Hogg, Q.C.*, for respondent.

---

February 20, 1894.

THE QUEEN v. DEMERS.

Exchequer.]

*Title to lands in railway belt in British Columbia—Unsurveyed lands held under pre-emption record prior to statutory conveyance to Dominion Government—Federal and provincial rights—British Columbia Lands Acts of 1873 and 1879—47 Vic. ch. 6 (D).*

On 10th Sept., 1883, *D. et al.*, obtained a certificate of pre-emption under the B. C. Land Act 1875, and Land Amendment Act 1879, of 640 acres of unsurveyed lands within the 20 mile belt south of the C. P. R., reserved on the 29th Nov., 1883, under an agreement between the Governments of the Dominion and of the Province of British Columbia, and which was ratified by 47 Vic. c. 14 (B. C.) On 29th August, 1885, this certificate was cancelled, and on the same day a like certificate was issued to respondents, and on the 31st July, 1889, letters patent under the Great Seal of British Columbia were issued to respondent. By the agreement ratified by 47 Vic. c. 6 (D) it was also agreed