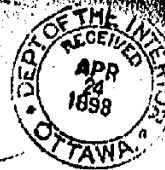




328758



Ottawa, 21st April 1898

30/93.

Enclosure.

Sir:-

Referring to Mr. Pereira's letter of the 9th January last, reference No 87202, in which the opinion of this Department is asked with regard to certain questions arising in connection with the title to lands in the railway belt in the Province of British Columbia, - I have the honour to state as follows; - The recent decision of the Exchequer Court of Canada in the case of The Queen vs Demers appears to have settled, so far as that Court is concerned, the law upon both the questions submitted in the letter referred to. If the law is correctly interpreted by Judge Burridge, it follows; -

- (a) that the date upon which the Provincial Government ceased to be entitled to grant lands in the belt or to give entries therefor, would be the date of the final location of the line of the Canadian Pacific Railway, i.e., the date upon which the location was approved by the Governor in Council, and
- (b) that where entries were properly granted by the Provincial Government before that date the patents for the lands covered by such entries should be issued by the Government of the Province.

From what I understand as to the views of the Minister of Justice upon these points, I assume that He will not be

The Secretary,

disposed

Dept. of the Interior,

Ottawa.

Provincial Archives of B.C.
Letters Newcombe to Secretary
Frames 402-403

GR-0436

Series 1

File 12702

Vol 2 Pt. 1

CANADA. DEPT. OF THE INTERIOR. DOMINION LANDS BRANCH.

Correspondence relating to land settlement in the
Railway Belt and the Peace River Block, 1885-1949.

Reel B1464

F 402

328758

disposed to accept the judgment in this case as satisfactory, and
I propose, therefore, with your concurrence, to take the steps
necessary to save our right of appeal to the Supreme Court, and
upon the return of the Minister from Paris, to go over the case
with him and take his instructions with regard to going on with
the appeal.

I am,

S i r,

Your obedient servant,

E. Newcombe

Deputy Minister of Justice.

Provincial Archives of B.C.
Letters Newcombe to Secretary
Frames 402-403

GR-0436 CANADA. DEPT. OF THE INTERIOR. DOMINION LANDS BRANCH.

Series 1

File 12/02
Vol 12 Pt 1

Correspondence relating to land settlement in the
Railway Belt and the Peace River Block, 1885-1949.

Reel B14642

F 403