

THE QUEEN v. THE CANADIAN AGRICULTURAL, COAL AND COLONIZATION CO.

1895

\*Mar. 1.

\*May 6.

*Crown lands—Patent—Reservation of coal—Order in Council—Agreement.*

APPEAL from a decision of the Exchequer Court of Canada (1) in favour of the suppliants.

Certain Crown lands in Quebec had been granted to the suppliants, as assignees of one Kaye, the applicant for said lands, from which the Crown contended the coal thereon was reserved, which was the sole question in issue. The learned judge of the Exchequer Court held that there being no express or implied agreement to the contrary the suppliants were entitled to a grant conveying such mines and minerals as would pass without express words.

The Supreme Court affirmed the judgment of the Exchequer Court.

*Appeal dismissed with costs.*

*Hogg* Q.C. for the appellant.

*Gormully* Q.C. and *Campbell* for the respondents.

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\*PRESENT :—Sir Henry Strong C.J., and Fournier, Taschereau, Gwynne and King JJ.

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