

In the Privy Council.

UNIVERSITY OF LONDON
V.O.L.
No. 27 of 1951. 9 FEB 1954
INSTITUTE OF ADVANCED
LEGAL STUDIES

ON APPEAL FROM THE SUPREME COURT
OF CANADA

33489

BETWEEN

THE ATTORNEY GENERAL OF THE PROVINCE OF ALBERTA
and THE MINISTER OF LANDS AND MINES OF THE
PROVINCE OF ALBERTA ... (Defendants) APPELLANTS

AND

HUGGARD ASSETS LIMITED ... (Plaintiff) RESPONDENT

AND

THE ATTORNEY GENERAL OF CANADA, THE ATTORNEY
GENERAL OF SASKATCHEWAN and THE ATTORNEY
GENERAL OF MANITOBA INTERVENANTS.

CASE OF THE
ATTORNEY GENERAL OF SASKATCHEWAN

1.—The Attorney General of Saskatchewan, Intervenant, adopts and relies upon the case of the Appellants, the Attorney General of the Province of Alberta, and the Minister of Lands and Mines of the Province of Alberta, and, for the reasons mentioned therein and for the following additional reasons, submits that the Judgment of the majority of the Supreme Court of Canada is wrong and should be reversed :

REASONS.

1. BECAUSE the provision for payment of a royalty contained in the patent is a power or right in a contract, lease or other arrangement relating to mines, minerals or royalties reserved to the Governor in Council which, having been entered into

by the Dominion of Canada or created by it prior to the Natural Resources Agreement, 1930, constitutes a power or right which was ratified and confirmed by Section 3 of the said Natural Resources Agreement and by the said section was transferred to the Lieutenant Governor in Council of the Province.

2. BECAUSE the Dominion Parliament being supreme could by legislation vary the rate of payments required to be made under all grants of land whoever the parties were. In this case the patent expressly provides for a change in the royalties to be paid and they are no less subject to legislative variation than any other patent. The province under the Natural Resources Agreement, 1930, succeeded to these rights exerciseable by the Dominion under the patent. 10
3. BECAUSE if the view expressed by the majority of the Supreme Court that the patent was beyond the powers of the Lieutenant Governor in Council to grant or authorize be correct, then the whole grant, and not merely the reservation is invalid.

M. C. SHUMIATCHER. 20

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and THE ATTORNEY GENERAL
OF MANITOBA ... INTERVENANTS.

CASE OF THE ATTORNEY
GENERAL OF SASKATCHEWAN

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GENERAL OF SASKATCHEWAN.