

acter of the power for driving the engine cannot, in our opinion, make any difference.

Yours truly,

BLAKE, LASH & CASSELS.

Opinion of Nesbitt, Gault & Dickson.

Hamilton, Canada, October 22nd, 1907.

Hon. J. M. Gibson, Esq., K.C.,
City.

Dear Sir:—

RE HAMILTON RADIAL ELECTRIC RAILWAY
COMPANY.

The Hamilton Radial Electric Railway Company was incorporated by 57 Victoria, 1894, Chapter 88, of the Ontario Legislature, and would be subject to Provincial legislation unless such Company has been removed from the jurisdiction of the Ontario Legislature.

By the Railway Act, being 51 Victoria, 1888, Chapter 29, of the Dominion Parliament, it was enacted that each and every branch line or railway now or hereafter connecting with or crossing the lines of Railway, or any of them mentioned in Section 306 of such Act, was a work for the general advantage of Canada; and by section 307 every such railway and branch line thereafter was subject to the legislative authority of the Parliament of Canada.

On March 3rd, 1897, we understand, the Railway Committee of the Privy Council gave permission to The Hamilton Radial Electric Railway Company to cross the tracks of the Grand Trunk Railway near Burlington, and such crossing was constructed during the year 1897.

The Radial Railway was, however, by the sections of the Railway Act of 1888, which we have referred to, brought within the exception as to the local works and undertakings specified in the British North America Act, section 92, sub-section 10 c. and thereby placed under the **exclusive** legislative authority of Canada by virtue of section 91, sub-section 29.

Being thus a federal railway exclusively under the legislative control of the Dominion, it is not competent for the Local Legislature of Ontario to enact any law which