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the provinces, to legislate with respect to such work, either before or after its execution.

This does not mean that such declaration of the Parliament of Canada voids the prior valid legislation of the Province respecting the work, but only that after such declaration, the provincial legislature can legislate no further respecting such work, which comes thereafter under the jurisdiction of the Dominion Parliament. Nor does it mean that the Dominion Parliament can properly legislate so as to prevent the execution, completion, or operation of any such line of railway, even after making such a declaration as aforesaid: for the declaration is that the work, not the stoppage of the work, is for the general advantage of Canada, etc., and it would be nothing but bad faith and trickery of the worst kind to make a solemn declaration of that kind and then falsify it by stopping the work.

Indeed no such action ever has been or could or would be taken by Parliament. Whenever Parliament has made such a declaration, the railway has been continued and operated under Dominion laws. The Canada Southern Railway in Ontario is a notable example of this. It was first chartered by the Ontario Legislature to run from a point on or near the Niagara River to a point on or near the Detroit River, and was evidently intended to form part of a through line connecting the States of New York and Michigan, yet the Act was not disallowed. It was clearly not considered to be *ultra vires*. The same has happened in several other instances which I cannot at present name. If, therefore, the Manitoba Legislature should charter a railway to run to the border, even though the promoters expected and intended to form a connection there with some American road, the Act would not be *ultra vires*, and its disallowance by the Dominion Government could not be put on that ground. Neither could it be put on the ground that the contract with the Canadian Pacific Railway Company requires such disallowance, for as to the old Province of Manitoba, it does not and could not require it; though the case would be different in the added territory.

This point, however, does not come within the range of my subject, which is limited to the B. N. A. Act. I might remark, however, whilst keeping strictly to my subject, that under the B. N. A. Act it would not be possible for the Dominion Parliament, even if it tried, to legislate away the right of any province conferred upon it by the B. N. A. Act. In the case of the C. P. R. Co. Parliament has not, as I say, even attempted to legislate away any of Manitoba's rights. Upon what pretext, then, has the Dominion Government repeatedly disallowed Acts of the Manitoba Legislature char-

tering railways to the border in the old Province? Simply this, that they have the power to do it under the B. N. A. Act, with or without assigning any reason; and the only reason assigned is, that such lines would be competitors with the C. P. R.; and that it is for the general advantage of the Dominion to protect the C. P. R. from such competition for at least a limited period. To discuss the sufficiency of this reason, whether the Dominion Government are justified in acting on it as they have done, would be a question of politics and beyond the scope of this series of letters.

Yours, etc.,

GEORGE PATTERSON.

Winnipeg, July, 1886.

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The following is a list of books received at the Library during the months of April, May, June and July, 1886:

- Abercrombie's Medical Jurisprudence, London, 1885.
- Austin's Farm and Game Laws, Boston, 1886.
- Archibald's Practice at Judges' Chambers, London, 1886.
- Anson on Contracts, Oxford, 1886.
- Anson's Law and Custom of the Constitution, Oxford, 1886.
- Blackstone's Contract of Sale, London, 1885.
- Brice on Patents, London, 1885.
- Blyth's Analysis Snell's Equity, London, 1885.
- Bennett's Compensation for Injuries, London.
- Best on Evidence, Boston, 1883.
- Consolidated Statutes, Canada, Ottawa, 1885.
- Champion's Digest Cases since Wine Act, '69, London, 1885.
- Clifton on Innkeepers, London, 1885.
- Cobbett's Cases on International Law, London, 1885.
- Cavanagh's Money Securities, London, 1885.
- Castle's Law of Rating, London, 1886.
- Cooley on Taxation, Chicago, 1886.
- Daly's Reports, N. Y., Common Pleas, 12 vols. New York, 1868-85.
- Decolyar on Guarantees, London, 1885.
- Dowell's Income Tax Acts, London, 1885.
- Digest of Cases—Law Reports, 1881-85, London 1886.
- Eversley's Law of Domestic Relations, London, 1885.
- Elphinstone, N. and C. Interpretation of Deeds, London, 1885.
- Ellis' Income Tax, London, 1886.
- Ellis' House Tax, London, 1885.
- Emden's Building Contracts, etc., London, 1885.