

tent to intervene where a violation of the rights of the public of Ontario, and not a complaint of injury to property vested in the Crown, as representing the Government of the Dominion, has been charged. He went further, and granted relief (a larger measure being prayed in that case) so far as the use of the bridge by persons crossing on foot was concerned.

The writer reproduces the judgment of the learned Vice-Chancellor in extenso, or nearly so, as much by reason of the way in which it was incidentally referred to by the Court of Appeal, on appeal from the other decision, as on account of the pre-eminent standing of its enunciator. The review of *Attorney-General of Ontario, ex rel. Barrett v. International Bridge Company*, will be found in 6 App. 537. There, Mr. Justice Burton, expressing the opinion of the Bench, distinctly upholds the Vice-Chancellor's position by the following declaration: "The information in this case is based on the assumption that the bridge not having been constructed in conformity with the requirements of the Act of Parliament authorizing its construction is not the structure authorized by the legislature, and a nuisance; and the principal prayer of the information is directed to obtaining the decree of the court to abate the nuisance, and remove the structure from the navigable waters of the Niagara River; and I do not doubt, for a moment, the right of the Attorney-General for Ontario to represent the public in any such case, either in equity or by prosecution at law. If the company had proceeded to build one of the piers, and then abandoned the work there could be no question of the right of the Attorney-General to prefer an indictment for a nuisance." Pointing out, afterwards, wherein the court deemed that the Chancellor erred, he says:

"The fallacy consists in calling the abandonment of a portion of the work a public nuisance, instead of what it probably is, an abuse of the Act of Parliament." It may be interesting to know that Mr. Edward Blake, of counsel for the Bridge Company, admitted the correctness of the Vice-Chancellor's law by observing that "a marked difference existed between this case and that of a completed structure, and an information being filed merely to protect the rights of the citizens of Ontario, such as the *Attorney-General v. International Bridge Co.*, 20 Grant 34."