

disposed of the objection in these words: "The objection is in my opinion without foundation. The Attorney-General files this information, not complaining of any injury to property vested in the Crown, as representing the Government of the Dominion, but in respect of the violation of the rights of the public of Ontario. The Attorney-General of this Province is the officer of the Crown who must be considered to be present in the courts of the Province to assert the rights of the Crown and those who are under its protection. If an ex-officio information in respect of a nuisance caused by illegal interference with a railway, which is a public highway, were to be filed in a Court of Common Law, there would, I should think, be no doubt but that the Provincial Attorney-General was the proper officer to prosecute. He further intimates: "The power of making criminal laws is in the legislature of the Dominion,, but it has never been doubted that the Attorney-General of the Province is the proper officer to enforce these laws by prosecution in the Queen's Courts of Justice in the Province.

In the case of a public nuisance caused by an illegal obstruction of a railway, as I have already said, the Provincial Attorney-General would be the proper officer to prosecute in a court of law. A Court of Equity, however, would lend its aid in an information being filed by the proper officer to restrain such a nuisance. Would it not be a strange anomaly that whilst the criminal information could be preferred by the Provincial Attorney-General, the information in the Court of Chancery must be filed by the Attorney-General of the Dominion. Such a conclusion would not result from the exclusive power given to Parliament, and there is nothing else in the Imperial Act which can be suggested as authorizing such a mode of proceeding." It should not be forgotten that maintaining a nuisance constitutes a criminal offence.

Later, in *Attorney-General of Ontario, ex rel. Barrett v. International Bridge Company*, 28 Grant 65, Spragge, C., adverting to the objection urged there, as in the former litigation, that the Attorney-General was not the proper party to file the information, but that, if any one, it should be the Attorney-General for the Dominion, concurred with Vice-Chancellor Strong as to the provincial Attorney-General being the officer compe-