

with a line of railway to 'be built in the United States to meet the E. & N. A. Railway for extension from St. John, westward,' at the boundary of the United States, and, therefore, it is contended, it was a railway extending beyond the limits of the Province. But we think we have no right to look to intentions or anticipations, or doings of parties outside the Provincial Legislature, either in the State of Maine or in the Province of New Brunswick, and that the intention of the Legislature, as expressed in the Act, alone can control us—that the fact of the Legislature of the State of Maine authorizing, or its people intending to construct, or actually constructing, a line of railway in that country, cannot in any way affect the authority of our own Legislature to legislate on, and deal with, railway undertakings; provided always, such railways do not connect the Province with any other or others of the provinces, nor extend beyond the limits of the Province.

"This is the simple question, and all we have to consider in determining on the validity of the Act. As to any possible or probable connection of the railway authorized to be constructed under this Act (which may have been thought of at the time of passing the Act) with a line or lines of railway to be constructed, not under the authority of these Acts, in the United States, we have nothing to do. We therefore think this is a local work and undertaking other than such as are of the classes enumerated in paragraphs *a*, *b*, and *c*, to ss. 92, in relation to which the Legislature of this Province may exclusively make laws."

This judgment stands unreversed. The fact that in the recent injunction cases in this Province no serious attempt was made to question its validity, and the further fact that a railway is being constructed under an Ontario charter from Port Arthur, south-westward to a point on the United States boundary, and that its constitutionality is not even questioned, seem to indicate that, so far as the B. N. A. Act is concerned, Manitoba has an undoubted right to build all the railways to the boundary she may desire. Then what is meant when railways "extending beyond the limits of the provinces" are excepted from the list of local works in relation to which the provinces may exclusively make laws? There seems to be no reason why that portion of s. 92 should not apply exclusively to lines projected to run from a province into a territory, as for instance, from Manitoba into the North-West Territories, as the Territories come under Dominion jurisdiction exclusively.

The other contention is, that under the monopoly clause (clause 15) of the Canadian Pacific Railway Contract, the Dominion agreed to give the C. P. R. a monopoly in all that country south of its line from Lake Nipissing to the Pacific Ocean, except "such as shall run south-west, or to the westward of south-west." The monopoly clause referred to is as follows:—

"For twenty years from the date hereof no line of railway shall be authorized by the Dominion Parliament to be constructed south of the Canadian Pacific Railway from any point at or near the Canadian Pacific Railway, except such a line as shall run south-west or to the west of south-west, nor to within fifteen miles of latitude 49, and in the establishment of any new province in the North-west Territories, provision shall be made for continuing such prohibition after such establishment until the expiration of the said period."

That is, the Dominion Parliament undertakes not to authorize the construc-