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A Section of the Alberta Railway Act Declared Invalid.

The Imperial Privy Council's Judicial Committee has declared one of the sections of the Alberta Railway Act to be ultra vires. The act (statutes of 1907, chap 8), provided in Sec. 82, as follows:—

"82. The company may take possession of, use or occupy any lands belonging to any other railway company, use and enjoy the whole or any portion of the right of way, tracks, terminals, stations or station grounds of any other railway company and have and exercise full right and powers to run and operate its trains over and upon any portion or portions of the railway of any other railway company, subject always to the approval of the Lieutenant Governor in Council first obtained or to any order or direction which the Lieutenant Governor in Council may make in regard to the exercise, enjoyment or restriction of such powers or privileges.

"(2) Such approval may be given upon application and notice and after hearing the Lieutenant Governor in Council may make such order, give such directions and impose such conditions or duties upon either party as to the said Lieutenant Governor in Council may appear just or desirable, having due regard for the public and all proper interests and all provisions of the law at any time applicable to the taking of land and their valuation and the compensation therefor and appeals from awards thereon shall apply to such lands and in cases under this section where it becomes necessary for the company to obtain the approval of the Board of Railway Commissioners for Canada it shall do so in addition to otherwise complying with this section."

In the session of 1912, an amending act (chap. 7), was passed, providing in Sec. 7 to add to section 82 of the act of 1907, quoted above, as follows:—

"(3) The provisions of this section shall extend and apply to the lands of every railway company or person having authority to construct or operate a railway otherwise than under the legislative authority of the Province of Alberta in so far as the taking of such lands does not unreasonably interfere with the construction and operation of the railway or railways constructed and operated or being constructed and operated by virtue of or under such other legislative authority."

The Canadian Privy Council decided on Jan. 4, 1913, that certain questions in connection with the Province's right to enact the section quoted above should be submitted to the Supreme Court of Canada, pursuant to the Supreme Court Act, Sec. 60. The question came before the Supreme Court in Feb., 1913, and the court decided that it was not competent to the Alberta Legislature to enact legislation authorizing the construction and operation of railways in such a manner as to interfere with the physical structure or with the operation of railways subject to the jurisdiction of the Dominion Parliament of Canada. Judge Brodeur dissented, being of the opinion that such legislation would be within the jurisdiction of the provincial legislature provided that in its effect there should be no unreasonable interference with Dominion railways.

The Province then appealed to the Imperial Privy Council's Judicial Committee which, on Oct. 22, upheld the Supreme Court of Canada's decision. Lord Shaw, who delivered their Lordships' judgment for Lord Moulton, said railways such as were described in the British North America Act, Sec. 92, came under the exclusive authority of the Dominion Parliament. The provincial legislature, therefore, had no power to

effect by legislation the line or works of such a railway, and their Lordships had no hesitation in pronouncing that the act in dispute was ultra vires of the Alberta Legislature. Their Lordships were of opinion that the decision appealed from was correct. They would accordingly advise His Majesty that the appeal should be dismissed, but without costs.

Nominations for Officers of Canadian Society of Civil Engineers.

The following have been nominated for officers and members of council for 1915: For President, F. C. Gamble, Chief Engineer, Public Works Department, Victoria, B.C.; for Vice President for 3 years, A. E. Doucet, District Engineer, National Transcontinental Ry., Quebec; A. St. Laurent, Public Works Department, Ottawa. For Vice President for 1 year, E. E. Brydone-Jack, Professor of Civil Engineering, Manitoba University; Gordon Grant, Chief Engineer, National Transcontinental Ry., Ottawa.

For councillors, District 1, S. P. Brown, Chief Engineer, Montreal Tunnel, etc., Canadian Northern Ry.; H. R. Safford, Chief Engineer, G.T.R.; A. Surveyer, Montreal; R. M. Wilson, Montreal, District 2, C. B. Brown, Chief Engineer, Canadian Government Railways, Moncton, N.B.; F. W. W. Doane, City Engineer, Halifax, N.S. District 3, A. Amos, Quebec; T. A. J. Forrester, Quebec. District 4, G. J. Desbarats, Deputy Minister Naval Service, Ottawa; A. J. Grant, Superintending Engineer, Trent Canal, Peterborough, Ont. District 5, S. B. Clement, Chief Engineer, T. & N.O. Ry., North Bay, Ont.; J. L. Weller, Engineer in Charge, Welland Ship Canal, St. Catharines, Ont. District 6, W. G. Chace, Winnipeg; F. H. Peters, Calgary, Alta. District 7, N. J. Ker, Vancouver; D. O. Lewis, District Engineer, Canadian Northern Pacific Ry., Victoria, B.C.

Harmony of Farming and Transportation Interests in the Northwest.

Representatives of the Grain Growers' Association of Manitoba and Saskatchewan, the United Farmers of Alberta, and the Canadian Manufacturers' Association met in Winnipeg early in November to consider a number of matters of mutual interest. An authorized statement handed to the press, summarizing the results of the conference, contained the following references to transportation matters:

"Another of the needs is for better and cheaper transportation from the farm to the ultimate market. Embraced under this heading are the problems of good roads, of shipping and receiving facilities, and of rail and water rates. To arrive at an intelligent understanding of any of these would call for weeks of careful study; to devise and to apply the proper remedy would be a matter perhaps of years. Again the question arises, Who is to do it, and how is it to be financed?"

"In this connection it is but fitting that we should acknowledge with gratefulness the generous spirit with which the railway companies have responded to appeals for relief in specific instances. With their help many a difficult situation has been successfully tidied over, and we trust that friendly co-operation may long continue to characterize the relations of farming and transportation interests."

It is dangerous to forge high speed steel after the temperature has dropped below a bright yellow.