

46, 1933



No. 98 of 1932.

In the Privy Council.

ON APPEAL

**FROM THE BOARD OF RAILWAY COMMISSIONERS FOR
CANADA.**

IN THE MATTER of Applications of the Canadian National Railways for Orders under Section 256 of the Railway Act for authority to construct a subway at St. Antoine Street in the City of Montreal as shown on General Plan YIA 31.10.4 dated August 16th, 1930, and filed with the Board under File No. 9437.319.13, and a subway at D'Argenson Street, in the City of Montreal, between Point St. Charles and St. Henri as shewn on General Plan YIE 31.51.4 dated April 15th, 1930, on file with the Board under file No. 9437.319.7.

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BETWEEN—

THE CITY OF MONTREAL - *Appellant*

— AND —

THE CANADIAN NATIONAL RAILWAYS
Respondent.

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APPELLANT'S CASE.

RECORD.

1. This is an appeal by special leave by the City of Montreal from two Orders of the Board of Railway Commissioners for Canada, made in respect of St. Antoine and d'Argenson Streets in the said City, in connection with the works provided for under the authority of the Canadian National Montreal Terminals Act, ch. 12 of the Canada Statutes of 1929.

p. 6.
p. 18.

APPELLANT'S CASE.

RECORD.

Privy Council
Appeal No. 61
of 1932.

2. These are the same Orders as are attacked by The Bell Telephone Company of Canada, The Montreal Light Heat & Power Cons., and the Montreal Tramways Company, in six of the eight consolidated appeals that are now pending before this Board.

pp. 6 & 18.

3. The Orders provide for the depressing of these two streets to permit of the carrying of the railway tracks from the proposed terminal station by a viaduct overhead and the present Appellant and the three above mentioned Companies Appellants and others are required to move their utilities, the question of costs being reserved.

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4. The City of Montreal owns sewers, water conduits and conduits for electric wires under these streets and the side walks and pavements on the streets. All these will have to be destroyed as the result of the Orders and rebuilt at a lower level.

5. The City of Montreal is in the same position as the Bell Telephone Company of Canada, The Montreal Light Heat & Power Cons., and The Montreal Tramways Company and adopts in every respect, as if repeated here, the joint cases of these three Companies on their six consolidated appeals respecting St. Antoine and d'Argenson Streets, Montreal.

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AIME GEOFFRION.

GUILLAUME SAINT PIERRE.

IN THE PRIVY COUNCIL.

ON APPEAL

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OF CANADA.

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BETWEEN:—

THE CITY OF MONTREAL - *Appellant*

— AND —

THE CANADIAN NATIONAL RAILWAYS
Respondent.

APPELLANT'S CASE.

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