

## JUDICIAL COMMITTEE OF THE PRIVY COUNCIL.

LONDON, 3 August, 1897.

PRESENT :—LORD MACNAGHTEN, LORD MORRIS, SIR RICHARD  
COUCH, SIR HENRY STRONG.

CITY OF MONTREAL (respondent in Superior Court), appellant, and STANDARD LIGHT & POWER CO. (petitioner in Superior Court), respondent.

*Statute, Interpretation of*—55-56 Vict. (Q.) ch. 77—*Legislative powers—Interference with municipal control of streets.*

**Held** (affirming the judgment of the Court of Queen's Bench, Montreal, R. J. Q., 5 B. R. 558, 577, which affirmed the judgment of Tait, A. C. J., R. J. Q., 10 C. S. 209):—*Where the terms of a statute express the intention of the legislature with sufficient clearness the Court will not consider the reason of the law, nor interfere with its execution on the ground of the inconvenience and danger to the public which may result therefrom.*

*The terms of the Act, 55-56 Vict. (Q.) ch. 77, as amended by 56 Viet., ch. 73, are sufficiently clear and positive to authorize the St. Henri Light & Power Company to lay wires underground in the streets of Montreal, and to open the streets for that purpose without first obtaining the consent of the municipal authorities, and such enactment was within the competence of the legislature.*

The judgment appealed from was rendered by the Court of Queen's Bench sitting in appeal at Montreal, 3rd October, 1896, and affirmed the judgment of the Superior Court, Montreal, Tait, A. C. J., 21st September, 1896. The first judgment is reported in R. J. Q., 10 C. S. 209, and the judgment of the Queen's Bench in R. J. Q., 5 B. R. 558, 577.

**LORD MACNAGHTEN :—**

On the 10th of September, 1896, about half-past two o'clock in the afternoon, workmen in the employ of the respondent company or their contractors broke up the surface of St. Antoine Street in the City of Montreal, and began to excavate the soil for the purpose of laying underground wires along the street.

In the course of the same afternoon the city surveyor and the police officials, acting as was admitted under instructions from the municipal council of the city, interfered by force and compelled the men employed to abandon their operations.

On the following day, the 11th of September, the respondents filed their petition in the Superior Court praying for an injunction.