the mode authorized. Not having done so, I think they are not entitled to come to this Court and raise that question.

Mr. Armour cited Montreal Street R. W. Co. v. Montreal Terminal R. W. Co., 36 S. C. R. 369. It is enough to say that that case was an appeal from an order of the Board to the Supreme Court, upon the ground that the Board had no jurisdiction. It confirms, I think, the view above expressed that the Supreme Court is the proper forum in which to raise the question of jurisdiction.

It was further urged by Mr. Armour that the line in question was not a branch line of the Grand Trunk, but of the Toronto Belt Line, over which they have a lease only, and therefore they have no authority to build this branch line. Section 2 of the Act to incorporate the Toronto Belt Line Railway Company, 52 Vict. ch. 82 (O.), expressly authorizes the company to build "a branch line up the valley of the Don in the said township of York." This right passed to defendants. But it is said that this is a right given by the provincial legislature, and under the present Railway Act, sec. 7, the Parliament of Canada has control of it only in respect of connections or crossings, and therefore the provisions of the Dominion Railway Act do not apply to this crossing. The answer to this . . . is, that the Belt Line Railway, crossing plaintiffs' railway, is brought expressly within the Act by sec. 7, "in respect of such crossing," that is, in respect of the subject matter here involved.

In Grand Trunk R. W. Co. v. Perrault, 36 S. C. R. 671, it was held that the establishment of farm crossings over railways subject to the Railway Act, 1903, is exclusively within the jurisdiction of the Board, and it follows that where one railway crosses another which is subject to the said Act, the Board has exclusive jurisdiction.

Action dismissed with costs.