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**THE GRAND TRUNK RAILWAY
CARTAGE QUESTION.**

We have received a copy of the judgment rendered by Mr. Assistant Justice Monk on the 9th December last, refusing the application made to him at the instance of the Attorney General, against the Grand Trunk Railway Company of Canada, for an injunction to restrain that Company from the exercise of the business of common carters within the limits of the city of Montreal. We have not space for more than a brief summary of the judgment which reviewed the pleadings, evidence and authorities at considerable length.

The Grand Trunk Company employ exclusively a Mr. Shedden to collect and deliver freight within and near the city of Montreal. The master carters of the city are excluded from all participation in the business of collecting and delivering for the Grand Trunk; and consequently it was sought to restrain the Company from the exercise of this privilege or monopoly, carried on in this way through the instrumentality of Mr. Shedden. The petition set forth several distinct charges against the Company, viz.: that they transported goods for hire from their depots to and from the stores and residences of the citizens; that they charged tolls for the transport of goods and merchandize from Montreal to places on their line of railway; and that such tolls were uniform and the same whether the goods were carted at the expense of the sender and receiver, by his own carter, or at the expense of the Company; with various other allegations. The conclusions of the petition asked for seven different orders or judgments, viz.: that it should be adjudged and declared:—

“1st. That the Company have exercised a franchise and a privilege not conferred by law.

2nd. That the Company have offended against the provisions of the Act or Acts creating, altering, renewing or re-organizing the said Corporation.

3rd. That the defendants have exceeded the powers, capacities, franchise and jurisdiction conferred upon them.

4th. That the imposition of tolls, including the cartage of the goods and merchandize in and within the limits of the city of Montreal, may be declared illegal, and in contravention of the law.

5th. That the imposition of tolls without the authority of a by-law, approved of by the Governor in Council, &c., be declared illegal.

6th. That it be declared that the defendants carry on the business and occupation of common carters within the limits of the city of Montreal, and that their doing so is illegal.

7th. That the Company be enjoined to abstain from using the occupation of carters within the city of Montreal, and be restrained for carrying goods and merchandize from and to their depots, to and from the residences and stores of the citizens of Montreal.”

The defendants met the action by a motion to quash the writ and petition, by a special demurrer, and by three other pleas amounting to the general issue. The reasons assigned in the demurrer were that the allegations of the petition were vague, and the pretended offences not particularized as to time, place or circumstance; that it was not alleged that any person was injured, &c. The motion to quash was rejected on the 26th April, 1865, and proof ordered *avant faire droit* upon the demurrer. A large number of witnesses was examined on both sides. His Honor remarks upon the evidence as follows:—

“After considering this conflicting testimony with great care, I have no hesitation in expressing the opinion that it is proved that the collecting and delivering freight, merchandize, packages, &c., by the Company's carters, is a convenience and beneficial to the public. It must, I think, be obvious to every dispassionate and unbiassed mind, that, if not absolutely necessary to carry on the business of the company, yet that their system in this particular must be highly useful to their customers; and it appears to me, moreover, that this opinion is fully corroborated by the evidence adduced by the defendants.”

After noticing at considerable length the authorities and cases cited by counsel, his Honor concluded as follows:—

“I am clearly of opinion that the exclusive employment of any particular carter or