

General at the request of William Walker, one of the proprietors whose land fronting Blache Lane had been expropriated by the company, who had found security to indemnify the Government against costs, in accordance with the provisions of Article 997. It appears that the Attorney-General had, upon the 4th January, 1889, given Mr. Walker's solicitors a written mandate authorising them to prosecute the company in his name.

In view of the objections which are urged by the company against the competency of the proceeding, it becomes necessary to notice the averments which are made on behalf of the Attorney-General, in support of the conclusions of his writ.

The first and cardinal averment is, that Blache Lane was a public street, and had been so from time immemorial. That is followed by an allegation that the company, after they had acquired by expropriation the land abutting on the lane, "under pretext that thereby all rights of servitude in favour of proprietors abutting on said street had become vested in the said company alone," had closed the lane at its intersection with Mountain Street, and had made all ingress and egress impossible to the public in general. That statement imports that the company justified their operations, not upon the ground that the lane was the property of the public, and that they were possessed of some power, franchise, or privilege which enabled them to close it at their own hand, but on the ground that it was private, and that they had acquired all the servitudes of way by which it was affected.

The next averment is to the effect that the closing of the street was particularly damaging to Mr. Walker, and the other proprietors whose lands had been in part expropriated; that the expropriation was made "on the distinct understanding that the said properties would not, by reason of the said expropriation, lose their frontage on a street;" whereas, by reason of the closing of Blache Lane, these properties had "no outlet whatever in rear." The street contemplated in the "distinct understanding" was obviously not Blache Lane, and the evidence supplies the information that it was a new street which Mr. Walker alleges the company undertook to make for his and others' convenience, as part of the compensation for the lands which had been taken by compulsion. It is difficult to conceive of what relevancy these averments can be, in an action brought by the Attorney-General for the public interest. They relate ex-