File No. 1 Continued.

Correspondence.

whether you will consider the subject and give your opinion upon it to the City Engineer.

struct and operate its railway tracks in the streets named in the Ordinance, included in which streets is North Avenue, but the right to construct its railroad in said streets; and it is given the right, and it is made its duty, to construct and operate its said railroad in certain of said streets, including North Avenue in a tunnel. Therefore, whatever use of North Avenue is reasonably required for the construction therein of the railroad of the Company in a tunnel, is granted to the Company by the Ordinance.

Ventilation of the tunnel is just as much necessary for its operation as the construction therein of the railway tracks and other appliances.

The Ordinance fully recognising this fact, deals with the subject; and so dealing, declares negatively what shall not be done for the ventilation of the tunnel, and what shall be done for its ventilation. This subject is dealt with in the Seventh Section of the Ordinance as stated on the first page of this letter. By that Section the Company is prohibited from ventilating the tunnel by means of openings or holes made in any of the streets in which the tunnel is authorised to be constructed; and it is declared that if ventilation of the tunnel (additional to that afforded by its mouths) is required, the Company shall supply this ventilation by means of chimneys, flues or shafts erected at proper points on property belonging to the Company.

Inasmuch as it is impossible to use such a shaft on property thus to be acquired, in the ventilation of the tunnel, without connecting this shaft with the tunnel in the street adjacent thereto, it necessarily follows that there must be constructed from the tunnel located in the street to the property on which the shaft is to be erected, a subway as a means of such communication. Therefore, when the Ordinance grants to the Company all rights in the streets named in the Ordinance, necessary to the construction and operation therein of the tunnel, and requires that the ventilation of the tunnel (additional to that afforded by its mouths) shall be made by shafts, etc., situated on the property of the Company, it necessarily grants to the Company the right