

DOMINION OF CANADA

In the Supreme Court of Canada

OTTAWA

(On appeal from Judgments of the Exchequer Court of Canada rendered by the Honourable Mr. Justice Angers on November 3rd, November 6th, November 20th, November 4th, November 12th and November 13th, 1948, respectively.)

BETWEEN:—

HIS MAJESTY THE KING,

(Respondent in the Exchequer Court),
APPELLANT,

— and —

CANADA STEAMSHIP LINES LIMITED,

(Suppliant in the Exchequer Court),
RESPONDENT,

HIS MAJESTY THE KING,

(Respondent in the Exchequer Court),
APPELLANT,

— and —

**H. J. HEINZ COMPANY OF CANADA LIMITED,
CUNNINGHAM & WELLS, LIMITED,
RAYMOND COPPING,
W. H. TAYLOR, LIMITED,
CANADA AND DOMINION SUGAR COMPANY, LIMITED,**

(Suppliants in the Exchequer Court),
RESPONDENTS,

— and —

CANADA STEAMSHIP LINES LIMITED,

(Third Party in the Exchequer Court),
THIRD PARTY RESPONDENT.

**FACTUM OF CUNNINGHAM & WELLS LIMITED
RESPONDENT**

BUMBRAV & CARROLL,
Solicitors for Cunningham & Wells Limited

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**FACTUM OF CUNNINGHAM & WELLS LIMITED
RESPONDENT**

The Respondent, Cunningham & Wells Limited, humbly submits:

By its Petition of Right, the Respondent claims \$15,188.43 as damages to its property resulting from fire in the St. Gabriel Freight Shed No. 1 at 1400 Ottawa Street, Montreal, Que., owned by the King, Appellant, on May 5, 1944 at about 3.14 p.m.

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The parties on March 10, 1947, entered an admission into the record that the damages to Respondent amounted to \$15,159.83.

The facts and law are as stated in the judgments rendered by the Hon. Mr. Justice Angers of the Exchequer Court on November 20, 1948, reproduced in the Joint Case at pages 202a and 236a, in which he condemned Appellant to pay Respondent \$15,159.83 and costs.

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The lease and issues between the Appellant and the Canada Steamship Lines Limited, Respondent, are *res inter alios acta* in so far as the present Respondent is concerned.

Wherefore Respondent prays that the present appeal be dismissed with costs.

The whole respectfully submitted.

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Bumbray & Carroll,
Attorneys for Respondent
Cunningham & Wells Limited.

Montreal, January 15, 1950.

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LIMITED,
CUNNINGHAM & WELLS, LIMITED,
RAYMOND COPPING,
W. H. TAYLOR, LIMITED
CANADA AND DOMINION SUGAR
COMPANY, LIMITED,
(Suppliants in the Exchequer Court),
RESPONDENTS,

— and —

CANADA STEAMSHIP LINES LIMITED,
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THIRD PARTY RESPONDENT.

FACTUM OF
CUNNINGHAM & WELLS LIMITED
RESPONDENT

BUMBRAY & CARROLL,
Solicitors for Cunningham & Wells Limited