

district or other local jurisdiction within which such railway passes; and every such Justice shall have authority to deal with all such cases, as though the offence had been committed and the person taken within the limits of his own local jurisdiction.

Dismissal of any such constable.

186. The Judge of the County Court of the County in which the constable resides, may dismiss any such constable, and the board of directors of the company or any manager or superintendent thereof may dismiss any such constable who may be acting on the railway; and upon such dismissal, all powers, protection and privileges belonging to any such person, by reason of such appointment, shall wholly cease; and no person so dismissed shall be again appointed or act as a constable for such railway without the consent of the authority by which he was dismissed.

Ont. Electric Ry. Act, R.S.O. 1897, c.209, s. 116, amended.

Record of appointment of constables.

187. The company shall cause to be recorded in the office of the clerk of the peace, for every county wherein such railway passes the name and designation of every constable so appointed at its instance, the date of his appointment, and the authority making it, with such appointment or a certified copy thereof, and also the fact of every dismissal of any such constable, the date thereof, and the authority making the same, within one week after the date of such appointment or dismissal, as the case may be; and such clerk of the peace shall keep a record of all such facts in a book which shall be open to public inspection, and shall be entitled to a fee of fifty cents for each entry of appointment or dismissal, and twenty-five cents for each search or inspection, including the taking of extracts. Such record shall, in all courts, be *prima facie* evidence of the due appointment of such constable and of his jurisdiction to act as such, without further proof than the mere production of such record.

And of dismissals.

Neglect of duty by constable

188. Every such constable who is guilty of any neglect or breach of duty in his office of constable, shall be liable, on summary conviction thereof, within any county, city or district wherein such railway passes, to a penalty not exceeding eighty dollars, or to imprisonment, with or without hard labour, for a term not exceeding two months. Such penalty may be deducted from any salary due to such offender, if such constable is in receipt of a salary from the company.

Dom. Ry. Act, 1903, s. 241 (5, 6.)

Penalty.

PASSENGER CONDUCTORS TO HAVE THE POWER AND AUTHORITY OF CONSTABLES.

Conductors to have powers of constables.

189. —(1) The conductor of every train carrying passengers within this Province and the conductor of the car or cars of every railway carrying passengers within this Province, is hereby invested with all the powers of a constable,

New.—Based on Ohio Ry. law.

while on duty on his train or on said car and cars, and said conductor may wear a badge or other distinguishing mark of a special constable.

(2) When a passenger is guilty of disorderly conduct, or uses any blasphemous or obscene language, or plays any game of cards or chance for money or any other thing of value, upon any passenger train or upon the car or cars of any railway carrying passengers within this Province, the conductor of such train or car or cars of such railway may stop his train or said car or cars at the place where such offence is committed or at the next stopping place of such train or of such car or cars and eject such passenger from the train or from said car or cars, using only such force as may be necessary to accomplish such removal; and the conductor may command the assistance of the employees of the company, and of the passengers on such train or on such car or cars to assist in such removal; but before doing so he shall render to such passenger such proportion of the fare he paid as the distance he then is from the place to which he has paid fare bears to the whole distance for which his fare is paid.

190. When a passenger is guilty of any offence upon a passenger train or upon the car or cars of any railway carrying passengers within this Province, the conductor of such train or of such car or cars may arrest him and take him before any Justice having cognizance of such offence in any county or district in this Province in which such train or car or cars runs, and lay an information before such Justice, charging him with such offence; but in no case shall the liability of the company for damages caused by the conduct of its conductor be affected by the provisions of this and the next preceding section.

191. The company shall cause a notice to be placed in all passenger cars stating that the conductors have the authority and powers of constables.

STREET RAILWAYS AND RAILWAYS OPERATING ON HIGHWAYS.

General Provisions.

192. Unless otherwise provided, sections 198 to 226, inclusive, shall apply to street railways and companies incorporated for the purpose of constructing, maintaining and operating street railways as defined in the interpretation clauses of this Act, and shall apply to other railways incorporated for the purpose of operating partially or wholly on highways by electricity.

193. Every such company shall, subject to any provisions contained in the special Act or in any agreement made between the company and a municipality, have

Powers of
Company.

Street Ry. Act,
R.S.O. 1897, c.
208, s. 11, (1)

3. The full extent thereof, and all particulars of the same; and shall also at the same time return a true copy of the existing by-laws of the company, and of their rules and regulations for the management of the company and of the railway.

Forms to be appointed by the Commissioner.

233. The Board may order and direct, from time to time, the form in which such returns shall be made.

Ont. Electric Ry. Act, R.S.O. 1897, c. 209, s. 108, amended. s. 109, amended.

Such returns to be privileged communications.

234. All such returns relating to accidents made in pursuance of the provisions of this Act shall be privileged communications, and shall not be evidence in any court whatsoever except to enforce the penalties for failure or neglect to furnish such returns as required by this Act.

Ont. Electric Ry. Act, R.S.O. 1897, c. 209, s. 111.

Weekly returns of traffic.

235. Every company shall, weekly, prepare returns of its traffic, that is to say, from the first to the seventh of the month inclusive, from the eighth to the fourteenth inclusive, from the fifteenth to the twenty-first inclusive, and from the twenty-second to the close of the month, inclusive, and such returns shall be in accordance with forms to be provided and supplied to the companies by the Board, and a copy of such returns, signed by the officer of the company responsible for the correctness of such returns, shall be forwarded by the company to the Board, within seven days from the day to which the said returns have been prepared. The Board may in any case extend the time within which such returns shall be forwarded.

Dom. Ry. Act, 1903, s. 304, amended.

Returns to Board, of assets and liabilities.

236. The Board may, from time to time, by notice served upon the company, or any officer, servant or agent of the company, require it, or such officer, servant or agent to furnish the Board, at or within any time stated in such notice, a written statement or statements showing in so far, and with such detail and particulars, as the Board requires, the assets and liabilities of the company—the amount of its stock issued and outstanding—the date at which any such stock was so issued—the amount and nature of the consideration received by the company for such issue, and, in case the whole of such consideration was not paid to the company in cash, the nature of the service rendered to or property received by the company for which any stock was issued—the gross earnings or receipts or expenditure by the company during any periods specified by the Board, and the purposes for which such expenditure was made—the amount and nature of any bonus, gift, or subsidy, received by the company from any source whatsoever, and the source from which and the time when, and the circumstances under which, the same was so received or given—the bonds issued at any time by the company, and what portion of the same are outstanding and what portion, if

Of stock issued and outstanding.

Of earnings and expenditure.

Of bonuses.

Of bonds. any, have been redeemed,—the amount and nature of the consideration received by the company for the issue of such bonds—the character and extent of any liabilities outstanding, chargeable upon the property or undertaking of the company, or any part thereof, and the consideration received by the company for any such liabilities, and the circumstances under which the same were created —the cost of construction of the company's railway or of any part thereof,—the amount and nature of the consideration paid or given by the company for any property acquired by it,—the particulars of any lease, contract or arrangement entered into between the company and any other company or person,—and generally, the extent, nature, value and particulars of the property, earnings, and business of the company.

Of secured liabilities

Of cost of property

Of cost of acquisitions.

Of leases and contracts

Generally.

237. The Board may summon, require the attendance of, Dom. Ry. Act, and examine under oath, any officer, servant or agent of 1903, s. 309, the company, or any other person, as to any matters included in such return, or which were required by the notice aforesaid to be returned to the Board, and as to any matter or thing which, in the opinion of the Board, is relevant to such return, or to any inquiry which the Board deems it expedient to make in connection with any of the matters in this section aforesaid; and for such purposes may require the production to the Board of any books or documents in control of the company, or of such officer, servant, agent or person.

Powers of Board respecting returns.

Or inquiries respecting same.

Production documents.

238. If any company, or officer, servant, or agent thereof wilfully or negligently refuses to make the returns required by this Act or by the Board under the authority thereof when, and as thereunto required by the Board, or fails to make any such return to the utmost of its, or his knowledge or means of knowledge, the company, and every such officer, servant or agent, so in default, shall severally be liable to a penalty not exceeding dollars.

Refusal to make returns.

Penalties

239. If the company, or any officer, servant, or agent thereof, wilfully or negligently makes any false return, or any false statement in any such return, the company, and any such officer, servant or agent, shall be severally liable to a penalty not exceeding dollars, and such officer, servant or agent shall also on summary conviction, be liable to imprisonment for any period not exceeding months, in the common jail of the county where such conviction is had.

Making false returns to Board.

240. The sections relating to "Returns," being sections Dom. Ry. Act, 231 to 239, inclusive, of this Act shall apply to street rail-1903, s. 309, way companies. part, amended.

on whom the notice ought to be served cannot be ascertained, the Judge shall order a notice as aforesaid, but without such certificate, to be inserted three times in the course of one month in some newspaper published in the said county.

Provision when the County Judge is interested in lands required for any railway.

(4) Where a Judge of a County Court is interested in lands taken or required within the county in which he is a Judge, by any company, for railway purposes, a Judge of the High Court shall, on application of the company, exercise in such case all the powers given to a Judge of a County Court by the provisions of this section in cases in which such Judge of a County Court is not interested.

Party not accepting the company's offer, and not appointing an arbitrator.

(5) If within ten days after the service of the notice, or within one month after the first publication thereof as aforesaid, the person served does not notify the company of his acceptance of the sum offered by it, or notify it of the name of a person whom he appoints as arbitrator, the Judge shall, on the application of the company, appoint an Ontario Land surveyor, to be sole arbitrator for determining the compensation to be paid as aforesaid.

Appointment of arbitrator by opposite party. Third arbitrator.

(6) If the opposite party within the time aforesaid, Ont. Ry. Act, R.S.O. 1897, c. 207, s. 20 (1-6). notifies the company the name of his arbitrator, then the two arbitrators shall jointly appoint a third, or if they cannot agree upon a third, then the Judge shall, on the application of the party or of the company (previous notice of at least one clear day having been given to the other party), appoint a third arbitrator.

Party other than company commencing proceedings to determine compensation.

(7) If lands have been entered on and taken by the company with or without the license of the person in possession thereof and without any agreement as to the compensation to be paid therefor or if the lands, though not taken, are injuriously affected by or through the construction of the railway, then any owner or person interested in such lands shall have the right to commence proceedings to ascertain the compensation to which he is entitled in respect of the lands so taken or injuriously affected, by giving to the company notice in writing of the name of a person to be appointed as his arbitrator, the description of the lands taken or injuriously affected, and the amount of compensation or damages claimed by him, and thereupon like proceedings shall be taken to ascertain such compensation as are prescribed in cases where the company commences proceedings. Ont. Electric Ry. Act, R.S.O. 1897, c. 209, s. 35 (6).

Stating amount found payable in award

(8) The arbitrators, besides awarding to the owner the amount which they find to be the value of the land, shall state what they find to be the total amount to be paid to compensate the owner or for damages. Ont. Electric Ry. Act, R.S.O. 1897, c. 209, s. 35 (8).

Duties of arbitrators.

(9) The arbitrators, or any two of them, or the sole arbitrator, being sworn before a Justice of the Peace or commissioner empowered to take affidavits, shall faithfully. R.S.O. 1897, c. 207, s. 20 (7).

fully and impartially to perform the duties of their office, shall proceed to ascertain the compensation in such a way as they or he, or a majority of them, deem best; but no award shall be made or any official act be done by the majority, except at a meeting held at a time and place of which the other arbitrator has had at least one clear day's notice, or to which some meeting at which the third arbitrator was present, had been adjourned; and no notice to either of the parties shall be necessary, but each party shall be held sufficiently notified through the arbitrator appointed by him, or whose appointment he required.

Costs, in discretion of arbitrators.

(10) In any arbitration under this Act the costs of the arbitration shall be in the discretion of the arbitrator or arbitrators and if they are to be borne by the opposite party to the company may be deducted from the compensation awarded, and in any case they may if not agreed upon be fixed by the arbitrator or arbitrators or taxed by one of the taxing officers of the Supreme Court of Judicature. New.

Arbitrators may examine on oath.

(11) The arbitrators, or a majority of them, or the sole arbitrator, may examine on oath or solemn affirmation the parties, or such witnesses as appear before him or them, and may administer such oath or affirmation.

Parties to arbitrations may obtain subpoenas.

(12) Any party to an arbitration under this Act may, without leave or order, obtain and issue out of the High Court, upon *procipe*, setting forth the names of the witnesses to be subpoenaed, the names of the arbitrators, and the place and time of meeting, a subpoena commanding the attendance for examination of any witness, and also the production of any document to or before the arbitrator or arbitrators, and at the time and place mentioned in such subpoena; and the disobedience of such subpoena shall be deemed a contempt of court, and shall be punishable in the same manner and to the like extent as in the case of subpoenas issued in a civil case.

Disobedience thereto to be contempt of Court.

Fees and conduct money.

(13) The like fees shall be payable for such subpoenas as in the case of subpoenas issued in civil cases, and the witnesses shall be entitled to the like conduct money. Ont. Ry. Act, R.S.O. 1897, c. 207, s. 20 (9-12).

Stenographers.

(14) The *evidence shall be taken* down in writing, and after making their award the arbitrators shall forthwith deliver or transmit by registered letter, at the request of either party in writing the depositions, together with the exhibits referred to therein, and all papers connected with the reference, except the award, to the central office of the High Court of Justice with the proper stamps (which shall be furnished by the party making the request) to be filed with the Records of the Court. Dom. Ry. Act, 1903, s. 163 (3) amended.

Depositions transmitted to central office.

Time within which award must be made.

(15) The Judge by whom a third arbitrator or sole arbitrator is appointed, shall, at the same time, fix a day on or before which the award shall be made. Ont. Ry. Act, R.S.O. 1897, c. 207, s. 20 (14).

Notice at stations

the platform of the station, in some conspicuous place at each station of such company at which there is a telegraph or telephone office; and when any passenger train or car is overdue at any such station, according to the time table of such company, the station agent or person in charge at such station, shall write, or cause to be written, with white chalk on such blackboard, a notice stating, to the best of his knowledge and belief, the time when such overdue train or car may be expected to reach such station; and if there is any further change in the expected time of arrival the station agent or person in charge of the station shall write, or cause to be written on the blackboard in like manner, a fresh notice stating, to the best of his knowledge and belief, the time when such overdue train or car may then be expected to reach such station.

Time when expected to be stated.

Penalty for omission.

(2) Every such company, station agent or person in Dom. Ry. Act, charge at any such station, is, on summary conviction, 1903, s. 231, liable to a penalty not exceeding five dollars for every wilful neglect, omission or refusal to obey the provisions of this section.

MUNICIPAL BONUSES AND LOANS.

Aid from municipalities.

130. Any municipality, or any portion of a township (See Penetanguishene & Orillia Ry., 5 Edw. VI., c. 105, s. 26).

Proviso.

near which the railway or works of the company shall pass or be situate may aid the company by giving money or debentures, by way of bonus, gift or loan, or by the guarantee of the municipal corporation, under and subject to the provisions hereinafter contained; provided always, that such aid shall not be given except after the passing of a by-law for the purpose and the adoption of such by-law by the qualified ratepayers of the municipality or portion of the municipality (as the case may be) in accordance with and as provided by law in respect to granting aid by way of bonuses to railways.

Submitting bonus by-law.

131. Such by-law shall be submitted by the municipal council to a vote of the ratepayers in manner following, namely:

(1) The proper petition shall first be presented to the council expressing the desire to aid the railway and stating in what way and for what amount; and the council shall within six weeks after the receipt of such petition by the clerk of the municipality, introduce a by-law to the effect petitioned for, and submit the same to the approval of the qualified voters.

(2) In the case of a county municipality, the petition shall be that of a majority of the members of the county council or of fifty resident freeholders in each of the

minor municipalities of the county who are qualified voters under *The Consolidated Municipal Act, 1903*, and the amendments thereto.

(3) In the case of other municipalities the petition shall be that of a majority of the council thereof, or fifty resident freeholders, being duly qualified voters under *The Consolidated Municipal Act, 1903*, and amendments thereto as aforesaid.

(4) In the case of a section of a township municipality (See Penetang- the petition is to be presented to the council defining the uishene & Orillia section by metes and bounds, or lots and concessions, and Ry., 5Edw VII., c. 105, s. 27.) shall be that of a majority of the council of such township municipality, or of fifty resident freeholders in such section of the municipality, being duly qualified voters as aforesaid.

132. Such by-law shall in each instance provide:

Bonus by-law
what to
contain.

(a) For raising the amount petitioned for in the municipality or portion of the township municipality, (as the case may be), mentioned in the petition, by the issue of debentures of the county or minor municipality, respectively, and shall also provide for the delivery of the said debentures, or the application of the amount to be raised thereby, as may be expressed in the said by-law.

(b) For assessing and levying upon all rateable property lying within the municipality or portion of the township municipality defined in the said by-law (as the Ry., 5Edw.VII. case may be), an annual special rate, sufficient to include a sinking fund for the repayment of the said debentures within twenty years with interest thereon, payable yearly or half-yearly, which debentures the respective municipal councils, wardens, mayors, reeves and other officers thereof, are hereby authorized to execute and issue in such cases respectively. (See Penetang-uishene & Orillia Ry., 5Edw.VII. c. 105, s. 28).

Petition
against aid
from county.

133. In case of aid from a county municipality, fifty resident freeholders of the county may petition the county council against submitting the said by-law, upon the ground that certain minor municipalities or portions thereof, comprised in the said by-law, would be injuriously affected thereby, or upon any other ground ought not to be included therein, and upon deposit by the petitioners, with the treasurer of the county, of a sum sufficient to defray the expenses of such reference, the said council shall forthwith refer the said petition to the Board who shall have power to confirm or amend the said by-law by excluding any minor municipality, or any section thereof, therefrom and the by-law so confirmed or amended shall thereupon, at the option of the railway company, be submitted by the council to the duly qualified voters, (See Penetang-uishene & Orillia Ry., 5Edw.VII. c. 105, s. 29).

graded part of the road by the company shall be evenly agreement spread thereon in a manner to be approved by the council amended. or its engineer or officer.

Taking up
streets by
company.

(j) The municipal council may at any time, after giving York & Metro- to the company 20 days' notice of its intention so to do, politan Ry. Co. take up any part of the highway along which the com- agreement pany's railway is constructed, for the purpose of altering amended. the street or road grade, constructing sewers, drains, cul- verts or side crossings, laying down gas and water pipes or underground wires, and for all other purposes within the province and privileges of a municipal corporation, without being liable for any compensation or damage that may be occasioned to the working of the railway or the works connected therewith. When and so often as it may be necessary for the municipal corporation to open the road or street for the purpose of repairing such street or road, sewer, drains, culverts, gas or water pipes, or underground wires, or for putting in gas, water or other services, a reasonable notice shall be given to the company of the council's intention so to do, and the work thereon shall not be unnecessarily delayed but shall be carried on and completed with all reasonable speed, due regard being had to the proper and efficient execution thereof.

(k) All work done under the authority of the agreement shall be done in the most substantial manner and according to the best modern practice under the superintendence and to the satisfaction of the engineer or officer appointed by the council for such purpose with a right of appeal to the Board.

(l) The alignment of the company's tracks, the location of switches and the grades of the roadbed of its railway shall be prescribed by such officer or engineer.

(m) The company shall repay to the municipality all sums paid by it to such officer or engineer for services performed by him in connection with the company's work.

(n) All persons using the said highway shall be at liberty to travel upon any portion of the travelled roadway occupied by the company's railway, and in the same manner as upon other portions of the highway, and vehicles of every description are to be allowed upon such portions of the highway, it being provided, however, that the company's cars shall have the first right of way over the said railway, and all vehicles or persons travelling on that portion of the highway occupied by the railway shall turn out to let the trains or cars pass—and any person refusing or neglecting so to do shall be liable on summary conviction to a fine of not more than ten dollars and costs.

(o) The words "travelled portion" where used in this 2 Edw. VII., section as applicable to roads, streets or highways shall be s. 17 (f).

York and Metro-
politan Ry. Co.
agreement
amended.
2 Edw. VII., c.
27, s. 17, part (c).

deemed to mean that central portion of roads, streets or highways between the ditches or drains on either side thereof and ordinarily used for vehicular traffic.

Radial Lines.

Operating in
cities.

218. (1) Notwithstanding anything in this Act contained,^{New.} the railway shall not be constructed along any highway within the limits of any city or town except upon and subject to such terms and conditions as may be agreed upon between the company and the street railway or electric railway, if any, already operating in such city or town and the council of the corporation of such city or town. Provided always that if there is an existing agreement between such city or town and the street railway or electric railway already operating in such city or town then the railway shall not be constructed along any such highway, except, upon and subject to the terms of such existing agreement; provided also, that where *no provision is contained in any agreement* between any street railway or electric railway company and the city or town for the admission of other electric or street railways, then if the council of such city or town shall by by-law or resolution request the street railway company or electric railway company already operating in such city or town, to allow its tracks or any of the streets to be used for the entrance of such other railway, or if such street railway company or electric railway company or such other railway shall by by-law or resolution request the city or town to permit the entrance of the railway into such city or town the company so operating in the city shall permit its tracks or any streets to be so used to some central point in the said city or town, and the said city or town shall permit such other railway to enter within the limits of such city or town, upon such terms and conditions as to compensation, *location of central point*, and otherwise as may be mutually agreed upon between *such other railway*, the council and such street railway or electric railway company, or as shall be settled and determined by the Board in case the council and the said two companies are unable to agree upon the same.

Proviso.

(2) The Board shall not (without the consent of the city^{New} or town) grant to any company desiring to operate within any such city or town any right or privilege to so operate for a longer period than the unexpired term of the franchise or privilege held or enjoyed by any company which at the date of the application to the Board under this section is operating a railway or street railway within the limits of such city or town.

(3) At the expiration of such term *a new agreement*^{New.} may be made as to a renewal of the same for a further

any lake, river, stream or canal, or of their respective beds, as is necessary for making and completing and using their said railway and works;

(2) The extent of the public beach or of the land covered with water of any river or lake in the Province of Ontario taken for the railway shall not exceed the quantity limited in section 60 of this Act.

Changes may be made in the line of a railway at any time for certain purposes.

55. A company which desires at any time to change Ont. Ry. Act, the location of its line of railway in any particular part R.S.O. 1897, for the purpose of lessening a curve, reducing a gradient, c. 207, s. 9 (18), or otherwise benefiting such line of railway, or for any other purpose of public advantage, may, with the leave of the Board, make such change; and all the clauses of this Act shall refer as fully to the part of any such line of railway so at any time changed or proposed to be changed as to the original line; but no railway company shall have any right to extend its line of railway beyond the termini mentioned in the *special* Act.

Telegraph and Telephone Lines.

Telephone and telegraph lines

56.—(1) Except as provided in subsections 3 and 4 of this Hamilton, section the company may construct and operate an electric Guelph and telegraph line and a telephone line throughout and along North Shore Ry. the whole line of railway, and the branches thereof, or any (See 5 Edw. part of the said railway or branches, and for the purpose of VII., c. 93, constructing, working and protecting the said telegraph and s. 25). telephone lines, the powers conferred upon telegraph companies by *The Act respecting Telegraph Companies*, being chapter 192 of the Revised Statutes of Ontario, 1897, are hereby conferred upon the company; provided that no poles shall be erected in the construction of either of the said lines in or through any city, town or incorporated village, without an agreement with the council of such city, town or village being first obtained by the company; provided, also, that such telegraph and telephone lines shall be used exclusively for the purposes of the business of the company. ■ Provided also that in case the parties are unable to agree, the terms and conditions upon which such poles may be erected shall be determined by the Board. ■

Proviso.

Proviso.

Municipal telephone systems, connections with.

(2) Whenever any municipal corporation or person has authority to construct, operate and maintain a telephonic system in any district, and is desirous of obtaining telephonic connection or communication with or within any station or premises of the company, in such district, and cannot agree with the company with respect thereto, such municipal corporation or person may apply to the Board for leave therefor, and the Board may order the company to provide for such connection or communication upon such terms as to compensation as the Board deems just and expedient, and Dom. Ry. Act, 1903, s. 193.

may order and direct how, when, where, by whom and upon what terms and conditions such telephonic connection or communication shall be constructed, operated and maintained.

Wires, etc.,
across railway.

(3) No lines or wires for the conveyance of light, heat, power or electricity, shall be erected, placed or maintained across the railway without leave of the Board.

Plans to be
submitted to
Board.

(4) Upon any application for such leave, the applicant shall submit to the Board a plan and profile of the part of the railway proposed to be affected showing the proposed location of such lines and wires and the works contemplated in connection therewith; and the Board may grant such application and may order by whom, how, when, and on what terms and conditions, and under what supervision, such work shall be executed; and upon such order being made such lines and wires may be erected, placed and maintained across the railway subject to and in accordance with such order.

Dom. Ry. Act,
1903, s. 194.

Order by
Board.

(5) As soon as practicable after its organization the Board shall promulgate rules and regulations and standard plans and specifications to be adhered to in carrying lines of wires to be used for telephone and telegraph purposes across the railway, and no lines of such wires shall thereafter be carried across the railway in any other way or on any other terms without the leave of the Board first obtained, provided the Board may, from time to time, amend or change as to it may seem fit such rules, regulations and standard plans and specifications, but such rules, regulations, plans and specifications and amendments or changes thereto and thereof shall not affect crossings made before their adoption by the Board; provided, further, that in special cases on the application of any person or corporation to be affected by such crossing the Board may order that such crossing shall be made in some other manner than that prescribed by the standard plans and specifications, and by whom and how and when and on what terms and conditions and under what supervision such work shall be executed, and upon such order being made such lines and wires may be erected, placed and maintained across the railway, subject to and in accordance with such order.

Interchange of Traffic.

One Company
may agree
with another
regarding
traffic.

57.—(1) The directors of any railway company may at any time, and from time to time, make and enter into any agreement or arrangement with any other company, either in this Province or elsewhere, for the regulation and interchange of traffic passing to and from the railways of the said companies, and for the working of the traffic over the said railways respectively, or for either of those

Ont. Ry. Act,
R.S.O., 1897,
c. 207, s. 77.

graded part of the road by the company shall be evenly agreement spread thereon in a manner to be approved by the council amended. or its engineer or other officer.

Taking up streets by municipality.

(j) The municipal council may at any time, after giving York & Metropolitan Ry. Co. to the company 20 days' notice of its intention so to do, amended. take up any part of the highway along which the company's railway is constructed, for the purpose of altering the street or road grade, constructing sewers, drains, culverts or side crossings, laying down gas and water pipes or underground wires, and for all other purposes within the province and privileges of a municipal corporation, without being liable for any compensation or damage that may be occasioned to the working of the railway or the works connected therewith. When and so often as it may be necessary for the municipal corporation to open the road or street for the purpose of repairing such street or road, sewer, drains, culverts, gas or water pipes, or underground wires, or for putting in gas, water or other services, a reasonable notice shall be given to the company of the council's intention so to do, and the work thereon shall not be unnecessarily delayed but shall be carried on and completed with all reasonable speed, due regard being had to the proper and efficient execution thereof.

Work to be done to satisfaction of municipality's engineer.

(k) All work done under the authority of the agreement shall be done in the most substantial manner and according to the best modern practice under the superintendence and to the satisfaction of the engineer or officer appointed by the council for such purpose with a right of appeal to the Board.

Alignment, switches and grades.

(l) The alignment of the company's tracks, the location of switches and the grades of the roadbed of its railway shall be prescribed by such engineer or other officer.

Company to pay for engineer.

(m) The company shall repay to the municipality all sums paid by it to such officer or engineer for services performed by him in connection with the company's work.

Right of public to use track allowances.

(n) All persons using the said highway shall be at liberty to travel upon any portion of the travelled roadway occupied by the company's railway, and in the same manner as upon other portions of the highway, and vehicles of every description are to be allowed upon such portions of the highway, it being provided, however, that the company's cars shall have the first right of way over the said railway, and all vehicles or persons travelling on that portion of the highway occupied by the railway shall turn out to let the trains or cars pass—and any person refusing or neglecting so to do shall be liable on summary conviction to a fine of not more than ten dollars and costs.

York and Metropolitan Ry. Co. agreement amended. 2 Edw. VII., c. 27, s. 17, part (c)

"Travelled portion," meaning of.

(o) The words "travelled portion" where used in this section as applicable to roads, streets or highways shall be s. 17 (f)

deemed to mean that central portion of roads, streets or highways between the ditches or drains on either side thereof and ordinarily used for vehicular traffic.

Radial Lines.

Operating in cities.

218.—(1) Notwithstanding anything in this Act contained,^{New.} the railway shall not be constructed along any highway within the limits of any city or town except upon and subject to such terms and conditions as may be agreed upon between the company and the street railway or electric railway, if any, already operating in such city or town and the council of the corporation of such city or town. Provided always that if there is an existing agreement between such city or town and the street railway or electric railway already operating in such city or town then the railway shall not be constructed along any such highway, except, upon and subject to the terms of such existing agreement; provided also, that where *no provision is contained in any agreement* between any street railway or electric railway company and the city or town for the admission of other electric or street railways, then if the council of such city or town shall by by-law or resolution request the street railway company or electric railway company already operating in such city or town, to allow its tracks or any of the streets to be used for the entrance of such other railway, or if such street railway company or electric railway company or such other railway shall by by-law or resolution request the city or town to permit the entrance of the railway into such city or town, the company so operating in the city shall permit its tracks or any streets to be so used to some central point in the said city or town, and the said city or town shall permit such other railway to enter within the limits of such city or town, upon such terms and conditions as to compensation, *location of central point*, and otherwise as may be mutually agreed upon between *such other railway*, the council and such street railway or electric railway company, or as shall be settled and determined by the Board in case the council and the said two companies are unable to agree upon the same.

Proviso.

Proviso.

Grant of franchise to radial railway not to extend beyond street railway company's franchise.

(2) The Board shall not (without the consent of the city^{New} or town) grant to any company desiring to operate within any such city or town any right or privilege to so operate for a longer period than the unexpired term of the franchise or privilege held or enjoyed by any company which at the date of the application to the Board under this section is operating a railway or street railway within the limits of such city or town.

Renewal of agreements.

(3) At the expiration of such term *a new agreement*^{New.} may be made as to a renewal of the same for a further