

IV.—COMMISSION.

A. *Name, constitution, duties, etc.*, 8 to 21.

B. *Jurisdiction and general powers*, 22 to 25.

A.—*Name, Constitution, Duties, etc.*

8. The Railway Committee of the Privy Council is hereby abolished and, in lieu thereof, there shall be a Commission, to be known as the "Board of Railway Commissioners for Canada," consisting of members who shall be appointed 5 by the Governor in Council, at any time after the passing of this Act, and from time to time as vacancies occur. Such Commission shall be a Court of Record, and have an official seal, which shall be judicially noticed. Each Commissioner shall hold office during good behaviour for a period of ten 10 years from the date of his appointment, but may be removed at any time by the Governor General on address of the Senate and House of Commons; and shall cease to hold office upon reaching the age of seventy-five years. Each Commissioner on the expiration of his term of office shall be eligible for re- 15 appointment. One of such Commissioners shall be appointed, by the Governor in Council, Chief Commissioner of the Board, and shall be entitled to hold the office of Chief Commissioner so long as he continues a member of the Board; and another of the Commissioners shall be appointed by the Governor in 20 Council, Deputy Chief Commissioner of the Board.

9. In case of the absence of the Chief Commissioner, or of his inability to act, the Deputy Chief Commissioner shall exercise the powers of the Chief Commissioner in his stead; and in such case all regulations and orders signed by the Deputy 25 Chief Commissioner shall have the like force and effect as if signed by the Chief Commissioner. Whenever the Deputy Chief Commissioner appears to have acted for and instead of the Chief Commissioner, it shall be conclusively presumed that he so acted in the absence or disability of the Chief Commis- 30 sioner within the meaning of this section.

10. Not less than Commissioners shall attend at the hearing of every case, and the Chief Commissioner (or in his absence the Deputy Chief Commissioner), shall preside, and his opinion upon any question, which in the opinion of the 35 Commissioners is a question of law, shall prevail. In any case where there is no opposing party, and no notice to be given to any interested party, any one Commissioner may act alone for the Board.

11. No Commissioner shall be disqualified to act, by reason 40 of interest, or of kindred or affinity to any person interested in any matter before the Board; but whenever any Commissioner is interested or of kin or affinity to any such person, the Governor in Council may either upon the application of such Commissioner or otherwise, appoint some disinterested person to act as Commissioner *pro hac vice*. The Governor in Council 45 may also appoint a Commissioner *pro hac vice* in the case of sickness, absence or inability to act, of any Commissioner.

Name and constitution.

Court of Record.

Term of office.

Removal.

Age limit.

Chief Commissioner and Deputy.

Power of Deputy Chief Commissioner.

Not less than two to act.

Exception.

Interest, kindred or affinity not a disqualification.

Appointments *pro hac vice*.