

said council shall provide and as often as public convenience shall, or the said council shall, prescribe."

The by-law also provides that the respondent may "charge and collect from every person on entering any of" its "cars or carriages for riding any distance on" its "railway within the city on the same continuous route a sum not exceeding five cents," sec. 19 (b), and the respondent is required by sec. 19 (o) to keep tickets for sale at some place in the business portion of the city convenient for the people and on its cars, and to "sell tickets to persons desiring the same at a rate not exceeding 25 cents for 6 tickets for fare to any point on their line within the city limits."

There is nothing in the Ontario Railway Act, 3 & 4 Geo. V. ch. 36, to control the right of the respondent to regulate the places at which its cars shall stop, although ample power is conferred on the Ontario Railway and Municipal Board to make regulations as to it. By sec. 105 (3c), authority is conferred on the Board to direct railway companies to stop their "cars to take on and discharge passengers at such points as the Board may deem proper," and by sec. 161, railway companies are required when directed by the Board "to maintain and operate stations with sufficient accommodation or facilities in connection therewith as are defined by the Board at such points" on the railway as are designated by the order.

So far from there being any limitation imposed by the Act upon the right of railway companies to operate their railways as they may deem best, among the powers conferred upon them by sec. 54 is the power to take, convey and carry persons and goods on the railway and regulate the time and manner in which the same shall be transported. . . . This power is, of course, subject to be controlled and regulated by the Ontario Railway and Municipal Board, under the authority conferred upon it by the Act, and is subject to the terms of any agreement which a company has entered into with a municipal corporation and to the terms of the company's Act of Incorporation.

It may be that under the terms of the agreement with the corporation of the City of Hamilton, the respondent's rights in respect of the matters to which I have referred are subject to regulation by by-law of the council of the city, but if the council has that power, it has not been exercised.