

The respondent was incorporated by 39 Vict. ch. 87 (Ont.). By this Act, the respondent was authorised and empowered to construct, maintain and operate a double or single line of railway upon and along such portions of the streets and highways within the limits of Hamilton as should be authorised by by-law of that city, and also upon and along the streets and highways in the townships of Barton, Ancaster and West Flamborough, and the town of Dundas, and upon, along and over any private property in those townships, under and subject as to the streets and highways to any agreement between the respondent and the municipality, and under and subject to any by-law or by-laws of the council or councils of such municipalities passed in pursuance thereof.

The Act contains no provision as to the places at which the cars are to stop or as to the establishment of stopping places.

Section 8 defines the powers of the directors and confers upon them the widest possible powers for the management of the railway, the only limitation of its powers being as to the fares to be charged.

By sec. 13, the councils of the municipalities mentioned in the Act and the respondent are authorised to enter into agreements as to, among other things, "the time and speed of running the cars" and "generally for the safety and convenience of the passengers," but there is nothing that at all events in express terms authorises the councils to regulate the places at which the cars shall stop to take on and discharge passengers.

Under the authority conferred by this Act, an agreement was made between the Corporation of the City of Hamilton and the respondent on the 8th May, 1897, and a by-law was passed by the Council of the Corporation on the 4th June, 1897.

Neither the agreement nor the by-law contains any provision as to the places at which the cars of the respondent shall take on and discharge passengers, except a provision which is found in sec. 14 of the by-law that the respondent shall run cars on its railway "as the public convenience may require, under such directions as the City Council may from time to time prescribe" and a provision found in sec. 19 that the cars to be used on the railway "shall be run as the