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The Railway Commissioners' Rules.

The Board of Railway Commissioners, acting under the powers conferred upon it by the Railway Act, 1903, sec. 40, has drawn up rules and regulations governing the procedure and practice, and generally for carrying the act into effect. These were published in the Canada Gazette of Nov. 26, and became of the same effect as if they formed part of the act. The Board may, upon terms or otherwise, make or allow any amendments in any proceedings before it.

The regulations provide that the general sessions of the Board for hearing contested cases shall be at its court room at Ottawa, on such dates and at such hours as may be designated; and that when special sessions are to be held at other places, such announcements as may be necessary will be made by the Board. The interpretation section provides that in the succeeding sections "application" shall include complaint; "Respondent" shall mean the person or company called upon to answer any application or complaint; "affidavit" shall include affirmation; and "costs" shall include fees, counsels' fees and expenses.

Every proceeding before the Board shall be commenced by an application in writing, signed by the applicant or his solicitor, or by the manager, secretary or solicitor of a corporate body. Such application shall contain a clear and concise statement of the facts, the grounds of application, the section of the act under which the application is made, and the nature of the order applied for, or the relief or remedy to which the applicant claims to be entitled. Such application is to be left with or mailed to the Secretary, together with a copy of any document, or copies of maps, etc., as required by the act, or which may be useful in explaining or supporting the same. The applications should be numbered, and a docket of cases made up, by the Board; such docket shall be published upon a notice board in the office at Ottawa, which shall be open for inspection of the public during office hours. Within ten days from the service of the application, the respondent or respondents shall mail or deliver to the applicant, a written statement containing an answer to the application, and a copy of the same shall be delivered to the Secretary of the Board. The answer may admit the whole or any part of the facts in the application, and shall be accompanied by maps, etc., necessary to explain or support it. The applicant shall, within four days after delivery of the answer to the application, deliver a reply thereto to the respondent, and send a copy of the same to the Board. In this reply the applicant may object to the answer as being insufficient, stat-

ing the grounds of such objection, or denying the facts stated, or may admit the whole or part of the facts. The Board may at any time require the whole or any part of the application, answer or reply to be verified by affidavit, upon giving notice to that effect; and in the event of the affidavit not being given, the application, answer or reply, may be set aside, or such part as is not verified according to the notice may be struck out. The Board may require further information, or particulars, or documents from the parties, and may suspend all proceedings until satisfied in this respect. If, at any stage of the pro-

ceedings, the Board desires to direct inquiries to be made under any of the provisions of the act, it shall give notice to the parties interested. In all proceedings where notice is required, a copy of the proceedings shall be endorsed with notice to the parties, and in default of appearance the Board may hear and determine the application ex parte. The Board may enlarge or abridge the periods for putting in the answer or reply, and for hearing the application, in which case the period shall be endorsed in the notice. Except, where otherwise provided, ten days' notice of any application, or of any hearing, shall be sufficient. The Board, upon the grounds of urgency, or for other sufficient reasons, may make orders or decisions, notwithstanding the fact that due notice had not been given. In such cases, however, any person entitled to notice, and not sufficiently notified, may within ten days after becoming aware of such order or decision, apply to the Board to have the order rescinded or varied, and the Board, on due notice, shall proceed to hear such application, and may vary or rescind the order as may seem to it just and right. In all cases the parties may consent to dispense with the form of proceedings mentioned; and the Board may, should it appear necessary, direct the parties to prepare issues which, should the parties differ, shall be settled by the Board. Points of law, which it is desirable to have settled before the merits of the application are decided upon, may be raised and decided upon a special case or in such other way as may be expedient. The Board may hold a preliminary meeting in connection with any application, or may communicate with the parties direct, and may require answers to such inquiries as it may consider necessary. The production of documents, etc., may be required by either party, and notices to produce, notices to admit, etc., may be given as required. The attendance and examination of witnesses shall be enforced in the same manner as in the Superior Courts, and witnesses shall be paid fees and allowances as prescribed by a schedule attached. Evidence is to be given viva voce, except where affidavits are required; and the Board may direct the examination of any special witness upon a specific matter by a commissioner. Written briefs may be required from the parties to the application, and the hearing of the case shall be prosecuted from day to day until completed, unless for special reasons an adjournment is necessary.

After the hearing of the case the Board may dismiss the application, or make an order thereon in favor of the respondents, or reserve its decision, or make such order as may be warranted by the evidence; it may give verbally or in writing the reasons for its decision, and a copy of the order made shall be delivered to the respective parties. Any decision or order may be made an order of the Exchequer Court, or a rule, order or decree of any Superior Court of any of the Provinces, and shall be enforced as if given directly by such court. Any application to the Board to review, rescind or vary any decision or order shall be made within 30 days after such decision has been communicated to the parties, but the Board may enlarge the time if neces-



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