

of sections headed "Enforcement of Municipal Agreements," e.g., sec. 63. The Board has power to enforce municipal agreements such as this and the power to construe and determine the proper meaning of the clause in question (sec. 64.) The Board may take such steps as are necessary to enforce payment of the one-quarter net profits and to solve the difficulties raised in the pleadings, sec. 63 (2).

The Board has full jurisdiction to hear and determine all matters of law or fact and have such powers in connection with the exercise of its jurisdiction as are possessed by the High Court, sec. 17 (1). And having become properly seized of a case the Board has exclusive jurisdiction therein (sec. 17(3)).

Appellate jurisdiction is given to the Board in questions of amount, taxation and exemption therefrom (sec. 51), and these are also within the purview of its primary powers in a dispute such as the present. Of cases cited, *Re Sandwich*, 17 O. W. R. 45, where the questions arose chiefly under a private agreement made between the litigants as to which it was said that the Board was not a Court and had no general power of adjudicating upon questions of construction in the abstract: a proposition not pertinent to the present agreement. On the other hand the large jurisdiction enforced by the Act of 1906 is commented on and recognised in *Re Port Arthur*, 18 O. L. R. 382.

The objection is well taken and the action should stand dismissed with costs: this is of course without prejudice to any further application being made to the Railway Board.