

of the effect of the repeal was raised upon the proceedings hereinbefore referred to, and as a consequence this case was stated for the opinion of the Court.

8. The undersigned respectfully request the opinion of this Court upon the questions of law as follows:—

(1) Has sec. 65 of 6 Edw. VII. ch. 31 the effect in law of preventing the repeal of R. S. O. 1897 ch. 208 as to said reference, under the circumstances above detailed, and is the said R. S. O. ch. 208 thereby continued in force and effect for the purpose of said reference and notice (exhibit A) hereinbefore referred to.

(2) Is the reference above referred to “an action or other proceeding” within the meaning of sec. 65 of 6 Edw. VII. ch. 31?

(3) If so, was the said reference pending within the meaning of the phrase “any action, or other proceeding ‘pending’ at the time of coming into force of this Act”?

(4) If 6 Edw. VII. ch. 31, sec. 65, has not the effect in law of continuing R. S. O. 1897 ch. 208 in force and effect as above stated, then were the said municipal corporation and the said railway company entitled to enter into, and are they bound by the terms of, the said agreement of 21st June, 1906, such agreement having been acted upon by the proceedings taken on 7th July and 8th August, above referred to, by the undersigned, without objection on the part of the parties to said agreement or either of them.

(5) If R. S. O. 1897 ch. 208 is repealed by 6 Edw. VII. ch. 30, then, in the absence of any forum expressly created by the last named statute to fix compensation in reference to their existing franchises, does not the fact that the notice of taking over was given in pursuance of the last named statutes (sic) before being repealed, leave the parties at large to continue their proceedings under the old Act or create their own forum.

Dated at Berlin, August 16th, 1906.

(sgd.) Joseph Jamieson,

“ E. Morgan,

“ J. M. Scully,

Arbitrators.

Exhibit A referred to in the stated case was as follows:

“To the Berlin and Waterloo Street Railway Company. You are hereby notified, pursuant to sec. 41 of the Street Railway Act, being ch. 208 of the Revised Statutes of Ontario, 1897, that at the expiration of twenty years from the