

order directing the carrier or other person so disobeying such writ or other process, to pay such sum of money, not exceeding for each carrier or person in default the sum of five hundred dollars, for every day, after a day to be named in the order, that such carrier or other person fails to obey such writ or other process; and such money shall be payable as the court directs, either to the party complaining or into the court, to abide the ultimate decision of the court; and payment thereof may, without prejudice to any other mode of recovering it, be enforced by attachment or order in the nature of a writ of execution, in like manner as if it were recovered by a final decree *in personam* in such court. When the subject in dispute is of the value of two thousand dollars or more, either party to such proceeding before such court may appeal to the Supreme Court of Canada, under the same regulations now provided by law with respect to security for such appeal; but such appeal shall not operate to stay or supersede the order of the court or the execution of any writ or process thereon; and such court may in every such matter order the payment of such costs and counsel fee as shall be deemed reasonable. Whenever any such petition is filed or presented by the commission it shall be the duty of the county attorney under the direction of the Attorney General of Canada to prosecute; and the costs and expenses of such prosecution shall be paid by the Crown.

Trial by jury.

2. If the matters involved in any such order or requirement of the commission are founded upon a controversy requiring a trial by jury, and the carrier violates or refuses or neglects to comply therewith after notice given by the commission as provided in the section eighteen, any person interested in such order or requirement may apply in a summary way by petition to the county court or superior court of the province in which the carrier has its principal office, or in which the violation or disobedience of such order or requirement occurs, alleging such violation or disobedience, as the case may be; and such court shall by its order then fix a time and place for the trial, which shall not be less than twenty or more than forty days from the time the order is made, and it shall be the duty of the sheriff of the district in which the proceeding is pending to forthwith serve a copy of such petition and order upon each of the defendants, and it shall be the duty of the defendants to file their answers to the petition within ten days after such service. At the trial the findings of fact of the commission as set forth in its report, shall be *prima facie* evidence of the matters therein stated, and if either party demands a jury or omits to waive a jury the court shall, by its order, direct the sheriff forthwith to summon a jury to try the cause; but if all the parties waive a jury in writing, then the court shall try the issues in the cause and render its judgment thereon. If the subject in dispute is of the value of two thousand dollars or more, either party may appeal to the Supreme Court of Canada under the same regulations now provided by law with respect to security for such appeal; but such appeal must be taken within twenty days from the rendering of the judgment of the court. For the purposes of this Act, excepting its penal provisions, the county courts and superior courts of the provinces, shall be deemed to be always in session.

Appeal to
Supreme
Court.