FEBRUARY 23RD, 1914.

*KILGOUR v. LONDON STREET R.W. CO.

*Statutes—Interpretation—Railway—"Actions for Indemnity"
—Time-limit—Special Act Incorporating Street Railway
Company, 36 Vict. ch. 99 (O.)—Incorporation of Provisions
of General Railway Act, C.S.C. ch. 66—Six Months' Limi-
tation by sec. 83—Effect of Incorporation—Repeal of Gen-
eral Act—Effect of—One Year's Limitation by 6 Edw. VII.
ch. 30, sec. 223—Repeal of R.S.O. 1897 ch. 207, sec. 42(1)—
Interpretation Act, 60 Vict. ch. 2, sec. 6—"Special Act."*

Appeal by the plaintiffs from the judgment of LATCHFORD,
J., at the trial at London, dismissing the action.

The appeal was heard by MEREDITH, C.J.O., MACLAREN,
MAGEE, and HODGINS, JJ.A.

R. U. McPherson, for the appellants.

W. N. Tilley, for the defendant company, the respondent.

MEREDITH, C.J.O.:— . . . The action is brought to
recover damages for injuries sustained by the appellants owing
to the alleged negligence of the respondent; and the trial Judge
held that the action, not having been brought within six months
after the happening of the injury of which they complain, was
barred by the provisions of the respondent's special Act, 36
Vict. ch. 99 (Ontario, 1873).

By sec. 16 of the special Act, among other clauses of the
Act of the Legislature of the Province of Canada known as
"The Railway Act," that with respect to "actions for indem-
nity" was incorporated with the special Act. The Railway Act
referred to is C.S.C. ch. 66; and the clause with respect to
actions for indemnity is sec. 83, which provides that "all suits
for indemnity for any damage or injury sustained by reason
of the railway shall be instituted within six months next after
the time of such supposed damage sustained, or, if there be con-
tinuation of damage, then within six months next after the
doing or committing such damage ceases, and not after-
wards . . . ."

The effect of incorporating this section in the special Act is
the same as if the provisions of it had formed a part of the
special Act. . . .

*To be reported in the Ontario Law Reports.