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IN THE HIGH COURT OF JUSTICE.

Municipal Reference

The Honorable  
Mr. Justice Ferguson. }

Friday the Nineteenth  
day of September, 1902.

Between The Corporation of the City of Toronto, Plaintiffs; and

The Toronto Railway Company, Defendants :

This action having come on for trial this day before this Court, in presence of Counsel for the plaintiffs and defendants; upon hearing read the pleadings herein and Counsel for the plaintiffs and defendants consenting hereto, and it being admitted by Counsel aforesaid that in order to increase the service of the defendants' railway:—

(a) The defendants claim to have made and put into use since 1st January, 1901, 40 closed motor cars of the same design as car No. 836;

(b) And that the defendants are now making 20 more of such closed motor cars, and will put the said 20 cars into use before the 31st December, 1901;

(c) And that the defendants claim to have made and put into use 20 open motor cars of the same design as car No. 693;

(d) And it being further admitted that the plaintiffs do not by consenting hereto approve or disapprove of the said closed or open motor cars above mentioned;

1. This Court doth order and adjudge as follows:—

(a) That the defendants shall, for a continuous journey, give transfer tickets from day cars and accept the same on night cars, and shall for a continuous journey, give transfer tickets from night cars and accept the same on day cars.

(b) That the defendants shall furnish to the plaintiffs the statement referred to in the agreement between the plaintiffs and defendants set out in the pleadings herein, annually, in a form showing such details (if any), as may be settled by the Senior Judge of the County Court of the County of York, for which purpose this action is hereby referred to him. The costs of such reference to be in his discretion.

(c) That the defendants shall not use in their service after the date hereof, car numbers 102, 104, 108, 116, 118, 126, 140, 142, 146, 148, 162, 164, 166, 168, 170, 172, 174, 176, 178, 180, 186, 198, 200, 204, 208, 224, 226, 228, 230, 238, 256, 258, 260 and 262.

(d) That the defendants may use in their service from the date hereof until the 15th May, 1903, during the hours for limited tickets, but not otherwise, unless with the permission of the City Engineer from time to time, 35 of the cars numbered 2, 4, 6, 8, 10, 12, 28, 30, 32, 34, 36, 38, 40, 42, 44, 46, 53, 60, 62, 64, 66, 68, 70, 72, 74, 76, 78, 80, 82, 84, 88, 90, 92, 94, 96, 98, 100, 114, 120, 122, 124, 128, 130, 132, 134, 136, 144, 150, 152, 154, 156, 158, 182, 184, 186, 188, 190, 192, 194, 202, 206, 210, 212, 220, 232, 234, 240, 242, 244, 246, 248, 250, 252, 264 and 266, to be selected by the City Engineer of the City of Toronto and maintained by the defendants in as good repair as at this date.

(e) The defendants shall not use in their service after the 15th May, 1903, any of the said cars numbered in paragraph (d) unless with the written permission of the City Engineer from time to time.

(f) Nothing herein contained shall alter, vary or affect any of the agreements, rights or obligations of the parties hereto to each other as to the number or designs of cars to be used on the defendants' railway or otherwise, except to the extent necessary to give effect to this judgment, and save as aforesaid this Court doth not make any order as to costs.

Judgment signed the fourteenth day  
of January, 1903.

M. B. JACKSON,  
*Clerk of C&P.*

Entered

~~XXXXXX~~ January 16th, 1903.

J. B. 6, P. 306.

R. F. KILLALY.

GEO. S. HOLMESTED,  
*Registrar.*