

An application heard at Toronto, December 14th, 1911, the facts of which are fully set out in the following judgment.

W. H. Biggar, K.C., for the Grand Trunk R. Co.

Messrs. Gibson & Coleman, for the Hamilton, Grimsby and Beamsville Electric R. Co.

Wm. Mitchell, for the village of Grimsby.

Messrs. Allen, Beemer, and Smith, for the township of North Grimsby.

ASSISTANT CHIEF COMMISSIONER:—The Grand Trunk Railway crosses a highway which leads to an amusement park known as the "Grimsby Beach" with a double track. The electric railway, known as the Hamilton, Grimsby and Beamsville Electric Railway Company, has a line ending a short distance south of the Grand Trunk Railway, and on the east side of the public road in question.

There were two matters reserved for the Board's consideration. One was, the character of the protection to be installed at the crossing, and the other was, what parties should contribute to the cost of that protection. First, with regard to the character of the protection. I was at first inclined to the view that gates would be necessary where such a large number of people would be apt to cross the railway at one time; or if not gates that two watchmen should be placed at the crossing, one on the north and the other on the south of the Grand Trunk tracks. However, some of my brother Commissioners hold the view that one watchman would be sufficient. I agree that one watchman might be appointed for the first year to see if that would afford sufficient protection. The watchman to be employed only from the first of May to the first of October in each year, because outside of that period, when the amusement park is not in operation, the crossing is little used.

With regard to the question of who should share in the expense of the protection, i.e., the watchman's salary, the Board specially joined the Electric Railway Company as a party to these proceedings in order that that company might be given an opportunity to be heard on this point. My view is that, the Hamilton, Grimsby & Beamsville Electric Railway Company should not be called upon to pay any portion of the cost. This company discharges its passengers some distance south of the Grand Trunk Railway Company's crossing, and when a passenger leaves the Electric Railway Com-