

right of way owned by the defendant. To the north of the line of the defendant's line is the line of the Grand Trunk Railway: to the south of the right of way of the company defendant is a large factory owned by the Canada Car & Foundry Company, which company employs, it is alleged, some 1500 men. Along the line of the defendant's railway, to the south, is built a high fence: this fence was built by the Canada Car Company. In this fence is an opening, door or gate, by which the employees of the Canada Car Company enter the factory. This fence is built by the Canada Car Company. Immediately north of this fence was built—some years ago—a platform; it was built by the Canada Car Company on the right of way of the defendant. This would be on the south side of the right of way of the company defendant. On the north side of the defendant's right of way is another platform: again on the defendant company's right of way, but built by the Canada Car Company.

Now these two platforms were built with the knowledge, consent and approval of the company defendant, on its property, and were built for the express purpose of allowing the men employed by the Canada Car Company to disembark from and embark upon the cars of the defendant company, and the proof shows that hundreds of men coming from Montreal or from Lachine embarked from or disembarked upon both these platforms. In the morning men coming from the east would alight on the north platform, and crossed the double track of the defendant to reach the door or opening leading to the factory of the Canada Car Company.

At the argument much stress was laid by the learned counsel for the defendant upon the fact that the company defendant owing its right of way, and that right of way