

a railway company might acquire for use in connection with its undertaking; and the Board probably has jurisdiction to compel the company to abandon this property for round house purposes, and permit the city to extend this street through it. Upon looking over the ground, there certainly does seem to be some necessity for opening the street. Some considerable number of residents would be inconvenienced; but, on the other hand, the crossing would extend over three tracks, and would be a very dangerous one. It would almost at once require protection, and I hesitate to impose this danger upon the public and the company. If at some future time, the necessity for this street extension increases, it may be reconsidered; but, in the meantime, I think the request of the city should be refused.

MCLEAN, COMR.:—I question whether the whole scope of the definition of "railway" as it appears in sub-sec. 21 of sec. 2 of the Railway Act, must in every case be read into the word "railway" as it may appear from time to time in various sections of the Railway Act. The definition is an inclusive one, and which phase of it is applicable depends upon the context. It seems to me that the context of sec. 237 shews that there "railway" is concerned with the "railway which the company has authority to construct or operate," which would include therewith the full width of the right-of-way, and not with the "property real or personal and works connected therewith." The question of jurisdiction need not, however, be pursued further, as I concur in the disposition recommended, the governing consideration being public safety.

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BOARD OF RAILWAY COMMISSIONERS.

DECEMBER 21ST, 1911.

GRIMSBY BEACH AMUSEMENT CO. v. GRAND  
TRUNK AND HAMILTON, GRIMSBY AND  
BEAMSVILLE ELECTRIC R.W. COS.

13 Can. Ry. Cas. 138.

*Highway Crossed by Railway—Protection—Watchman in Charge—  
Apportionment of Expense.*

DOM. R.W. Bd. ordered that a watchman should be employed from 1st May to 1st October for the first year, to see if he would afford proper protection to the public crossing a railway at a public highway. Township to pay 15 per cent. of the cost and the Grand Trunk R.W. Co. 85 per cent.; H. G. & B. Elec. R.W. Co. to pay nothing.