entitled in the construction of the section, if it, too, is taken as descriptive of the character of the construction of the crossing, and not restrictive of the purposes for which it may be used, or of the uses to which the lands crossed by the railway may be put. I see nothing to require construction of the words "for persons across whose lands the railway is carried," in a sense different from their plain and ordinary meaning.

No doubt, the vast majority of crossings which it was expected that railways would be required to make under this provision were crossings which may properly and with strict accuracy be called "farm crossings." This fact may account for the use of this term in the statute to designate the private crossings, of whatever nature, for which it was intended to provide by sec. 191, in contradistinction to the public crossings designated "highway crossings," and provided for by secs. 183 to 190 inclusive. But I incline rather to the view that this heading was inserted as descriptive of the class and grade of crossings which the railway companies should be obliged to construct.

The corresponding section of the English Act, the Railway Clauses Consolidation Act (1845), numbered 68, is so different in its terms that cases decided under it afford little assistance in construing sec. 191. It requires the company to make and maintain "for the accommodation of the owners and occupants of lands adjoining the railway, such and so many convenient gates, bridges, arches, culverts, and passages as shall be necessary for the purpose of making good any interruptions caused by the railway to the use of the lands through which the railway shall be made." If the plaintiffs' railway were constructed under such a statutory provision as this, I should entertain no doubt that, subject to the question whether the extent and mode of his user prevents or obstructs the working of the railway—Great Northern R. W. Co. v. McAllister, [1897] 1 I. R. 587—the defendants would, apart from agreement, be entitled to the right of crossing which they claim. Upon the construction of sec. 191 of our own Railway Act of 1888, I have been referred to no authority except the case of Plester v. Grand Trunk R. W. Co., supra, and I have myself found no such authority. I have no hesitation in concluding that sec. 191 is not restricted in its application to crossings for farm purposes merely.

The evidence has not at all convinced me that the use by the defendants of this crossing is inconsistent with the safe