

NOVEMBER 9TH, 1915.

*RE ROSS AND HAMILTON GRIMSBY AND BEAMS-
VILLE R.W. CO.

Ontario Railway and Municipal Board—Jurisdiction over Electric Railway Crossing Dominion Railway—Work for the General Advantage of Canada—Railway Act of Canada, 51 Vict. ch. 29, sec. 306—Construction—"Branch Line or Railway"—Secs. 6a., 173, 177, 307.

Appeal by the railway company from an order of the Ontario Railway and Municipal Board, dated the 10th May, 1915, requiring the company to provide certain sanitary conveniences on its cars.

The only question raised upon the appeal was whether the Board had jurisdiction to make any order affecting the company. The incorporation was by the Ontario Legislature; but the company contended that its railway had been declared to be a work for the general advantage of Canada, and that it was, therefore, not subject to the legislative authority of the Ontario Legislature or of the Board constituted by Acts of that Legislature.

The appeal was heard by MEREDITH, C.J.O., GARROW, MACLAREN, MAGEE, and HODGINS, JJ.A.

I. F. Hellmuth, K.C., and G. H. Levy, for the appellant company.

J. R. Cartwright, K.C., and Edward Bayly, K.C., for the Attorney-General for Ontario and the Ontario Railway and Municipal Board.

The Attorney-General for Canada was not represented, though notified.

MEREDITH, C.J.O., delivering the judgment of the Court, said that the initial question was, whether the railway ever came under the legislative authority of the Parliament of Canada by having been declared to be a work for the general advantage of Canada. The contention of the company was that, as its line now crosses one of the railways named in sec. 306 of the Railway Act of Canada, 1888, 51 Vict. ch. 29, its railway, although when that Act was passed it had not been built and had not even been authorised to be constructed, became, when it crossed, as it does,