

of the owner of the farm, and built at the time the railway was built. The bridge has been twice rebuilt, and was kept in repair by the defendants until it was pulled down by them as hereinafter mentioned.

The defendants, desiring to construct a double track, in September, 1904, pulled down and destroyed the old bridge, without authority from the Railway Commission, or affording the plaintiff any means of access from the one portion of his farm to the other. The defendants wholly refused to provide the plaintiff with any way to get from one part of the farm to the other, which was essential to the proper management of the farm, and rendered even more than usually so by the position of the buildings and well. The plaintiff knocked down a portion of the defendants' fence, and went from one part of the farm to the other, over the railway, in this way, for 11 weeks, when the defendants made him a level crossing at the westerly side of the farm, which he continued to use for 2 years and 6 or 7 months.

During this time, the defendants neglecting and refusing to provide an overhead bridge, the plaintiff made application to the Railway Commission, and an order was made directing the defendants to build a bridge on the site of the old bridge, 28 feet wide, and thus affording accommodation for the owner of the east part of the lot, as well as for the plaintiff. Owing to the double track, the bridge and approaches required to be higher than the old bridge and approaches. The result was that, while the bridge and approaches were built under the order of the Railway Commission, the effect of raising the bridge and the approaches higher than before, was that it became dangerous, if not impossible, to enter from the approaches into the northerly door of the plaintiff's barn.

A great deal of evidence was given as to the extent to which the bridge was required as used in ordinary farm operations, and the inconvenience and loss which the plaintiff suffered by reason of the bridge being taken away. The water for watering the stock had to be carried for a long time up and down the embankment; the milk, amounting at times to 40 gallons a day, had to be carried across, and other inconveniences and loss as detailed in the evidence.

All questions of law and fact were withdrawn from the jury except the question of damages, and they were asked to assess the damages covering 3 separate periods; first, for