

the duty of both to slacken speed, reverse and completely stop until their respective courses may be ascertained.

A. R. Angers, K.C., Peuland, K.C., and A. B. Cook, K.C., for plaintiffs. F. Meredith, K.C., A. Geoffrion, K.C., and R. E. Harris, K.C., for defendants.

BOARD OF RAILWAY COMMISSIONERS.

Before Killam, Ch., Mills and Bernier.]

[Feb. 23.

IN RE GRAND TRUNK RY. CO. AND CITY OF TORONTO.

Expropriation for station purposes—Jurisdiction of the Board—Lands necessary for railway traffic—Meaning of "railway" and "traffic"—Compensation—Terms and conditions.

This was an application by the Grand Trunk Ry. Co. for authority to expropriate certain lands in the City of Toronto for station purposes.

Sec. 139 provides that "Should the company require at any point on the railway, more ample space than it then possesses or may take under the preceding section, for the convenient accommodation of the public, or the traffic on its railway, or for protection against snowdrifts, it may apply to the Board for authority to take the same for such purposes, without the consent of the owner."

Under s. 2, sub-s. (s) "railway" includes stations, depots, etc., and in sub-s. (z) "traffic" includes passengers, goods and railway stock.

Sec. 139, sub-s. 4, provides that "the Board may, in its discretion, and upon such terms and conditions as the Board deems expedient, authorize in writing the taking of the whole or any portion of the lands applied for.

It was urged by the opponents of expropriation that not only it did not appear that the enlarged tract of land now sought to be taken was necessary for the traffic of the Grand Trunk Ry. Co., but that the original application and the circumstances before the Board shewed that it was desired for the purposes of the traffic of other railways as well.

Held. 1. The section should be liberally construed. The Board may consider not merely the traffic which the continuation of the railway lines of the applicant company brings to a station, but that any traffic which comes to that railway either at a distance from a particular station or immediately at the station, and which seeks entrance to the station, should be considered as "traffic on the railway," including the station.