

# THE Railway and Shipping World

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## Investigation of Railway Accidents.

In view of the discussions which have taken place in the House of Commons this session on the question of investigating railway accidents and the suggestion that Parliament should take steps to provide for such investigations, it will be of interest to learn particulars of the system pursued in Great Britain. We recently communicated with Lt.-Col. Yorke, R.E., Chief Inspecting Officer of Railways, Board of Trade, who has very courteously supplied the following information:—

The Regulation of Railways Act of 1842 renders it obligatory upon every railway company to give notice to the Board of Trade of its intention to open for passenger traffic any railway or section of a railway. The Act has no reference whatever to lines used wholly for goods traffic. On receipt of such notice the Board of Trade is required to cause the line to be inspected before the opening takes place. If the officer appointed by the Board should after inspection report to the Department, that in his opinion "the opening of the line would be attended with danger to the public using the same, by reason of the incompleteness of the works or permanent way, or of the insufficiency of the establishment for working such railway," the Department may direct the company to postpone the opening of the line for one month at a time, the process being repeated from month to month as often as may be necessary. The company is liable to a fine of £20 a day if it should open the railway in contravention of such order. The inspections made by the officers of the Board of Trade are very complete; the permanent way, bridges, viaducts, tunnels, stations, and other works are carefully examined, iron and steel girders are tested, and the signalling and interlocking are thoroughly tried, and every means are employed to ascertain that the railway has been constructed and completed in the most satisfactory manner. A simple code of requirements has been prepared by the Department for the guidance of railway companies, and as the special circumstances of each line are considered on their merits, it does not often happen that it becomes necessary to postpone the opening of a new line. The Act does not authorize the Department to inspect any railway after it has been opened, unless some alteration or addition is made to it. It is the duty of the company to maintain the line in accordance with the standard of efficiency which it originally possessed, but whether it does so or not, the Board of Trade has no power to interfere. It may be of interest to state here that all tramways or street railways, or any extension of them, whether worked by horses, steam, or electricity, have also to be inspected for the Board of Trade, and "certified as fit for traffic," before they may be opened for public use.

The Regulation of Railways Act of 1871 renders it obligatory on all railway companies to give notice to the department of any acci-

dent which may occur in or about the railway, or any works or buildings connected therewith, that is to say, any accident attended with loss of life or personal injury to any person whatsoever; any collision in which one of the trains is a passenger train; any passenger train or part of such train leaving the rails; or any other accident likely to have caused loss of life or personal injury, specified on that behalf by any order made from time to time by the Board of Trade. On receipt of such report the Department is authorized to cause an enquiry to be made into the cause of any accident so reported, and the officer appointed to hold the enquiry has power to enter upon any railway premises

bound by the strict law of evidence; it is simply a court of enquiry. The admission of the general public and of the press rests within the discretion of the officer; the usual practice being to admit the press and public in cases of general interest, unless there has been loss of life, and there is any chance of any servant of the company, or of any other person, being put upon their trial for manslaughter or other grave offence, such as criminal negligence, in which case it is not as a rule considered advisable to admit the press, etc., lest the person implicated might be prejudiced by anything that transpired during the enquiry. It must be clearly borne in mind that the enquiry by the Board of Trade is for the purpose of ascertaining the cause of the accident with the view of preventing a recurrence of the same, and not for the purpose of penalizing anyone; the latter is left to be dealt with by the usual process of law. A Board of Trade enquiry, therefore, is in addition to, and independent of any proceedings before the coroner or magistrate. The Act of 1871 confers upon the coroner, when holding an inquest on the death of a person occasioned by a railway accident, the right to request the Board of Trade to appoint an inspector, or some person possessing special knowledge to act as assessor to the coroner, and this is sometimes done. But such a course does not prevent the Department from holding an independent enquiry. The same Act empowers the Board of Trade to hold what is called a "formal investigation" into the cause of any accident in lieu of or in addition to the less formal enquiry to which reference has been made. In the event of such "formal investigation" being held, the Board may appoint "any person or persons possessing special or legal knowledge to assist an inspector holding" the enquiry, or may "direct the county court judge, stipendiary magistrate, metropolitan police magistrate, or other person" to hold the enquiry with the assistance of an inspector or any other assessor. Such an investigation has to be held in open court, and the witnesses may be examined on oath, and the court has all the powers of a court of summary jurisdiction, besides all the powers of an inspector under the Act. But the necessity has never arisen hitherto for holding such a formal investigation. The inspector after making his enquiry is required to make to the Board of Trade a report as to the causes of the accident and the circumstances attending the same, with any observations on the subject which he deems right, and the Board "shall cause every such report to be made public in such manner as they think expedient." The usual manner of publishing such reports is to forward them to the railway companies concerned, and to the press, and to anyone else who is interested. The reports are subsequently included in a "blue book" and presented to Parliament. It should be noted that although the officer may in his report make recommendations with a view to guarding against any similar accident occurring in



WILLIAM MCWOOD.  
Superintendent Car Department, G.T.R.

for the purpose of his enquiry, to summon any person engaged upon the railway to attend the enquiry as a witness, and to require the production of all books and documents which he considers necessary for the purpose. There is no statutory procedure laid down for such enquiries, which are conducted in the manner that seems to the officer best suited to the circumstances of the case, but a fairly well recognized procedure has grown up. The site of the accident is first visited, and a careful investigation made of all the circumstances attending the disaster. An adjournment is then made to a room, and the evidence of the various witnesses is taken down verbatim. The court is not a court of law, and witnesses are not examined on oath, nor is the officer