

money also—and it is open to railway companies to charge such a rate of freight as will recompense them for such expenditure. However that may be, it is the clear duty of railway companies to take all due care of the lives and of the property of others, no matter what it may cost.

In this particular case it would seem that had the boxes of dynamite been carefully braced or fixed in the car so that they would not shift their position, or if the car had been so made that the fluid could not make its way through the bottom of the car, or if any one who understood the nature of the substance and how to handle it when it had begun to leak had accompanied the shipment, this horrible calamity would not have occurred.

Nor do I attach the slightest importance to the second statement of counsel, namely, the question as to the relative guilt of company and employee. The company, so far as appears, took no care whatever to have the employees instructed in the handling of such materials (and knowledge of that character does not come by instinct). The company subjected these very employees to the gravest danger through this inexcusably careless method of handling such freight. If the employees were negligent, they may have to answer for such negligence civilly and criminally—but this cannot be allowed to diminish in any way the criminal responsibility of the employers. I must and shall consider this case as though these defendants were wholly and solely the cause of the lamentable accident—we continue to call such occurrences accidents—"crimes" were the better word.

I reiterate that it is my firm, well considered opinion that the best way to prevent similar occurrences, accidents or crimes, whichever word may be selected, is to make it more costly for railway companies to violate the law than to observe it. The great defect in our system is the want of some officer whose duty it is to watch for offences against the law and cause offenders to be prosecuted. Substantive law and legislation we have enough and to spare, but we have always failed to provide prompt and sure methods for the detection of offences. The practice of shipping explosives in the manner disclosed in this case has apparently been going on for years without detection, and it would not even now have been discovered had not the explosion happened. Neither