

An Act in further amendment of the Railway Act

[N amendment of *The Railway Act*, His Majesty, by and 1888, c. 29
with the advice and consent of the Senate and House of
Commons of Canada, enacts as follows :—

1. Notwithstanding anything in any public or special Act Agreement by railway employee, when it shall be a defence to action for compensation.
5 heretofore passed, or in the rules or by-laws of any railway company, or in the rules or by-laws of any insurance or provident society or association of railway employees formed under the authority of any Act heretofore passed, no contract or agreement made or entered into by a workman, employee or
10 servant of any railway company, and no rule or by-law of any society or association as aforesaid, shall be a bar or constitute any defence to an action against such railway company by such workman, employee or servant, for the recovery of compensation or damages for personal injury to him, or, in case the
15 injury results in death, to an action by the personal representatives of such workman, employee or servant—
- (a.) unless for such workman, employee or servant entering into such contract or agreement, or becoming a member of such insurance or provident society, there was other consideration than that of his being taken into, or continued in the
20 employment of the railway company;
- (b.) unless such other consideration is, in the opinion of the court or judge before whom such action is tried, ample and adequate; nor
- 25 (c.) unless, in the opinion of the court or judge, such contract or agreement, in view of such other consideration, was not on the part of the workman, employee or servant, improvident, but was just and reasonable ;
and the burden of proof with respect to such other consideration, and of its being ample and adequate, and that the contract was just and reasonable, and was not improvident, shall
30 in all cases rest upon the railway company.