

The openings of the ashpan must be covered with iron dampers or net screens securely fastened, and the outflow pipes from the injectors must be put into the ashpans from April to October inclusive.

With these precautions and equipment it would appear as if the question of fires from locomotives was solved, but fires caused by locomotives still continue. Is it that the equipment is not sufficient, or that it is not used and kept in proper order?

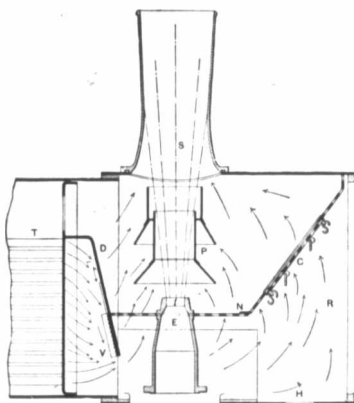


FIG. 10.

Smoke-box or front-end of locomotive. (T, boiler-tubes; D, baffle-plate, or diaphragm; N, netting, dividing smoke-box into upper and lower chambers; S, stack; E, exhaust-pipe. Arrows show direction of draft.)

The regulations of the Dominion Railway Commission provide that the locomotives shall be inspected by an official of the railway company at least once in every week to see that the equipment is in proper order. Yet fires occur, and when the fact that a locomotive is throwing sparks is brought to the attention of the railway company the invariable reply is that an inspection has been made and the locomotive and equipment are found in proper order. From this it would appear as if the equipment were not sufficient, and as the Railway Commission are satisfied that any decrease in the openings of the netting mesh would seriously interfere with operation, the efficiency of the equipment probably cannot be increased. And it may be frankly admitted that the evidence goes to show that, even with the best equipment, a heavily loaded locomotive on a steep grade or with an unskilful driver will throw dangerous sparks.

But is an *ex parte* inspection by the railway officials sufficient to show that the locomotives are properly equipped? It would seem as if an impartial inspection applied when the case of fire-throwing by a locomotive occurs would be the surest way and the most convincing to the public for determining this question. The Railway Commission has a force of qualified inspectors, but the smallness of the force compared with the extent of the Dominion makes it simply impossible to have a close or quick inspection. To assist towards a closer government inspection the Railway Commission has arranged to give authority to some of the permanent forest rangers in the Dominion service at divisional points on the railways to make inspections of locomotives so that inspections may be made immediately when a locomotive is reported to be throwing sparks. With this closer inspection and a careful study of the equipment it may be possible to reach a solution of the problem which will give comparative safety.

The penalty for violation of the regulations in regard to equipment and inspection of locomotives is twenty-five dollars as against the company and fifteen dollars as against an employee.

#### Damages.

The Railway Act did not until 1903 contain any specific provision in regard to damages for fires caused by railway locomotives. It was apparently considered that the matter was governed by the common law principle that no person should be permitted to use his property in such a way as to result in injury to his neighbour, and decisions in various Canadian cases were given on this principle. On this point being carried on appeal to the Imperial Privy Council in the case of the Canadian