

sees fit. The *Washington* case will, therefore, not apply to cases arising under the new Act.

In addition to these specific provisions, s. 25 of the Act of 1903 empowers the Board to make orders and regulations, including the following:—(1) With respect to the means of passing from one car to another, inside or overhead, and for the safety of employees while doing so, and for coupling cars. (2) Requiring proper shelter for employees on duty. (3) For use on any engine of nettings, screens, etc., and as to use of any fireguard or works to prevent fires. (4) With respect to the rolling stock, etc., to be used for protection of property, employees and the public.

By s. 40 the Board may make general rules for carrying the Act into effect, and such rules, when published in the *Canada Gazette*, shall be judicially noticed and have effect as if enacted in the Act. Rules made under s. 25 could be published as general rules and have statutory force, and in either case a railway company for refusing to obey them would be subject to the penalty imposed by the Act or the Board. By s. 294 the company or employee in case of disobedience would be liable in damages to any person injured thereby. But see observations on s. 227 post.

2. *Speed of Trains*.—Sec. 223. In passing over any navigable water or canal by means of a draw or swing bridge a train must be brought to a stop before coming on or crossing the bridge, and not proceed until a proper signal has been given. This is an amendment to s. 255 of the Act of 1888, which required the train to stop at least one minute to ascertain if it was passable.

At a bridge where there is an interlocking switch and signal system, or other device which in the opinion of the Board renders it safe to pass without stopping, it may by order permit the same under proper regulations: 55 & 56 Vict. c. 27, s. 7, re-enacted. See *Brown v. G. W. R. Co.*, 3 S.C.R. 159, cited above as to failure to stop owing to non-working of brakes and remarks thereon.

Sec. 225. A crossing where two main lines cross each other at rail level cannot be passed over until the conductor or engineer receives a signal from a competent person in charge that the way is clear. The conductor of an electric street railway company must go forward and see that the track is clear: 56 Vict. c. 27, s. 2, re-enacted in part.

The Act of 1888 required the stopping of one minute.