Railway Act provided for warning to be given in a certain way of the approach of a train to a highway crossing, such provision, though only declaratory of the common law, afforded a criterion of what could reasonably be required, and that no further obligation could be imposed on the company in this respect. This rule was applied, in the case before the court, so as to exempt the company from all liability for injuries caused by failure to give warning on approaching a siding used for the business of a lumber mill, it being customary for trains to stop there, and the servants of the company knowing that a number of people were generally present when they did stop.

The rule, then, in the *Vanwart case*, may be shortly stated as follows: As specified warnings are prescribed on approaching a highway crossing, no other precautions need be taken at such place and none at any other place. That is the rule as applied to the special matter in question in the case, but the decision has a much greater effect and establishes the very broad principle that as to anything affecting the business of a Railway Company dealt with by the Act the common law is entirely superseded.

As has been shown, this ruling is at variance with the views of other Canadian Courts which, of course, if it is still law, are overruled. It is also opposed to the general rules governing the construction of statutes. Maxwell says (3 ed. p. 113): "One of these presumptions is that the legislature does not intend to make any alteration in the law beyond what it explicitly declares either in express terms or by implication. In all general matters beyond the law remains undisturbed. It is in the last degree improbable that the legislature would overthrow fundamental principles, infringe rights, or depart from the general system of law without expressing its intention with irresistible clearness."

And Hardcastle (3 ed. p. 197) says: "It is a rule as to the limitation of the meaning of general words used in a statute that they are to be, if possible, construed so as not to alter the common law." Both writers cite numerous cases to support their views.

But the Supreme Court has itself since refused to follow the *Vanwart Case*. In *Fleming* v. *C.P.R. Co.* cited above, the facts were these: At a crossing of the Intercolonial Railway on one of the main thoroughfares of St. John, N.B., gates had been erected, though not required by the statute, which were to be lowered when