

climbing on the roof; and as to these, the Board of Railway Commissioners, established by the Act to take the place of the Railway Committee, is empowered, if at any time there is any other improved side attachment which, in their opinion, is better calculated to promote the safety of the train hands, to require the same to be attached to cars not already fitted with the attachments prescribed. The Act might well have authorized the improvements to be attached to all cars if the legislators were anxious to provide to the fullest possible extent for the safety of the employees.

It may be observed that no power is given to the Board to require the adoption of any improved braking system.

By s. 214 a railway company must furnish at the place of starting, at its junction with other railways and at all stopping places established for the purpose, adequate and suitable accommodation for receiving and loading all traffic offered for carriage and for carrying, loading and delivering the same. This is substantially the same as s. 246 of the Act of 1888, which, however, included the carriage of passengers as well as goods.

By s. 213, as in s. 244 of the former Act, every engine must have a bell of at least thirty pounds weight and a steam whistle.

By s. 262, sub-s. 3, of the Act of 1888, "the spaces behind and in front of every railway frog or crossing, and between the fixed rails of every switch, where such spaces are less than five inches in width, shall be filled with packing up to the under side of the head of the rail." Sub-s. 2 defines "packing," and sub-s. 4 provides for packing between any wing rail and any railway frog, and between any guard rail and the track rail alongside of it. The only change made by the Act of 1903, s. 230, is in substituting four for five inches in the width of the spaces between the rails.

Sub-s. 4 also contained a proviso authorizing the Railway Committee to allow such filling to be left out between the months of December and April, both included, in each year, and in the case of *Washington v. G. T. R. Co.*, 28 S.C.R. 184, the Supreme Court of Canada held that the proviso only applied to the packing provided for in that sub-section and not to that required by sub-s. 3. This was affirmed by the Judicial Committee ([1899] A.C. 275). In the Act of 1903 the proviso is worded so as to empower the Board of Commissioners to leave out any of the required packing between said periods or at such other times as it