

driver or other person appointed to such duty, the brakes to the wheels of the locomotive or tender, or both," and to any car, and of disconnecting the locomotive, tender or cars from each other.

This provision was not in any of the previous Railway Acts, but it was not new law, as the company under the common law was always obliged to furnish the most effective means for stopping a train either to avoid accident or to comply with the requirements of the Act as to stopping at certain places. Thus in 1879 the case of *Brown v. G. W. R. Co.*, 2 App. R. 64, was before the courts, the material question being the liability of the company for failure to comply with the statutory provision for stopping three minutes before crossing another line. The failure to stop was caused by the air-brakes (the best apparatus known) not working and there not being time to use the hand-brakes effectively. The Supreme Court of Canada held (3 S.C.R. 159) that the company was bound to provide for the possible failure of the air-brakes to work properly and was liable to the injury caused by not stopping.

The Railway Act 1903, s. 211, likewise provides that every company shall provide and cause to be used "modern and efficient apparatus, appliances and means" for communication and stopping the train as above, but adds to this that after the 1st January, 1906, the same shall include specified braking apparatus and that trains must also have efficient apparatus for coupling cars automatically.

Why a railway company should be obliged, two years hence, to adopt and use on their trains a specific system for braking is not easy to understand. By that time there must be discovered a much more efficient means for doing that necessary work, but the prescribed apparatus must still be used or the company failing to do so will be liable to the penalty imposed by the said section. It is true that the Act calls for the use of "modern and efficient apparatus," but not the most modern and most efficient, and as the legislation stands the latter may be prohibited. The public were given better protection (and protection to the public is the object of this provision) by the former statute, which required "such known apparatus and arrangements as best afford good and sufficient means" of applying the brakes.

This section also makes a new provision for the security of employees by requiring after January 1, 1906, attachments to be placed on box freight cars and hand grips on ladders to assist persons in