

& P. R. Co., 113 Cal. 329; Railroad Co. v. Lockwood, 17 Wall. 357. And it is the clear duty of those offering such goods for shipment to notify the carrier of their nature, that all due precautions may be taken.

The Railway Act does not take away this right of railway companies which they had at the common law, but, on the contrary, expressly provides that the company shall not "be required to carry upon its railway, gunpowder, dynamite, nitroglycerine, or any other goods which are of a dangerous or explosive nature:" R. S. C. 1906 ch. 37, sec. 286. And the Act goes on to provide that "every person who sends by the railway any such goods shall distinctly mark their nature on the outside of the package containing the same, and otherwise give notice in writing to the station agent or employee of the company whose duty it is to receive such goods and to whom the same are delivered:" R. S. C. 1906 ch. 37, sec. 285 (2). And further: "The company may refuse to take any package or parcel which it suspects to contain goods of a dangerous nature, or may require the same to be opened to ascertain the fact:" R. S. C. 1906 ch. 37, sec. 287.

It will be seen that the Parliament of Canada have taken great care in protecting railways, and have made that definite and certain which formerly was to be gathered in a more or less indefinite form from such cases as *Crouch v. London and North Western R. W. Co.*, 14 C. B. 255; *Brass v. Maitland*, 6 E. & B. 470; *Farrant v. Bowes*, 11 C. B. N. S. 555; *Nitroglycerine Case*, 15 Wall. 524; *Edwards v. Sherratt*, 1 East 604; *Boston and Albany R. Co. v. Shanley*, 107 Mass. 568; *Pate v. Henry*, 5 St. & P. 101.

It is open to a railway company absolutely to refuse to carry any goods of this character, and there exists no authority which can compel the company to do so. The company then may fix such a rate as to enable them to use all the care and employ the number and kind of servants necessary for the safety of the public. The statute provides that "the company shall not carry any such goods of dangerous nature, except in cars specially designed for that purpose, on each side of which cars shall plainly appear in large letters the words 'dangerous explosives:'" R. S. C. 1906 ch. 37, sec. 287.