

TRAVELLING BY RAIL.

one must even walk circumspectly around a railroad depot; "for the mere fact of a man having fallen and hurt himself is not sufficient to charge the company with negligence in the construction of their station: and the court is in an especial manner bound to see that the evidence submitted to the jury in order to establish negligence is sufficient and proper to go to them": *Crafter v. Metropolitan Railway Company*, L.R. 1 C. P. 300. In this case a man fell, seriously hurting himself, on a staircase leading from a station, and down which some forty thousand people passed every month without an accident, and it was held that there was no evidence of negligence to go to the jury.

Once a man innocently and naturally enquired of a porter when the train would be in, the official referred him to a time-table hanging on the wall: the would-be-passenger went to consult the table, and while doing so, down tumbled through a hole in the roof a heavy plank and a roll of zinc, and smote the man on the neck doing him grievous bodily harm: glancing upwards the stricken creature beheld through the aperture the legs of a man upon the roof. For the damage done by this it was held that the company was not liable, as, for aught that was shewn, the man might have been the servant of a contractor employed to mend the roof, or the misfortune might have been the result of a pure accident: *Welfare v. London and Brighton R. W.*, *ubi sup.*

As to the time tables so conspicuously placed at all stations, our own Court of Queen's Bench has held that they do not form an integral part of the contract made between a passenger and a railway company, but only amount to a representation: *Briggs v. Grand Trunk Railway*, 24 U.C. Q.B. 510. But the Railway Act, 1868, (31 Vict. c. 68. s. 20), enacts that the trains shall be started and run at

regular hours to be fixed by public notice."

Before entering the car it is well for one's own comfort and convenience to check all baggage—though, doubtless, if preferred, it can be taken into the train by the passenger, unless perhaps the company expressly forbid it. Under the Railway Act (sub. sec. 5 of sec. 20), the company is bound to check every parcel of baggage presented to them for such purposes, "and having a handle, loop or fixture of any kind thereupon, and a duplicate of such check shall be given to the passenger." And subsection six provides that "if such check be refused on demand, the company shall pay to such passenger the sum of \$8, to be recovered in a civil action; and further, no fare or toll shall be collected or received from such passengers, and if he has paid his fare, the same shall be refunded by the conductor in charge of the train." How many times travellers on our Canadian roads have to ask in vain for checks when going to or from the smaller stations it would be idle to guess.

Though for some purposes, though not for many in these days, the law considers that a man and woman joined together in the bonds of matrimony are one—and that one the husband—still where man and wife are travelling together they are entitled to carry twice as much baggage, as is allowed to one individual: *Great Northern Railway Co. Appellant vs. Shepherd, Respondent*, L.R. 8 Ex. 30.

The baggage having been safely bestowed in charge of an official, and the checks in the owner's pocket, the latter now proceeds with his journey, but caution is still required; as will be seen from the following: A Mr. Fordham, after purchasing his ticket, was in the act of getting into a railway carriage—the train standing quietly at the station. Having a parcel in his right hand, he very naturally placed his