NEGLIGENCE OF RAILWAY COMPANIES IN CANADA.

RAILWAY ACT OF 1903.

I. **The Operation of Railways.**
   1. *Their Equipment.*
   2. *Speed of Trains.*
   3. *Fires from Engines.*
   4. *Injury to Persons.*
   5. *Injury to Animals.*

II. **The Carriage of Goods.**

III. **The Carriage of Passengers.**

In a former article on this subject I dealt with the liability of railway companies under the common law, and tried to show how far, by the decision of our courts, that law still remains in force or is superseded by legislation. As a logical sequel to that article the law embodied in the latest Act of Parliament on the subject, the Railway Act of 1903, will now be considered with a view to pointing out the changes from previous legislation contained therein respecting the negligence of railway companies.

The subject may be divided into three main heads, namely: I. The operation of railways; II. The carriage of goods; and III. The carriage of passengers.

A railway company may be charged with negligence in respect to matters not coming within any of these branches, such as in the construction and maintenance of its road and rolling stock, but these depend merely on the application of the general law to the exercises of powers conferred by the Act and not on the statutory provisions themselves.

I. THE OPERATION OF RAILWAYS.

1. *Equipment.*—By s. 243 of the Railway Act, 1888, every railway company was required to provide and cause to be used on its trains "such known apparatus and arrangements as best afford good and sufficient means of immediate communication between the conductors and engine drivers on such trains while the trains are in motion, and good and sufficient means of applying, by the power of the steam engine or otherwise at the will of the engine