

a company or employee liable to damages as well as to a penalty :
Sec. 25 (3).

4. *Injury to Persons.*—While the Railway Act contains no direct provisions respecting injury to individuals, there are several sections requiring precautions to be taken for its prevention. Some of these have already been referred to in dealing with other branches of our subject. Thus the provisions relating to equipment, stopping before crossing highways and bridges, the rate of speed through thickly peopled districts and the packing of railway frogs, are all intended for the protection of the public or of railway employees, as are also the rules and regulations which the Board may make under s. 25.

Sec. 224. "When any train is approaching a highway crossing at rail-level (except within the limits of cities or towns where the municipal authorities may pass by-laws prohibiting the same) the engine whistle shall be sounded at least eighty rods before reaching such crossing, and then the bell shall be rung continuously until the engine has crossed such highway ; and the company shall for each neglect to comply with the provisions of this section incur a penalty of eight dollars, and shall also be liable for all damage sustained by any person by reason of such neglect ; and every employee of the company who neglects to comply with this section shall for each offence be subject to a like penalty."

The portion in brackets as to crossings in cities and towns is new, and so is that at the end respecting employees. The Act of 1888, sec. 256, provided that "A moiety of such penalty and damages shall be chargeable to, and collected by the company from, the engineer who has charge of such engine and who neglects to sound the whistle or ring the bell as aforesaid." Now the employee is only liable to a pecuniary penalty.

This warning must be given on approaching a highway during shunting operations : *C. A. R. Co. v. Henderson*, 29 S.C.R. 632 ; but it is not required at a siding or any place other than a highway crossing : *N.B.R. Co. v. Vanwart*, 17 S.C.R. 35.

Secs. 225, 226 and 227 have already been dealt with.

Sec. 228. "Whenever in any city, town or village any train is passing over or along a highway at rail-level, and is not headed by an engine moving forward in the ordinary manner, the company shall station on the then foremost part of the train, or of the tender