inadequate clothing to meet the demands of the climate and season. The court said, in part:

1. By accepting plaintiff as a passenger upon the train, defendant became obliged to discharge some other duties toward him beyond that of mere safe carriage to the plaintiff's destination. The principles of the common law, as applied to the circumstances of travel at this day and in this country, require of the carrier of passengers by railroad a certain measure of attention which we believe the defendant in this action did not fully meet. To quote a recent writer on this topic: "The duty of the carrier extends, not only to the furnishing of safe vehicles, but also to the supplying them with such accommodations as are reasonably necessary for the welfare and comfort of his passenger. This duty would undoubtedly include the supplying them with seats, if a day car or vehicle; with proper berths, if a sleeping car; with warmth in cold weather; with light at night," etc.; Hutch. Carr. Mechem's 2d. Ed., 1891, Sec. 515*d*. In the case at hand defendant was notified of the plaintiff's suffering from want of proper or sufficient heat in the car. Notwithstanding such notice repeatedly given, defendant omitted to comply with the demands of its duty, although it appears from the evidence that the train made many stops at stations along the route.

Defendant, it may fairly be inferred, had ample opportunity to supply the needed heat, had it seen fit. Such, at least, is the showing of facts which plaintiff makes, and the truth of it he is entitled to have submitted to the proper triers of the facts. The plaintiff's case is not founded on any claim for mere discomfort on his journey. It is founded on the theory that he ultimately suffered a severe illness and impairment of his ability to work, as a direct consequence of the cold he contracted on the ride with defendant of which he complains. His testimony tends to sustain that theory; and he was, we think, entitled to go to the jury upon it; *Turrentine* v. *Railroad Co.* (1885), 99 N. C. 638; *Hastings* v. *Railroad Co.* (1892), 53 Fed. 224; *Railway Co.* v. *Hyatt* (1896, Tex. Civ. App.), 34 S. W. 677.

2. It is insisted by the defendant that the plaintiff is chargeable with contributory negligence in several ways. First, that he did not leave the train at some station along the line, when he found the cold unbearable; second, that he made no effort to get at his trunk in the baggage car, wherein he had wraps that