

The engineer whistled in the usual manner for the signal to cross, the signal being set against him, as it always ought to be against all trains approaching: not receiving the signal to proceed across the bridge, and supposing doubtless that the bridge was being swung for the purpose of letting a vessel pass, navigation having the prior right of way, he brought his engine up to the water tower to take on some more water in the interval and proceeded to do so, although there was no need for water and would not be before the next water tower would be reached: but here, evidently getting the impression that the bridge was in position for him to proceed, hastily signalled to the conductor at the rear of the train that he desired to go on, and having received the usual signal of assent from the conductor, put the train in motion before the brakeman had had time enough safely to shut off and replace the water-spout by which the water was conveyed from the tower to the engine: and then proceeded slowly the short distance from the tower to the canal and drove his engine over its bank and into it, although at the time the bridge was wide open and a vessel just passing through and although the place was well lighted by electric lights, and although more than one bystander seeing the danger shouted to him to apprise him of it.

Now all this was also done by him in flagrant violation of his orders and of the statute against attempting to cross the bridge without first being signalled to do so. From first to last the signal was set against him, the danger signal, which he disregarded. It may be that when he stopped at the water tower the bridge was not open, the bridgeman had not quite commenced to open it to let the vessel go through that he could have seen from his engine on one side or other, no doubt I think on either, and seeing it in that position hurried to cross over not thinking that at the moment the men might be starting, as they were, relying upon their danger signal set against him and performing their duty towards the vessel demanding its right of passage, to swing the bridge open to let the vessel through. But whatever he thought and whatever he did he moved on to his death in violation of his duty to remain until he was signalled to from the bridge to proceed, and notwithstanding the undeniable fact that the signal was from first to last set against him indicating the danger into which he ran.