

ing between cars in motion to couple or uncouple them, and all similar recklessness, is forbidden. Train-masters, yard-masters, conductors, station-agents, foremen, and all others in authority are instructed to enforce this rule and to punish all violations of it. No person who is careless of others or of himself will be continued in the service of the company."

The following are the questions which the jury was directed to answer, and the answers to them:—

"Q. 1. Was Cook's death the result of his going between the cars while in motion to uncouple them? A. Yes.

"Q. 2. Were the logs at that time projecting beyond the ends of the cars? A. Yes.

"Q. 3. Were the logs properly loaded in the first place? A. Yes.

"Q. 4. Was Cook killed by being crushed by the logs while between the cars in motion? A. Yes.

"Q. 5. Did the defendants permit Cook to engage in the operation of trains without first requiring him to pass an examination on train rules? A. No.

"Q. 6. Were the defendants guilty of any negligence which caused the death of Cook? If so, what? A. Yes. By allowing the logs to project over the end of the car.

"Q. 7. Quite apart from any rules or regulations of the company, was Cook guilty of negligence in going between the cars while in motion? A. No.

"Q. 8. Damages? A. \$3,500."

After the jury returned their answers, according to the stenographer's notes, the trial Judge addressed the jury as follows: "Gentlemen: I do not know that I quite understand what you mean by number 6, that is: Were the company guilty of negligence which caused the death of Cook? And, if so, what? You have answered: 'Yes. By allowing the logs to project over the end of the car.' Is that by not finding out that they had broken loose and reloading them? Is that your meaning, or what is your meaning? I do not want some other Court to say it is something other than what you intend." To which the foreman of the jury is reported to have replied: "We thought, your Lordship, the company should have had a man to inspect these logs and make them right; that is what we thought—before they came to the accident."

The trial Judge is reported to have then said: "You think they ought to have had some oversight of the cars so as to see that the logs did not break loose;" and the foreman to have replied in the affirmative.