

2. Did defendants fail to provide for proper and reasonable watching in the boiler and engine department of the steamer? A. Yes.

3. If so, was such failure the cause of the death of plaintiff's husband? A. Yes.

4. Who was responsible for such failure to provide watching in the boiler and engine department, if you find there was such failure? A. Mr. Gildersleeve.

5. Were all the persons sleeping in the fore-castle awakened and warned of the fire in time to have enabled them to escape from the burning steamer? A. No.

6. Could Handy have awakened them in time to escape after he discovered the fire? A. No.

7. At what sum do you assess plaintiff's damages? A. \$1,200.

There was, I think, sufficient evidence to support the first finding, that plaintiff's husband was burned to death on the steamer "Collingwood."

As to the second finding, I cannot say that there was no evidence which ought to have been submitted to the jury upon this point. A special watch had been provided for the engineer's department for 11 years. This was discontinued last year owing to the dismissal of a portion of the engineer's staff, and a change by the general manager of the system of watch. It might fairly be inferred, I think, that if for 11 years a special watch were necessary for the engineer's department, the discontinuance of that watch was the neglect of a reasonable precaution of safety.

With reference to the third finding, however, after a careful perusal of the evidence I am unable to find any evidence which can fairly be said to prove that the failure of defendants to provide a watch in the engine department was the cause of the death of plaintiff's husband. The evidence fails to shew that, even had there been an additional watchman, a different result would have followed. It is not shewn that with such watch deceased would have been forewarned in time to escape. It is not disputed that men sleeping in the fore-castle did escape after they were warned. It does not appear that the deceased had not time to escape. For all that is known to the contrary, he may have succumbed to the smoke after reaching the deck, or from some other cause. I have searched the evidence in vain to find somewhere some proof that the additional watch suggested would have saved the deceased, and I find no evidence from which one may fairly say that the lack of such watch was the cause of his death.