

and opening them and getting off when the train was again in motion: the time during which the train was actually stopped is variously put at from one minute and a half to three minutes, the plaintiff's companion testified to about a minute and a half: and so it seems difficult to account for the plaintiff's movements during that time, unless it was nearly all spent in vain efforts to open the doors, though neither testified to anything pointing to more than a few moments' stay there. If it were proper that a way out through that door should have been provided that duty would have been performed if the doors were opened after the train stopped and kept open long enough to enable passengers having ordinary diligence and care to alight. But it may be that if the jury were right in their finding, then those doors were not open at any time during the stop; and the evidence of the conductor, as well as that of the brakeman, respecting them is untrue, and yet it might have been better if the question had not been limited to the time "when the train came to a stop."

Assuming, however, that the finding ought to be that no reasonable means of alighting from the train was afforded at those doors, during that stop, was there negligence on the part of the defendants in that respect?

Any finding upon the whole evidence upon this question is that there was. The defendants did not at the trial take the position that it was not their duty to passengers to provide a way out by the doors in the rear of the car in which the plaintiff was; the whole of the testimony in their behalf points in the other way; it was to the effect that those doors are always kept open for that purpose until that train leaves the station at which the accident occurred, and that they were to open so that the plaintiff might and should have passed through them in alighting on the occasion in question.

Then was the neglect of the trainmen to open them, or to have them open, the proximate cause of the plaintiff's injury? I am unable to say that it was; feeling constrained to find that the want of ordinary care on the part of his companion and himself, on the contrary, was the cause of this most regrettable accident.

Finding no way out by the rear doors, and that some of those doors were so fastened that they could not be opened, which need have been the work of a few seconds