

as a prerequisite to drawing consolation from the treasury of the railroad in case of injury resulting from a failure of the railroad servants to take precautions required of them in approaching a highway, but, ordinarily, the traveller is required to look and listen for trains, to free himself from contributory negligence.

A traveller on a highway is required to use ordinary care in selecting the time and place for looking and listening before going upon a railway crossing, and, while it is not necessarily negligence to fail to look at the most advantageous point, the place selected must be such that the observation will be reasonably effective.

The traveller should bear in mind that trains ordinarily move much faster than horses, and not be content with an observation made at a considerable distance from the crossing, but should look for danger at a point near enough to enable him to cross in safety, at the speed he is going, before a train, going at the usual speed of fast trains, could cover the track which is observable.

The fact that the public customarily looks for trains at a particular place is an indication that it is a place which would be selected by a person of ordinary care, and one who looks at such a place cannot be declared negligent as matter of law.

A traveller is not called upon to stop and look for trains at a point so near the track that it is dangerous in itself. But as a general rule the duty to look for danger is not discharged by looking once merely, but is a continuing one which must be observed until danger is past, under ordinary circumstances, though the lookout need not be constant at all points in his passage.

When there are obstructions of the view of approaching trains, a traveller should look again after passing them, and failure to do so will, ordinarily, be held to be contributory negligence, though there may be circumstances under which one will not be considered negligent in not looking again after pass-