

if a wrong signal is shewn, they must report the fact to the conductor." Rule 60: "They must always keep a sharp look-out ahead, noting carefully the position of switches, semaphores, and other signals" . . .

Under the heading "Movement of Trains," Rule 43 says: "All trains must approach stations, the end of double track, junctions, railroad crossings at grade, and drawbridges, prepared to stop, and must not proceed until the switches or signals are seen to be right, or the track is plainly seen to be clear."

Rule 232 says: "Conductors and engine men will be held equally responsible for the violation of any of the rules governing the safety of their train, and they must take every precaution for the protection of their trains, even if not provided for by the rules."

And 233 says: "In all cases of doubt or uncertainty take the safe course and run no risk."

The printed "special instruction," as to detaching the engine before taking water, reads as follows: "Freight trains of more than fifteen cars in taking water must stop before reaching the watertank or standpipe, and the engine must be cut off before water is taken. The brakes must not be released on train until the engine is again coupled on and ready to proceed."

At the trial, as appeared from the charge of the learned Judge, the plaintiff's case was rested entirely upon two acts of negligence, viz., the act of the conductor in giving the signal to go ahead and the acts of the bridge tenders after they saw that the train had passed the semaphore and was proceeding towards the bridge.

The learned Judge reserved the defendants' motion of non-suit, and submitted certain questions to the jury, which, with the answers, were as follows—

"1. Was the conductor, McNamara, who was in charge of the train on the engine of which the deceased C. F. Smith was engineer, guilty of any negligence by reason of which the engineer, C. F. Smith, lost his life? A. Yes.

2. What was that negligence; and answer that question fully. A. Having passed the semaphore, if the conductor had full authority in the running of the train he, McNamara, should have signalled the engineer to back up the train again until the semaphore was lowered.