

phore remaining set against him—"We will fill the tank up;" and proceeded for that purpose to the stand-pipe, which is situated between the semaphore and the bridge, thus passing the semaphore, which was still set against him. His duty, according to the printed instructions put in, was to detach the engine from the train when of over fifteen cars, as this was, when about to take water. This he did not do, but, instead, advanced with the whole train until the engine was at the stand-pipe, about 70 feet in advance of the semaphore. While engaged in taking water, and apparently without again looking at the semaphore, he signalled to the conductor—who was some 1,200 feet way, at the rear of the train—"I am ready to proceed;" to which the conductor replied, "All right." The train at once proceeded, and in less than five minutes the catastrophe had occurred.

The signals from the engine were given by whistling; those from the conductor by means of the lit-lantern which he carried.

The drawbridge was properly open for the purpose of passing a boat upon the canal.

The rules of the defendants were put in, and Nos. 22, 52, 59, 60, 213, 232, and 233 were specially referred to at the trial and before us.

Rule 22, under the heading "Conductors, Baggage-man and Brakemen," says: "The train is entirely under the control of the conductor, and his orders must be obeyed except where they are in violation or conflict with the rules and regulations, or plainly involve any risk or hazard to life or property, in each of which cases all participating will be held alike accountable."

Under the heading "Engine Men," rule 62 says: ". . . they must obey the orders of the conductor of the train in regard to starting, stopping, and switching cars, speed, and general management of the train, unless they endanger the safety of the train or require violation of the rules." Rule 59: "They must obey all signals given, even if they think such signals unnecessary. When in doubt as to the meaning of a signal, they must stop and ascertain the cause; and, 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 drawbridge prepared to stop, and must not proceed until the switches or