

the common benefit of the parties hereto, and enginemen and trainmen of any work train while upon the Joint Section and those engaged in switching service hereunder, shall, while engaged in such work, be deemed, for the purposes of this Agreement, joint employees of the parties hereto, but if any persons above mentioned or referred to are engaged partly in the maintenance, repair or operation of the Joint Section, and partly in service not connected therewith, then and in such case they shall be considered as joint employees only when engaged in any work for the joint use and benefit of the parties hereto in connection with the Joint Section.

Damage on,
by, and to
trains—
Exceptions.

19. Save as herein otherwise provided, each of the parties hereto shall as between themselves be responsible for and shall assume all loss, damage or injury to person or property which may occur on its engines, cars or trains, for all such loss, damage or injury which may be caused by its engines, cars or trains (including damage by fire originating therefrom), whether or not the condition or arrangement of the Joint Section or lands owned or leased by either of the parties hereto contributes in any manner or to any extent to such loss, damage or injury, and for all damage to its engines, cars or trains while on the Joint Section, except in the case of collision, in which event the provisions of Paragraph 21 shall apply, and in the case of injury to or death of joint employees, in which event the provisions of Paragraph 22 shall apply; provided, however, that under this paragraph neither party shall be liable to reimburse the other for any amount paid by way of compensation for injury to or death of any sole employee of such other part save only when such injury or death is due to the negligence of a sole employee or employees of such first mentioned party.

Injuries to
persons on
joint section.

20. When any loss, damage or injury of whatsoever nature, other than such as is referred to in the next preceding paragraph hereof, is occasioned to any person who as a passenger or otherwise is lawfully upon the Joint Section by reason either directly or indirectly of the fact that the Joint Section or any part thereof is being used by one of the parties hereto for the purpose of handling its traffic, all responsibility for such loss, damage or injury shall, as between the parties hereto be assumed and borne by such party.

Collisions.

21. The National and the Pacific expressly covenant and agree each with the other that in case of a collision between their respective engines, cars or trains in or upon the Joint Section, the party whose sole employee or employees is or are alone at fault, or whose sole employee or employees together with a joint employee or employees is or are alone at fault, shall be solely responsible for and shall settle and pay all claims arising by reason thereof, and all loss and