

about 14 feet long. Much material was taken over it daily, it being almost constantly in use. When the cars were placed upon the siding, either to be loaded or unloaded, they were uncoupled and a space was left for the gang plank. On the day in question there was a car about a foot away from the plank on either side.

Water flowed down the hill and on to the tracks; and ice formed and accumulated to a considerable extent. All through the severe weather this ice had to be chopped away from the tracks and the wheels of the standing cars to enable them to be moved. The custom was to shift the cars during the forenoon of each day. They would then remain until the following forenoon. Instructions would be sent from the steel company to the railway yardmen indicating the cars that were to be handled, and instructions were given by the steel company as to the precise placing of the cars.

On the day in question there were several cars upon the track which had to be moved. These included the cars on either side of the gang-plank. Dynski was what is known as a gang foreman, and it was his duty, among other things, to supervise the gang having the work of clearing the track. On the morning in question he was engaged in this work. His duty was not himself to work with pick and shovel, but to see that those under him worked intelligently and accomplished satisfactory results. He was under the orders of the yard foreman, Slater.

At the time of the happening of the accident notice had been given to the railway men of the cars to be moved, and the engine proceeded along the track for the purpose of removing these cars. Dynski was at that moment upon the ground between the gang-plank and the end of the car. The engine moved the cars, with the result that Dynski was crushed between them and the gang-plank, and instantly killed.

The cars should not have been moved until the gang-plank had been taken away. Those in charge of the engine were unable to see that the gang-plank was still in position, owing to the curve in the line, and they relied they say upon the statement of the foreman, either that he had the plank removed so that the cars were ready, or that he would have it removed in time for the engine to take the cars out. Those in charge of the engine knew that the gang-plank was