

On single track all the precautions required by the rules must also be taken to protect the train against opposing trains. The detached portion must not be moved or passed around until the front portion comes back. This rule applies to trains of every class. When it is known that the detached portion has been stopped, and the whole occurrence is in plain view, no curves or other obstructions intervening, so that signals can be seen from both portions of the train, the conductor and engine-man may arrange for the re-coupling, using the greatest caution."

The contention of the plaintiff was that the position of the order board at the station and of the semaphore at the west end of the sidings and the lights displayed on the rear end of the portion of Lawton's train which was in the north siding, indicated that Lawton's train was in the siding clear of the main line, and that the main line was clear; and that the absence of a flagman to warn Jackson's train that the forward portion of Lawton's train was still on the main line, was a further intimation to the deceased that the main line was clear.

The plaintiff's counsel also contended that it was Lawton's duty, when he reached Corinth, to communicate to the operator at that station the intended movements of his train, in which case it was contended that the operator at Tillsonburg would have been advised of them, and would have displayed his order board so as to warn the deceased to stop there.

The questions submitted to the jury and their answers, so far as they are material to our inquiry, are as follows:—

1. Were the defendants guilty of any negligence which caused the death of John James Walker? A. Yes.

2. If so, wherein did such negligence consist? A. By not displaying red markers at rear end of Lawton's train. By not sending out flagmen the required distance for safety. By conductor Lawton not asking for orders from despatcher to return from Corinth to Tillsonburg.

3. What person, or persons, if any, in the service of the defendants, was or were guilty of such negligence, and what position did each occupy in the defendants' service? A. The conductor and rear brakeman of Lawton's train.

4. Could John James Walker, by the exercise of reasonable care, have avoided the injury which caused his death? A. No."