

difficulty in standing on the car, and the roofs of the other cars remained intact. This case arose under the Federal Employer's Liability Act, which takes away the defense of fellow servant.

*Sudden Stopping of Train.*—Where a section foreman was riding on an empty gravel train in the course of his employment, standing about the center of a flat car, and the train, which was moving 6 to 10 miles an hour, was suddenly and almost instantly stopped, so that he was thrown off the car to the ground and injured, the doctrine was applied. "The train was under the management of defendant's servants, and the instant stop of a train is not an occurrence in the ordinary course of things, if those who have the control thereof use proper care in its operation and with respect to its equipment. In such a case, *in the absence of any explanation* by the defendant, it affords reasonable evidence that the instant stop was due to a want of ordinary care."

*Failure of Car Couplers to Couple on Impact.*—Under the Federal Safety Appliance Act, which, *inter alia*, provides that it shall be unlawful for any common carrier engaged in interstate commerce by railroad to haul or permit to be hauled or used on its line any car in moving interstate traffic not equipped with couplers coupling automatically by impact, it is held that failure of such couplers to couple on impact raises an inference that the carrier has failed to comply with the standard created by the act.

*Miscellaneous.*—The rule was held not to apply where the injury to the servant was caused by the falling of a barrel from a stack near where he was working.

Where a servant in a factory was found dying, with his left arm and his neck broken, near an unprotected shaft, but there was no evidence as to the precise way in which the accident occurred, no one having seen it, the questions of the defendant's negligence and decedent's contributory negligence were for the jury.

The breaking of a hook in a crane was held insufficient to raise a presumption of negligence.

It was held not applicable in an action to recover for the death of a workman who was killed by the derailment of a hand-car while being transported to work.