

and his duty was to assist in loading cars belonging to defendants with grain when they were brought to the elevator to be laden.

Two tracks of defendants, spoken of as the east and west tracks, were used for the purpose of bringing the cars to the elevator to be loaded and taking them away after that had been done. The tracks passed through the elevator, that is to say, there was an open space for them between the east and west parts of it, and the elevator was built over this space, which was high enough to permit of a car with a man standing upon it passing through. The cars were loaded by means of spouts, two on each side of the open space, distant 22 feet apart, and the cars on the tracks were loaded from bins by means of these spouts, and when the grain in the bins became so low that the spouts could not be used, the remnant of the grain remaining in the bins was removed by shovelling. The cars on the east track were loaded from bins on the west side of the elevator, and those on the west track from bins on the east side. The cars were brought from the south and left on the tracks by the employees of defendants who had charge of the shunting operations; they were left in such a position that they might be brought in turn by the elevator company's employees opposite to the spouts by means of which they were to be filled; they were moved into the desired position by what was called a car-puller, which was in charge of and operated by an employee of the elevator company, and after they were loaded were taken south by the shunting engine with its tender attached. After the cars were brought to the elevator the engine with its tender was detached and returned to defendants' yard, some distance south of the elevator, the grade from the south to the elevator being down. A line of posts placed at short intervals from one another ran through the open space parallel with the tracks and about midway between them; these posts stood vertically and were about 12 inches square, and were put there apparently to carry the weight of the building above the tracks. The distance between this line of posts and the near rail of each track was 3 feet 8 inches, and the space between the side of a car standing on the track and the line of post nearest to it was nearly two feet, and the length of a car was 35 feet. A highway called Bridge street was crossed by defendants' siding on which the shunting was done, about 400 feet south of the elevator.

On the day of the accident a train of 19 cars had been brought to the elevator to be loaded; 10 of them were placed on the east track and the remainder on the west track, and the engine which had brought them had gone back to the