

CHARGE OF MANSLAUGHTER AGAINST A GATEKEEPER.

SHADRACH LOCKWOOD (60), on bail, railway gatekeeper, was indicted for the manslaughter of George Naylor, at Mirfield, on the 14th March last. Mr. TENNANT was for the prosecution, and Mr. CAMPBELL FOSTER defended. The Learned Counsel for the prosecution stated that the prisoner had for some years been in the employment of the Lancashire and Yorkshire Railway Company, and had acted as gatekeeper at the Dark-lane Crossing, Mirfield. When the gates were opened, and carts and passengers were allowed to cross, it was the duty of the gatekeeper to have put up the danger signal—a red lamp or flag—so as to prevent trains coming on till the gates were again shut. In this instance Naylor, the deceased, was a carter, in the employ of Messrs. Barraclough and Sons, colliery proprietors. About twelve o'clock at noon of the day in question, the gates being open, he was proceeding across the line, with two horses and a cart filled with coal. When he had got on the line an engine and a van ran into them. He was killed, as was also one of the horses. The engine driver would tell them, and the breaksman too, that the danger signal was not up. It was put up immediately the accident occurred, when the prisoner found out that he was in fault. If the jury should be of opinion that what he had said was proved, a case of negligence, ending in the death of the deceased would have been established, and it would be their duty to find the prisoner guilty. Evidence was then called.—*James Parr*, in the employ of Mr. Tattersfield, who has a mill near the crossing in question, proved seeing the accident occur. The deceased was on the line, having hold of the leading horse's head, when witness saw an engine coming at a good speed from Bradford way. Deceased tried to "back," but could not succeed. The engine first struck the said horse. This horse was killed, and Naylor, who had got hold of it to back the animal, was killed.—By Mr. FOSTER: There is a curve in the line going towards Heckmondwike, but he was not aware that the curve was so great that any engine was out of view until it had turned the curve. The curve would be about 300 or 400 yards from the crossing. Witness could not say that prisoner would know from the time-table that this engine was coming till he saw it. Prisoner had lost a leg in the service of the company.—*Thos. Normanston*, district superintendent of the Lancashire and Yorkshire Railway Company, produced the rules of the company for the guidance of enginemen, signalmen, gatekeepers, &c. Rule 251, and following, stated that before opening the gates the keeper was to satisfy himself that a train was not in sight, and then exhibit the red or danger signal until he had closed the gates again. The engine-driver could see the danger signal at this crossing over 400 yards off from the Bradford side. There was a small window in the hut looking towards Bradford, which gave a view of approaching engines for a similar distance.—By Mr. FOSTER: There was nothing to give the gateman notice there of an approaching engine without a train, as there was no telegraph there. The witness could not say whether the cart and horses would be visible to the engine-driver that distance. Prisoner had been twenty years in the employ of the company, and about fifteen years at this crossing. He was a remarkably steady man, and there had been no report against him previously. He thought if the engine-driver had been on the look-out he would have seen the horses and cart sooner.—Mr. TENNANT: It was the duty of the engine-driver to look out for signals, and not for carts?—Witness: Yes. The Learned JUDGE: He must keep his eyes open, though no doubt his primary duty is to watch the signals.—*Edward Greenhalgh*, a blanket raiser, living in Dark-lane, having deposed as to the accident, the driver of the engine. *Albert Lambert*, in the employ of the London and North-Western Railway, was called. He stated positively that the signal was off for him to proceed. He whistled as usual when at the curve. He saw the horses and cart about sixty yards off, and at once reversed his engine, and the fireman applied the break, but it was of no avail.—By Mr. FOSTER: The deceased could have escaped if he had not stuck to his horses. The cart had just entered the crossing when the witness saw it.—After *Henry Sutcliffe*, breaksman, had been called in corroboration. Mr. FOSTER called evidence for the defence.—*Edwin Beckett*, a blanket raiser working at Tattersfield's mill, stated that if the deceased had urged the horses on straight, instead of trying to turn back with the trace horse, he would have got clear of the line.—*Jesse Fretwell*, a farm labourer working for Mr. Howgate, was in a field adjoining the railway, and about 250 yards from the crossing had not heard the engine whistle previous to its passing him.—Mr. FOSTER then addressed the jury for the defence. He contended that the Lancashire and Yorkshire Railway Company were in part answerable for this young man Naylor's death, by their neglect, first, to provide means for distance signalling, and secondly neglecting to provide a telegraph there, by which the prisoner could have been informed that a special engine was coming. He urged further that the engine-driver had not whistled, or he would have been heard by the witness Fretwell, and then in addition pleaded that the deceased was himself to blame for sticking to the horses in such an extremity, when he ought to have run out of the way.—Mr. TENNANT declined to see that anybody was to blame but the prisoner. If he (prisoner) had taken the simple precaution to look before he opened the gates the accident would never have occurred.—His LORDSHIP, in summing up, said he could not see what would have been gained in this instance by distance signals if prisoner had neglected to attend to them as he was charged with neglecting to attend to his own signal at the crossing. As to the deceased himself being to blame, his Lordship pointed out that if he was flattered and did not know what to do, the fault was with those who placed him in that position of jeopardy.—The jury found the prisoner *Guilty*, but strongly recommended him to mercy on account of his long and faithful services.—His LORDSHIP, in passing sentence, said it was quite clear that the regulations were not attended to, as it was of the gravest importance they should be; but, under all the circumstances, the case would be met by *One month's imprisonment, with hard labour.*