

There was also a conflict of testimony as to the speed at which the car was going when nearing the crossing. The motorman and conductor swore that it did not exceed 7 or 8 miles an hour, while others placed the speed at a much higher rate; one witness, Sloake, who said he had been a street-car man at one time, placing it as high as 20 miles an hour. The jury's finding that the motorman had not his car under control, implies that they were of the opinion that the speed was greater than was proper when approaching a crossing.

The motorman admitted that the crossing is a dangerous "one of the worst" on the whole route—his answers on this point are as follows:—

Q. This is a dangerous crossing? A. Yes.

Q. And you know that you have to take extra precaution at this point? A. Yes.

Q. Perhaps the most dangerous crossing on your whole route is it not? A. It is one of the worst.

Q. One of the most dangerous? A. Yes, that is on that side—when you are going east.

Q. And it is pretty dangerous when you are coming west?
A. Yes—it is worst when you are going east.

Q. Because the other building is a little further back?
A. Yes."

The building referred to is a barber's shop on the north-west corner of McDougall and Wyandotte street, which obscures the view of any one going south on McDougall street, and prevents him seeing a car approaching from the west on Wyandotte street. In this instance the car was coming from the west going east. The motorman, therefore, should have recognized what he well understood—the necessity of proceeding with great caution.

The plaintiff was seated in a waggon with a long reach and would not be able to get a clear view along Wyandotte to the west until his body had cleared the barber's shop. There are obstructions to the vision in the shape of a telephone pole and some trees.

He said he looked to the west just as he was coming to the front of the barber's shop, but could not see very far, and he neither saw a car nor heard a gong. He then looked to the east where he had a clear view and seeing nothing drove on. When the horses were on the north rail of the track he