

the rule, the accident would not and could not have happened. Were the jury entitled to speculate and say that it was negligence on the part of the defendants not to have adopted at Brantford the practice of handling the pilot engine in use at London? . . .

The operation of a railway is something that requires the highest degree of skill and experience, and I am of opinion that an ordinary jury is not competent to pass on such a complicated subject without the best of skilled evidence. Here they purport to settle it not only without evidence but in the teeth of all the skilled evidence given. . . .

I am of opinion that the verdict of the jury as to what was called the system is not only not supported by any evidence, but is directly contrary to the only competent evidence before them, and that their answers on this point cannot stand. To my mind the case for the defence is much stronger than *Lappage v. Canadian Pacific R. W. Co.*, 13 O. W. R. 118, or *McDonald v. Grand Trunk R. W. Co.*, 14 O. W. R. 303. . . .

[*Canada Woollen Mills v. Traplin*, 35 S. C. R. 424, distinguished.]

I consider this even a stronger case for the defence than *Jackson v. Grand Trunk R. W. Co.*, 2 O. L. R. 689, 32 S. C. R. 245. . . .

On the whole, I am of opinion that there is nothing in this case to make the defendants liable at common law; but that the principle enunciated in *Wilson v. Merry*, 1 H. L. Sc. 326, applies, and that consequently the plaintiff's appeal should be dismissed.

As to the defendants' cross-appeal, I think their evidence is not sufficient to justify us in reversing the decision of the trial Judge. Some of the reductions in the wages of those in the like employment with the plaintiff, for sickness, holidays, fines, and suspensions, are not properly included in the comparison. There is evidence to justify the finding of the jury upon this point, and the cross-appeal should be dismissed.

MEREDITH, J.A., arrived at the same conclusions, for reasons stated in writing.

MOSS, C.J.O., OSLER, and GARROW, J.J.A., concurred.