

Everett Holden, says:—

“Q. Where were you at the time? A. I was sitting near the front of the car at the time on the north side of the car.

Q. What was the first that attracted your attention? A. The first that attracted my attention was the man. He was sitting in the buggy and the horse was facing towards the west, and after we passed the east bound car about half way down the block the gentleman simply turned right round and drove right in front of the car going west. I could not say exactly where the car was.

Q. Do you remember how many cars you passed? A. No, I could not say.

Q. How far was the west bound car from Margueretta street when this man turned? A. Well, I could not say. I should imagine about three lengths of the car, that is roughly.

Q. Then what happened as far as the car was concerned? A. The motorman rang the bell, I should imagine about twice. That was all the time he had. Then he put on the brakes and stopped the car as quickly as he could.”

According to this witness, when the motorman saw or might have seen the plaintiff, his car was three car lengths east of Margueretta street.

“Q. And did you notice where the car was after it had stopped? A. Well, I should think it would be about four or maybe six feet east of the west side of Margueretta street—in that neighbourhood.

Q. And where did you say the car was when the gong was rung? A. Well, it would be about 60 feet I should imagine, when he started to ring the gong. The man was driving north at the time.

Q. And you looked when you heard the gong? A. I was looking out at the front of the car at the time on the streets.

Q. And you could clearly see the man at the time 60 feet away? A. Yes.”

Harold Judge, was strap-holding on the front end of the car about three feet from the door.

“Q. Then just tell me what you saw? A. The car would be probably two lengths from Margueretta street east of Margueretta street, when I heard the gong, and looking out I saw the buggy with Mr. Herron, I suppose, in the buggy. I did not notice anything different until I heard the crash and looking out I saw Mr. Herron on the fender.