

Q. Were the brakes applied? A. The brakes were not applied before they struck the man. The car was going at speed when it struck the man, and it brought him about half a car length before it came to a stop."

On cross-examination he says:—

"A. I saw him on the opposite side of the street just turning to come up Margueretta street. His horse's head was about the south rail of the south track.

Q. Was the horse's head east or west of the body of the rig? A. His horse seemed to be turned up Margueretta street.

Q. And at that time when you saw him in that position with his horse on the south rails and facing north towards the west side of Margueretta street, how far was the car away?

A. About two car lengths.

Q. And that is the time you noticed the car? A. That is the time I noticed the car."

His wife, Caroline Caines, says:—

"Q. Did it slow down before it struck him? A. No, it did not."

Buchner, who has the bicycle shop referred to says:—

"Q. Your shop is opposite the west end of Margueretta street? A. Yes.

Q. What did you first know of the matter? A. Well, it was when I heard the fender, as I suppose, drop on the rail.

Q. Where was the car, do you say, when the fender dropped on the rail? A. It was somewhere about the centre of Margueretta street, facing—

Q. On Dundas street? A. Yes.

Q. Then what occurred? A. Well, I heard—it seemed to me when the fender dropped that they used only the ordinary brake just then. Then there was another brake, seemed to come on; there was a terrible rumbling, like applying the other brake."

Pearn, was a passenger on the car which struck the plaintiff's rig. He says:—

"A. I was standing about 8 or 10 feet from the front end of the car in the aisle facing the north.

Q. What did you first know about the matter? A. The first I knew about it was the crash.

Q. Was there any gong rung before the crash? A. There was no gong rung.

Q. Are you sure of that? A. Positively sure."