

## EVIDENCE AT TRIAL.

Evidence taken before the Honourable Mr. Justice Middleton and a Jury, at the Court House, in the City Hall, in the City of Toronto, the 25th day of September, 1911.

Mr. H. D. GAMBLE, K.C., for the Plaintiff.

Mr. D. L. MCCARTHY, K.C., for the Defendants.

WILLIAM FLEMING, sworn. Examined by Mr. GAMBLE:

Q. Mr. Fleming, what age are you? A. 69 next February.

10 Q. And at the time of this accident, how were you employed? A. By the week.

Q. Where? A. At Mr. Russell's—Johnnie Russell's.

Q. Then how much a week were you getting? A. \$10 weekly.

Q. What day did this accident happen? A. On the 10th August, 1910.

Q. What time of the day was it? A. About half-past five in the evening.

Q. On what car was it? A. On a King street car going east.

Q. Was that an open car? A. Yes.

Q. Was there any trailer attached to it? A. Yes.

20 Q. Where were you sitting in the car? A. On the end seat; it was a single seat.

Q. That was at the time of the accident? A. Yes.

Q. What sort of a car was it; had it all the seats facing all one way, or were they facing each other? A. I believe they were all facing the one way, towards the motorman.

Q. How much space was there between your knees and the back of the next seat; how much space had you there? A. No space, scarce anything at all, hardly any at all.

Q. The seats were close together? A. Yes. The single seat I was on 30 was narrow.

Q. Were there any people in the seat beside yourself? A. Yes, two ladies on the left hand side of me.

Q. Were there many people on the car? A. Yes, there was quite a few on the car when I got on the car.

Q. And at the time of the accident? A. At the time of the accident, yes, there was a lot of people on the car.

Q. Will you tell me what took place on the west side of Sherbourne street. Before you got to Sherbourne street, there was another lady in the car, I think? A. Yes.

40 Q. In your seat? A. Yes.

Q. And she got out there? A. She got out, and I moved up to her place ready to get off.

Q. What passed after that; what happened then? A. After the car started up across Sherbourne street, it started up with a tremendous force there and a tremendous jerk occurred next and the explosion of something attached to the car. I couldn't say what it was, but I believe it was the