

It seems to me that the following was the course of events. The Pluto Manufacturing Co. of Emporia, Pennsylvania, shipped a quantity of dynamite under the name of "powder," paying double first class freight rate. At Black Rock, in the State of New York, this was received by A. D. McAllister of that place, foreman of the freight house and yards of the New York Central and Michigan Central Railroad Companies. He says that he did not know or suspect that this was dynamite, but supposed that it was simply powder cartridges—gun cartridges. He loaded the explosive into a car borrowed from the New York Central Railroad Company, apparently a barrel of oil, and some iron pipe, a number of their "powder cards," containing a warning that the car contained high explosives, and placed these cards upon each side of the car. No care was taken by him to see that the car was proper for carrying high explosives: and in the car were placed bars of iron and a number of other parcels, the car being filled as an ordinary way car or main line freight car is filled. All the experts say that a car containing nitroglycerine or dynamite should contain no other freight. The car was taken up by P. H. Sheridan, a conductor on the defendants' railway, and brought by him to St. Thomas, arriving there at 8.50 p.m. of 7th August, 1907. The car had been opened at Welland, and part of the freight taken out there; on its arrival at St. Thomas it was "switched to the freight foreman" at the freight house. At that point the freight foreman, William Stubbs, found the car on the morning of the 8th—it was then sealed but had in it goods consigned to St. Thomas, a coil of rope, two boxes (one of them hardware), and some plates of steel. These were taken out, leaving nothing in the car but the boxes of "powder" and apparently a barrel of oil, and some iron pipe. The car left St. Thomas on the morning of the 9th at 7.10, and arrived at Essex at 2 p.m. of the same day. The car was opened at Ridgetown, and it was found that two or three boxes of the explosive had shifted and were on edge; and the conductor, Alexander McIntosh, knew that it was explosive he was carrying, but did not replace the boxes or touch them. The car was left at Essex near the freight house. Next morning at about 7.40 the car was "found" by conductor Thomas of the Amherstburg train, and on being moved in making up his train, cracking was heard on or under the car. The conductor then examined the car and found it loaded with boxes of dynamite, and it was found