

Nixon. According to Jackson's testimony, he received a verbal order from the operator at that station to go ahead of train 91, which up to that time he had been following, and communicated this order to the deceased, and his train accordingly left Nixon ahead of train 91.

The Canadian Pacific Railway crosses the line of the Grand Trunk Railway Company about half a mile east of the station building at Tillsonburg, and there is at this crossing an interlocking switch. Before going over the crossing the deceased shut off steam and lessened the speed of his train so that, according to Jackson's testimony, it passed over at a speed of from 15 to 20 miles an hour; according to the same testimony, the deceased increased the speed to about 35 miles an hour, at which rate the train was going when it passed through the station grounds, and when it had reached a point a short distance east of the cattle-pen shewn on the plan (exhibit 1), he (Jackson) noticed that the part of Lawton's train which was lying in the north siding was not headed by an engine, and was about to apply the brakes, when the emergency brake on the engine was applied in an effort to stop the train, but without success, as the train, though its speed was lessened, went on a further distance of about 1,700 feet, when the collision occurred, its speed being then about 20 miles an hour.

According to Jackson's testimony, when his train had gone over the diamond at the crossing, everything in sight indicated that the track ahead was clear, and on the rear part of the portion of Lawton's train which was in the north siding, were displayed green lights, which indicated that it was in clear of the main line.

Jackson also testified that when a train had to wait in the through siding at Tillsonburg, it was the practice to detach the engine, for the purpose of its being moved on to the water tank to take water, the purpose of this being to save the time which would be consumed if the taking of water was delayed until the train which was being met was passed. The object of this evidence, which was brought out by the plaintiff's counsel, was to shew that it did not follow from seeing a train not headed by an engine on a siding that the engine was not on the siding ahead of its train waiting to take water or taking water at the tank.

The defendants and the Grand Trunk Railway Company operate trains on the same line, which is a single track railway.