

MONTREAL STREET RAILWAY	}	APPELLANTS;	1906
CO. (DEFENDANTS) . . . . .			
			*April 9, 10.
AND			
JOSEPH DESLONGCHAMPS	}	RESPONDENT.	
(PLAINTIFF) . . . . .			

*Negligence—Operation of tramway—Carriage of passengers—Crossing cars—Undue speed—Sounding gong—Findings of jury.*

**A**PPEAL from the judgment of the Court of King's Bench, appeal side(1), affirming the judgment of the Superior Court, District of Montreal, entered upon the verdict of a jury, in favour of the plaintiff.

The plaintiff was a passenger on a tramcar operated by the company and, on approaching a crossing, signalled the conductor to stop the car and, when it slowed down but before it reached the crossing, stepped off the car and attempted to cross to the other side of the street by passing in rear of the car on which he had been travelling. He was struck and injured by a car coming at considerable speed from the opposite direction without, it was alleged, giving notice according to running regulations, by sounding the gong as it was meeting and passing the other car. The jury found generally for the plaintiff, without specifying any particular act of negligence, but that the plaintiff was also negligent and assessed the damages at \$3,500, for which judgment was entered at the trial. By the judgment appealed from it was held

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\*PRESENT:—Sedgewick, Girouard, Davies, Idington and MacLennan JJ.

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that, upon the contradictory evidence, there was sufficient ground to support the verdict. On the appeal to the Supreme Court the company contended that there was misdirection, irregularity in the verdict and that the verdict was against the weight of evidence.

After hearing counsel on behalf of the appellants and without calling upon the respondent's counsel for any argument, the Supreme Court of Canada dismissed the appeal with costs.

*Appeal dismissed with costs.*

*Duclos K.C. and R. Taschereau for the appellants.*  
*A. Geoffrion K.C. and Elliott for the respondent.*

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