

THE WINNIPEG ELECTRIC STREET
RAILWAY CO.

1906

*April 6.

V.

BELL.

Negligence—Operation of tramway—Precautions for safety of passengers—Crossing cars—Sounding gong—Slackening speed at dangerous places—Neglect of rules—Passenger alighting from front of car—Contributory negligence.

APPEAL from the judgment of the Court of King's Bench for Manitoba(1) affirming the judgment by Perdue J., at the trial, in favour of the plaintiff for \$750 damages for injuries sustained, with costs.

The plaintiff, a passenger on a crowded tram-car, operated by the company on a street in the City of Winnipeg, being near the front of the car, on reaching his destination, made his way past several persons standing in the aisle and front vestibule and alighted from the front steps on the side next the parallel track upon which another of the company's cars was coming at considerable speed in the opposite direction to that in which he had been travelling. He was, almost immediately, struck down and injured. The space between the crossing cars was about forty-four inches and there was no rule of the company to prevent passengers alighting from the front steps. The passenger was not aware of the car

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

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approaching from the opposite direction when he alighted on the strip between the tracks and the motorman of the car which struck the plaintiff had neglected to observe a rule of the company requiring that speed should be slackened and the gong rung continuously while cars were passing each other on the double tracks.

The courts below held that the company was liable in damages on account of the motorman's negligence; that the plaintiff had not been guilty of contributory negligence, under the circumstances; and that the company was obliged to take proper precautions for the safety of passengers, even after they had alighted upon the street beside the tracks.

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

Appeal dismissed with costs.

Ewart K.C. for the appellants.

Hudson for the respondent.
