

of injury while riding in or on a public conveyance; also in 55 L.R.A. (1915C) 456, under the report of the decision in *Georgia Life Assurance Co. v. Easter*, *supra*.

Some policies make an exception of the risk involved in standing, riding or being on the platform of a railway car or entering or attempting to enter, leaving or attempting to leave any public conveyance while the same is in motion. Provided the car was in actual motion at the time the insured has his hand on it, at the moment of attempting to enter, no excuse will defeat the company's right to set up this exception in defence: *Huston v. Travellers Assurance Co.* (1902), 66 Ohio St. 246.

In Canada, we find a decision of *Powis v. Ontario Accident Assurance Co.*, (1900), 1 O.L.R. 54, holding that a person was "riding as a passenger on a public conveyance" when he had his foot on the step before the vehicle had begun to move. This judgment was based on an English case, *Theobald v. Railway Passengers Assurance Co.* (1854), 23 L.J. Ex. 249; also *Northup v. Railway Passengers Assurance Co.* (1869), 2 Lans. 168, and a very similar case of *Champlin v. Railway Passengers Assurance Co.*, (1872), 6 Lans. 71.

In another Ontario case, the plaintiff had stepped off a tramcar into the path of an approaching motor car; he stepped back on the tramcar, which at that moment caught and injured him; it was held, reversing Meredith C.J.C.P., that he was not at the time of the accident a passenger in the tramcar; see *Wallace v. Employers Liability Assurance Co.* (1912), 2 D.L.R. 854.

A person riding a bicycle "is not travelling as an ordinary passenger" in a vehicle: *McMillan v. Sun Life Assurance Co.*, (1896), 4 S.L.T. 66 (Scotland).

A number of pertinent decisions will be found in MacGillivray's Insurance Law (1912), page 925 *et seq.*

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## Bench and Bar

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### APPOINTMENTS TO OFFICE.

Arthur Cyril Boyce, of the City of Sault Ste. Marie, Esquire, K.C., to be a Member of the Board of Railway Commissioners for Canada. (Oct. 4, 1918.)

John Gunion Rutherford, of the City of Calgary, C.M.G., and Simon James McLean, of the City of Ottawa, to be Members of the Board of Railway Commissioners for Canada. (Nov. 8.)

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### PROFESSIONAL ETIQUETTE.

We fear that those of us who smoke are somewhat selfish creatures and apt to have too little regard for those who object to smoke.

Osgoode Hall, our headquarters in Ontario, has hitherto been considered a place where smoking is taboo, except in the places