

senior, and occupied by Cyrille Robitaille, senior, with his wife and some friends. Defendant was acting as *chauffeur*.

The deceased and a companion alighted from a car, and were crossing the street.

The plaintiff contends the accident was due entirely to the negligence of the defendant-chauffeur. The defendants contend that the accident was due entirely to the imprudence and negligence of the deceased. They allege: "L'accident est survenu absolument par la faute, négligence et imprudence de la dite jeune fille qui est seule responsable de sa mort, et dans la dite occasion le dit Cyrille Robitaille, junior, a pris toutes les précautions suggérées par la prudence, n'a fait qu'user d'un droit en circulant sa voiture dans les rues de la ville et ne peut être tenu responsable d'aucune faute."

The Superior court maintained the action against Cyrille Robitaille, junior, for \$187.48 with costs, and dismissed it against the owner of the automobile; the costs of the enquete were divided.

McCorkill, J.—"The first question to be decided, therefore, is, who was at fault? A very long enquete was made in the case, first of all to prove the circumstances of the accident, and secondly, by expert witnesses, to prove the distance within which an automobile such as the one in question, driven on a macadamized road, such as St. Valier street, at various rates of speed, varying from five miles an hour upwards, could be stopped. About eight days of the time of this court were taken up in the adduction of the evidence and the argument of the case. But it seems to me that the principles involved are very simple, and that there ought not to be any serious difficulty in applying them to the facts in this case. It has been laid down as a principle that pedestrians and the drivers of vehicles have equal rights upon the roadbed of a street or high-