

The jury, under a charge not objected to, found, in answer to questions: (1) that the defendants were guilty of negligence; (2) that such negligence consisted in, "taking into consideration the College car" (the one proceeding south which struck the plaintiff) "with a trailer attached, and the slippery condition of the rails on the morning in question, the car was run at too great a speed to be under proper control at this busy point;" (3) no contributory negligence; (4) "the motorman did all he possibly could to avoid the accident in the time he had after seeing the plaintiff;" (5) damages (as above stated.)

The evidence given on behalf of the plaintiffs as to speed was that of the plaintiff Sarah Brill herself, and of a nephew, William Ecker, whose relationship, however, did not appear until the cross-examination, who happened to be standing on the west side of Yonge street in front of the Simpson block. The plaintiff Sarah Brill said that before attempting to cross she saw a car, which she apparently assumed was the car which afterwards struck her, standing above Queen street. And, seeing it standing, she passed around behind the north-bound car, and attempted to cross the westerly track. She was asked: "Q. How about its progress after it left there till it got down? A. I hadn't seen it till it struck me. Q. Did you hear anything at all about the car. A. All I heard or saw was just when it struck me . . . Q. Do you know the distance that the car travelled from the time it started until it struck you? A. I hurried, and it looked like the car was going very fast at the moment. I was very careful. Q. Looking out? A. Looking out."

In cross-examination she said: "Q. How far was the car that was coming down from you when you started to cross the street? A. The time I looked, the car was standing. Q. How far was it from you? A. The car, when I looked at it, was standing at the corner of Queen and Yonge, on the far side. . . . Q. And, seeing it stop there, did you ever look again until the car was on top of you? A. I did not give a look—I was across already only a hair-breadth . . . Q. When you got there (the devil strip), did you look up to see whether the car was coming down? A. I did not look, because I was running across as quickly as I could when I got that far. If the car would have rung—I am not deaf—I could have heard, and would have stopped on the devil strip. Q. But you never looked? A. I looked when I started, but did not look after. Q. But you did not look when