

(3) If you say "Yes" to question 2, then (a) in what way did the defendant's motorman contribute to the accident by negligence, if in any way? A. By not taking proper precautions and by not having his car under control. (b) In what way did the plaintiff's driver contribute to the accident by negligence, if in any way? A. Not in any way.

(4) If both the defendant's motorman and the plaintiff's driver were guilty of negligence, could the defendant's motorman then have done anything which would have prevented the accident? A. Yes.

(5) If you say "Yes" in answer to question 4, what could the motorman have done that he did not do? A. Stopped his car before striking the automobile.

(6) In the end, what, in your opinion, was the actual cause of the injury or accident complained of? A. The accident was caused by motorman on electric car not stopping his car in time, causing electric car to crash into rear of automobile and divert it from its course.

(7) Assuming that the defendant's motorman was guilty of negligence, could the driver of the plaintiff's motor-car, notwithstanding this, still have avoided the collision by the exercise of reasonable care? A. No.

(8) If your answer to question 7 is "Yes," then in what way did the plaintiff's motor-driver fail to exercise reasonable care? (Not answered.)

A. E. Fripp, K.C., for the plaintiff company.

Taylor McVeity, for the defendant company.

LENNOX, J., in a written judgment, said that counsel agreed that, if the plaintiff company was entitled to recover, judgment should be entered for \$704.25.

A former judgment for \$754.23 was set aside and a new trial directed, upon the ground, speaking generally, that there was no evidence to support the jury's findings.

As the action might again be brought into the appellate Court, it was not desirable that the trial Judge should volunteer an opinion as to the legitimate effect of the evidence put in upon the trial, although, as a matter of fact, he did entertain a very decided opinion as to who was initially and ultimately responsible for what happened. The combined effect of the jury's answers to questions 1, 2, 3, 4, 5, and 7 was to exonerate the driver of the motor-car from negligence of any kind and throw the entire blame for the disaster upon the defendant company; and, although the reasons assigned in the answer to question 6 were meaningless upon their face, and the answer to question 5 was also obviously mean-