

Judge, upon the evidence, making such selections as he was entitled to, make by reason of the qualification the appearance and the demeanour of the witnesses reasonably have come to the conclusion now attached. The findings of a Judge are entitled to at least as much weight as those of a jury, and so I reluctantly, upon my view of the evidence, agree that the motions must be dismissed and with costs as mentioned by my brother Riddell.

HON. SIR GLENHOLME FALCONBRIDGE, C.J.K.B.:—I agree in the result.

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COURT OF APPEAL.

MAY 15TH, 1912.

JACOB v. TORONTO R<sup>w</sup> CO.

3 O. W. N. 1255.

*Negligence—Street Railway—Passenger Alighting—Injury by Car Starting with Jerk—Findings of Jury—Judgment for Plaintiff.*

Plaintiff's action was in respect of injuries sustained while attempting to alight from a street car of defendants which he alleged and which the jury found had been started with a jerk as he was about to alight.

COURT OF APPEAL dismissed with costs an appeal from a judgment of SUTHERLAND, J., in favour of plaintiff for \$2,000 damages entered upon the findings of the jury.

An appeal by the defendants from a judgment of HON. MR. JUSTICE SUTHERLAND at trial.

The appeal to Court of Appeal was heard by HON. SIR CHAS. MOSS, C.J.O., HON. MR. JUSTICE GARROW, HON. MR. JUSTICE MACLAREN; HON. MR. JUSTICE MEREDITH and HON. MR. JUSTICE MAGEE.

D. L. McCarthy, K.C., for the defendants.

J. E. Jones, for the plaintiff.

Their Lordships' judgment was delivered by

HON. MR. JUSTICE MEREDITH:—This case was, I think, one for the jury: and whether they have well or ill done their duty in it is not for this Court to determine, there being