

## TRAVELLING BY RAIL.

not contributed to the accident, and they gave her £500 to pay her doctor's bills : and the court considering the finding warranted, declined to interfere with the amount of damages.

Bovill, Q. C., urged that if the lady, instead of jumping as she did, had turned herself round and availed herself of the assistance of both steps and of the handles of the carriage, the accident would not have happened ; but Williams, J., said severely that "in the present fashion of female attire, the mode of descent suggested by the learned counsel would be scarcely decent." This judgment was given in 1865, and as fashions change, one can hardly decide what a lady might or should do in this present year of grace. Where, however, Mr. and Mrs. Siner arrived in daylight at Rhyl station and the carriage in which they were overshot the platform ; the passengers were neither told to keep their seats nor get out, nor was there any offer made to back up, nor did the train again move until it started on its onward journey to Bangor. After exhausting his stock of patience, the husband, following the example of his fellow travellers, alighted without asking the company's servants to back the train to the platform or holding any communication with them whatever. The wife then, standing on the iron steps of the carriage, grasped both her husband's hands and jumped down, straining her knee in the act. There was a foot-board between the iron steps and the ground which she might have used but did not. There was no evidence of any carelessness or awkwardness except such as might be inferred from these facts. In an action brought against the company for this injury, the court held (Kelly, C. B., diss.) that there was no evidence of negligence in the defendants, and that the accident was entirely the result of the woman's own acts in awkwardly and carelessly jumping. The case of *Foy v. London, &c.*, ante was dis-

tinguished, as there an express invitation to alight was given. But the Chief Baron thought the stopping of the train at the station without any notice to the passengers not to get out, was an invitation to them to do so : that the descent at that place was dangerous, but not so clearly dangerous that the plaintiff might not properly encounter the risk ; and that the company having wrongfully put the passengers to the necessity of choosing between two alternatives, the inconvenience of being carried on and the danger of getting out, were liable for the consequences of the choice, provided it was not exercised wantonly or unreasonably: *Siner v. Great Western R. W. Co.*, L. R. 3 Ex. 150.

So where a short-sighted gentleman, who well knew the station, got out of the train while the carriage in which he had been sitting was still in a tunnel, and in making his way to the platform, stumbled over some rubbish and fell, breaking his leg and otherwise injuring himself, so that he shortly died from the effects ; there being no evidence that the train had come to a final stand-still, or that the company had designed the passengers to alight then, it was held that the personal representative of the deceased could not recover against the company: *Bridges v. North London Ry. Co.*, L. R. 6 Q. B. 377. The fact that the deceased was short-sighted imposed no additional obligation on the defendants. In one case the platform was curved back from the line so as to leave a space of two feet between the carriage and the platform ; the train having stopped, and the name of the place having been called out, one Praeger, a passenger, stepped forth and fell between, injuring himself thereby. A good deal of evidence was given as to the circumstances of the accident and the knowledge of the plaintiff of the peculiarities of the station. The jury gave the plaintiff a verdict, but the Court made absolute a rule to enter a nonsuit