

The obligations of the railway company to the plaintiff as a passenger were ended when she reached a place of safety upon the road, and the liability of the company to her must be based upon the company's obligation to individuals lawfully upon the street.

The conductor said that his duty began and ended with seeing that passengers made safe entry and exit by the rear door—that he had no duty towards pedestrians on the road. The motorman cares for passengers at the front door, and takes care that he does not run any one down by the forward motion of the car.

No one takes any precaution against the obvious danger to persons in the roadway by reason of the sideward swing of a car which has a wheel base much shorter than its length when it goes round a curve. The railway company must not run down persons who are in a dangerous position in front of a car; and there must be a precisely similar obligation towards persons who are in danger from the lateral motion. The conductor might well be called upon to see that all is safe before he signals the motorman to round a curve.

The proximate cause of the accident was the negligence of the company in starting the car when the plaintiff was in such a position that it was plain that there was no escape from the swing of the rear steps.

No case was made against the defendant city corporation.

Judgment for the plaintiffs for \$1,350—\$1,000 for the wife and \$350 for the husband— with costs against the defendant railway company, and dismissing the action as against the defendant city corporation with costs.

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MIDDLETON, J., IN CHAMBERS.

DECEMBER 7TH, 1918.

\*McCURDY v. OAK TIRE CO.

*Discovery—Production of Documents by Stranger to Action—  
Rule 350.*

Appeal by the defendants from an order of the Master in Chambers under Rule 350, requiring the Imperial Trust Company of Canada (not a party to the action) to produce documents as a means of discovery before the trial.

C. W. Plaxton, for the defendants.

T. R. Ferguson, for the plaintiff.