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THE PEDESTRIAN AND THE STREET CAR.

The Chancellor of Ontario neatly sums up in the case of *Jones v. Toronto Ry. Co.* (1911), 23 O.L.R. 331, what I take to be the consensus of the leading Canadian, English and United States authorities, thus:—

“1. The public have a right to cross the street and go over the street-car track for that purpose, and such people have an equal right to be there with the cars.

“2. The motorman is in control of a forceful propelling power which, if carelessly used, may endanger life and limb.

“3. The specific business of the man driving a car is to be on the look-out for any one in danger or likely to be in danger from the movement of the car, and is to use a commensurate degree of care to avoid such danger.

“4. This is emphatically so when the person on or near the track and heading that way as if to cross the track appears to be unconscious of the imminent danger.

“5. If the motorman sees the exposed condition of the traveller and proceeds without giving warning or using his best endeavours to stop, this negligence is excessive and criminal.

“6. The circumstances may be such as to warrant the jury in finding that there is culpable negligence in the motorman if he should have timeously seen the dangerous situation, unless he satisfies them that he has good reason for his want of maintaining an effective look-out.”

In the same case Mr. Justice Middleton states the law in similar terms: “The principle, which I venture to think, governs this case is, that where a person or corporation is permitted to operate a dangerous vehicle upon a highway, that permission carries with it a corresponding duty of great care and incessant watchfulness to avoid injury to others who are using the high-