

(6) Q. If so how, state fully; and if in more than one way state all fully? A. There was no sufficient warning.

(7) Q. If the plaintiff could by the exercise of reasonable or ordinary care have avoided his injury, could the defendants also, after becoming aware of his danger, have prevented the accident by exercising ordinary care? A. Motorman could have avoided the accident but the driver could not.

(8) Q. If so state fully? A. By not ringing the gong in time.

(9) Q. If the defendants are liable to the plaintiff in damages for the injuries which he sustained, what sum of money would be reasonable compensation under all the circumstances of the case to be paid by them to him for the injuries which he sustained? A. Fifteen hundred dollars damages."

On the jury's answers to the questions the learned Judge directed judgment to be entered for the plaintiff for \$1,500 damages with costs. The charge to the jury, which was very lucid, was not objected to. The jury expressly found negligence on the part of the defendants, and no contributory negligence on the part of the plaintiff. The negligence attributed to the defendants was, not giving sufficient warning by ringing the gong, and running at a high rate of speed. They further found that the defendants by the exercise of reasonable care could have avoided the accident, but that the plaintiff could not. There was ample and undoubted evidence to justify the findings of the jury.

There is no law under the circumstances of this case that absolves the defendants. The street car has no right paramount to the ordinary vehicle. Both must travel on the street and each must exercise its right to use the street with due regard to the rights of the other. The company should keep in mind the possibility of accident incident to vehicular traffic on a crowded street. While the vehicle has no right to unreasonably curtail or interfere with the operation of the cars in the streets, yet we know that vehicles drawn by horses or operated by other motive power meet with accidents, get on the tracks and obstruct the cars. It is the duty of the company to run their cars under such control, and at such a rate of speed, giving such warning,