

ductor & motorman of the car, but, having consulted, they allowed the passengers to remain on the car, & received others on board. They allege that they did this because they thought they could so use the electric energy itself as to supply the place of the disordered brake gear. In such an emergency there were two modes of applying the electric energy to control the car on a down grade, upon which they hoped to rely, viz., the application of the reversing power in the motor, & the application of the direct power from the power house. They started the car from the foot of King St. across Market Square, a level space, & ran it rapidly up Dock St. Hill. It passed quickly over the crest and began the descent of Mill St. Hill. There being no brakes, the motorman had recourse to the reversing power in the motor, to check the speed of the car, but there was no response; the apparatus was out of order; as a last resort he invoked the direct power from the power house; here, too, as the result of some accident just at that moment, in the power house, the direct power was shut off from the car, which, by its own momentum, went plunging down the steep grade. The plaintiff stood up in the car & laid hold of the iron bar that runs from the floor to the top, & put his left foot out upon the first step extending along the side of open cars, prepared, to be on top if the car should topple over when it would have reached the curve ahead. But, when the car reached the curve at the junction of Mill St. with Main, it jumped the track & went straight ahead across Main St. towards the sidewalk. When the front wheels of the car struck the curb-stone & leaped up on the sidewalk, the concussion broke plaintiff's hold on the iron bar in front of him & threw him violently to the pavement, breaking his left leg above the ankle, so that the bones pierced through his clothing. He was removed to the public hospital, where on July 24, 1898, blood poisoning being imminent, the foot was amputated above the ankle. The plaintiff, at the time of the accident, resided at Providence, R.I., & was a teacher of the organ & piano. He was engaged as organist & choir director in the Roman Catholic cathedral there, & had been for about 10 years prior to the injury complained of. The plaintiff alleged in his declaration & offered evidence to prove at the trial, that the loss of his left foot wholly incapacitated him from playing upon the organ or piano, & in consequence his power to earn money as a musical performer, as well as a teacher of instrumental music was wholly destroyed. The trial took place at the Circuit court in St. John in Mar. 1899, before Judge Van Wart & a jury, & a verdict was rendered in favor of plaintiff for \$25,000. The Co. moved before the Supreme Court of New Brunswick, in April, 1899, for a new trial, upon the grounds of improper reception & rejection of evidence, mis-direction by the trial judge, & excessive damages. The rule was made absolute for a new trial in June, 1899, by Tuck, C.J., & Hanington & McLeod, J.J.; Van Wart, J., the trial judge, dissenting. The appeal from the judgment ordering a new trial was argued at the Oct. sitting of the Supreme Court, the argument lasting three days. On the plaintiff's side it was mainly almost entirely devoted to the question of excessive damages, in connection with which evidence was given of the different services of the church at which plaintiff officiated as organist & the remuneration received. The result of the appeal, as decided by the Supreme Court, is that the rule for a new trial stands, but is restricted entirely to the amount of damages, & the plaintiff succeeds to the further extent that while his appeal is dismissed he has not to pay the costs. The Chief Justice & Judge Gwynne dissented from the judgment, holding that the rule for a new trial should be discharged & judgment entered for appellant according to the verdict.

Quebec Electric Railways.

Montreal St. Ry.—The gross earnings are :			
	1899.	1898.	Increase.
Oct.....	\$145,877.20	\$133,619.63	\$12,257.57
Nov.....	133,489.12	125,125.09	8,364.03
	\$279,366.32	\$258,744.72	\$20,621.60

In the suit of Gareau vs. the Co., in which the plaintiff claimed that his property had been injured by the vibration, smoke & noise pro-

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Hamilton, Ontario.

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By order of the Provisional Directors,
CHARLES DRINKWATER, Secretary.
Montreal, 20th November, 1899.

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