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No. 11

APPELLATE DIVISION.

FIRST DIVISIONAL COURT.

MAY 19TH, 1919.

*SCOTT v. TORONTO R.W. CO.

*Street Railway—Injury to Passenger—Sudden Stop of Street-car—
Passenger Thrown against Brass Rail in Car and Injured
—Evidence—Cause of Stop—Warning by Previous Jarring—
Possibility of Findings of Jury—Result of Injury—Disease
—Question for Jury.*

Appeal by the defendants from the judgment of MASTEN, J., upon the findings of a jury, in favour of the plaintiff (an elderly woman), in an action for damages for injury sustained by her while a passenger in a street-car of the defendants, by reason, as the plaintiff alleged, of the negligence of the defendants' servants. The judgment was for \$1,000 and costs.

The appeal was heard by MACLAREN, MAGEE, HODGINS, and FERGUSON, J.J.A.

D. L. McCarthy, K.C., for the appellants.

J. B. Clarke, K.C., for the plaintiff, respondent.

HODGINS, J.A., reading the judgment of the Court, said that the questions put to the jury and their answers were as follows: 1a. Was the plaintiff injured as a result of the action complained of? A. Yes. 1b. Is the disease, i.e., arthritis, from which the plaintiff is now suffering, attributable to the injuries sustained by reason of the accident? A. Yes. 2. Were the defendants guilty of negligence which caused the injury complained of? A. Yes. 3. If so, in what did such negligence consist? A. That of the car-crew in not ascertaining the cause of the jolting. 4. Did anything

* This case and all others so marked to be reported in the Ontario Law Reports.