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COURT OF APPEAL.

NOVEMBER 19TH, 1912.

ROBINSON v. GRAND TRUNK R.W. CO.

Railway—Carriage of Live Stock and Person in Charge—Half Fare Privilege—Injury to Person—Negligence—Liability—Exemption—Contract with Shipper—Absence of Privity and Knowledge of Person Injured.

Appeal by the defendants from the judgment at the trial before LATCHFORD, J., and a jury in favour of the plaintiff, 26 O.L.R. 437. The action was brought by the plaintiff to recover from the defendants damages caused to the plaintiff while upon a railway train on the defendants' line of railway. The injury was caused by a collision with another train, and negligence in operating the train was admitted. The jury assessed the damages at \$3,000.

The appeal was heard by GARROW, MACLAREN, MEREDITH, and MAGEE, J.J.A., and LENNOX, J.

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

R. McKay, K.C., for the plaintiff.

GARROW, J.A.:—The only question upon this appeal arises out of the circumstances under which the plaintiff was upon the train at the time of the injury complained of, which are very similar to those recently before this Court in *Goldstein v. Canadian Pacific R.W. Co.*, 23 O.L.R. 536, even to the circumstance that the blank for the signature of the person travelling with the animal had here as there been left unsigned. There is, however, this circumstance which should be mentioned; in the *Goldstein* case it did not appear that any fare was paid, or intended to be paid, by the shipper for the carriage of the attendant, while in this case a reduced fare was charged, and paid by the consignee.