

rear of his car, considering distance plaintiff rode, and putting same off, as he should have done. Also motorman on car causing accident not ringing gong and not having proper look-out.

3. Or was the injury to Gordon Hackett caused by reason of his own negligence? A. No, considering the speed boy acquired by getting off east-bound car and that he was going across street.

4. Or could Gordon Hackett by the exercise of reasonable care have avoided the accident?

5. What is the amount of compensation which ought to be awarded to the plaintiff Gordon Hackett, if he is entitled to recover? A. \$1,000, and all his medical expenses pertaining to trial, \$1,225.

H. H. Dewart, K.C., for defendants.

John MacGregor and E. A. Forster, for plaintiff.

The judgment of the Court (MEREDITH, C.J., TEETZEL, J., MAGEE, J.), was delivered by

MEREDITH, C.J.:—We think that no purpose would be served by taking further time to consider this case. It has been very fully discussed, and the evidence has been referred to. We think that upon the whole evidence there was nothing upon which the jury could reasonably find that the injury to the boy was caused by the negligence of defendants. There was evidence, we think, that could not have been withdrawn from the jury, of defendants' omission to perform a duty, the breach of which plaintiff alleges, and that the omission constituted negligence, but that is not enough to entitle plaintiff to recover. It must be shewn that that negligence was the effective cause of the injury to the boy.

The circumstances of the case were that the boy was a trespasser upon the property of the company; he was stealing a ride, sitting upon the bar behind the car, which was going in the opposite direction to the one which came in contact with him. Getting near to the place where he intended to go, he got off the car, and after, as he says, for a distance of 10 paces running with the car holding on to some portion of it, he started diagonally across the highway and the tracks, and while doing so a car coming in the opposite direction struck and seriously injured him.