to effect the coupling was the very one most calculated to expose him to danger and risk of injury. And there is no evidence to justify the answer to the 7th question—an answer which in its terms is inconclusive and unsatisfactory. There were no "circumstances" to prevent the plaintiff from adopting the perfectly safe course which he admits he might have adopted.

Having regard to the evidence in this case, I do not think the answers sufficient to support the judgment entered for the plaintiff; and I think that, notwithstanding them, judgment should have been entered dismissing the action.

The appeal should be allowed and the action dismissed, with costs, if exacted.

GARROW and MACLAREN, JJ.A., concurred.

MEREDITH and MAGEE, JJ.A., also concurred in the result, for reasons stated by each in writing.

Appeal allowed.

APRIL 4TH, 1912.

*REX v. BRITNELL.

Criminal Law—Exposing for Sale and Selling Obscene Books—Criminal Code, sec. 207—Magistrate's Conviction—Evidence to Sustain—Knowledge of Sale and of Character of Books.

Case stated by one of the Police Magistrates for the City of Toronto, under sec. 1104 of the Criminal Code.

The defendant was convicted by the magistrate upon an information charging that, in the month of April, 1911, the defendant, contrary to law, exposed for sale and sold certain obscene books, tending to corrupt morals, contrary to the form of the statute in such case made and provided.

The question considered by the Court was, whether there was evidence upon which the defendant might be convicted of selling and of having knowingly sold or exposed for sale obscene books, within the meaning of sec. 207 of the Criminal Code.

The case was heard by MOSS, C.J.O., GARROW, MACLAREN, MEREDITH, and MAGEE, JJ.A.

*To be reported in the Ontario Law Reports.