

et qui, sans avertissement aucun, a subitement arrêté sa machine alors que le tramway était trop près pour pouvoir être arrêté, dans les circonstances, malgré tous les efforts faits par le garde-moteur. L'accident a été ainsi rendu inévitable par la seule négligence du demandeur, et ce dernier n'a subi aucun dommage pour lequel la défenderesse peut être tenue responsable.

La Cour supérieure a rejeté l'action.

Jugement en revision. "Considering that it appears from the proof that the plaintiff, at the date and time mentioned, was proceeding eastward on St. Catherine street, and was followed by one of the defendant's tram cars;

"Considering that in order to avoid contact with a stationary vehicle standing on the south side of St. Catherine street, the plaintiff was forced to enter upon the line of the defendant's railway;

"Considering that the motorman in charge of the defendant's tram car did see, or should have seen the plaintiff proceeding on the track in advance of his car;

"Considering that owing to the condition of the street, and particularly the formation of ice on both sides of the defendant's rails, the plaintiff was unable to at once leave the tracks, but attempted to do so, and the employee of the defendant in charge of the tram car could have, with reasonable care and attention, so moderated the speed of his car as to avoid the said accident, but failed to do so;

"Considering that, under the circumstances, the defendant company is responsible for the resulting damages to the plaintiff, which damages are established and hereby fixed at the sum of \$265;

"Considering there was error in the judgment dismissing the plaintiff's action; doth cancell and annull the said