

"The late Mr. Justice J. T. Taschereau, in a case in the Circuit court very many years ago, expressed himself strongly that pedestrians had a perfect right to walk either on the roadway or on the sidewalk, and that it was the business of drivers of vehicles to see that they avoided them.

"Plaintiff's counsel has also brought to my notice that Chief Justice Denman, in summing up the case for the jury in *Boss vs. Litton*, 5, *C. & P.*, 409, said: — "All persons, paralytic as well as others, had a right to walk in the road and were entitled to the exercise of reasonable care on the part of persons driving carriages along it."

"A very large number of expert chauffeurs were examined to show the relative distance within which an automobile could be stopped, according to speed. Plaintiff's witnesses contend the automobile was travelling at a fast rate of speed. Defendants and most of their witnesses contend it was travelling at five or six miles an hour immediately preceding the accident. When the automobile struck the deceased it threw her forward, passed over her, and was stopped from 10 to 15 feet (some witnesses swear 20 feet and over), beyond where the body lay.

"There is as notable a difference between the opinions of the various chauffeurs as is usual with experts in general. The opinions given vary from 2 to 20 feet. The opinions of the defendants' witnesses would tend to show that it could not have been stopped in less than from 12 to 20 feet. Plaintiff's witnesses are of opinion that it could have been stopped in much less than 10 feet. The court is justified in presuming that it was the opinion of the defendant-chauffeur that he could not stop his automobile suddenly or within less than the minimum distance sworn to by his witnesses.

"This being so, and assuming that the automobile was