

tion or otherwise. The onus was upon the defendants, and the transactions were improvident on the part of the plaintiff. J. M. Farrell and A. E. Day, for the plaintiff. T. J. Rigney, for the defendants.

JAROSHINSKY v. GRAND TRUNK R.W. CO.—FALCONBRIDGE,
C.J.K.B.—MARCH 18.

Railway—Injury to Pedestrian at Crossing—Evidence—Findings of Jury.—Action against the Grand Trunk Railway Company and the Wabash Railroad Company to recover damages for injuries sustained by the plaintiff when struck by a locomotive engine in attempting to cross a line of railway. The action was tried with a jury at Sandwich. The action was, at the trial, dismissed as against the Wabash company. The jury answered questions in regard to the issues between the plaintiff and the Grand Trunk company. Counsel for the Grand Trunk company argued that, upon the plaintiff's own evidence, the action ought to be dismissed: Grand Trunk R.W. Co. v. Me-Alpine, [1913] A.C. 838. The learned Chief Justice was of opinion that, although the evidence of the plaintiff was unsatisfactory, there was something upon which the jury might find in his favour as to his position when he looked before attempting to cross and as to the want of warning by bell. Upon the jury's findings, the Chief Justice directed judgment to be entered for the plaintiff for \$1,254 and costs. F. W. Wilson, for the plaintiff. D. L. McCarthy, K.C., and W. E. Foster, K.C., for the defendants.