Under these circumstances, it is impossible for me to find that the man was "riding in or upon" the street car when he was injured; if he had been in or upon the street car, he would not have been injured as he was. The case would have been different if he had, after alighting, boarded the car again with the intention of resuming his journey, or of beginning a new one; but nothing like that was the case. Their plain meaning ought to be given to plain words, even though the result be different from that which one would prefer. And such is the effect of the cases in the Courts of the State of New Jersey, which, though very much in point, were not referred to at the trial.

The case, therefore, is not one for "double indemnity" under the policy in question, but of single indemnity; and the amount of the judgment entered for the plaintiff ought to be reduced accordingly.

The appeal upon the other ground fails entirely; there is ample evidence to support the finding that the plaintiff's injury caused him "temporary total disability" within the meaning of those words contained in the policy.

MACLAREN, J.A., gave reasons in writing for the same conclusion.

MOSS, C.J.O., GARROW and MAGEE, JJ.A., also concurred.

Appeal allowed in part; no costs.

MARCH 6TH, 1912.

*REX v. SOVEREEN.

Criminal Law—Keeping Disorderly House—Indictment at Sessions—Conviction—Evidence to Sustain—Judge's Charge—Reference to Previous Conviction—Right of Prisoner, after Bill Found, but before Arraignment and Plea, to Elect Trial without Jury—Criminal Code, sec. 827.

Case stated by the Chairman of the General Sessions of the Peace for the County of Norfolk.

The accused, Wilbert Sovereen, was indicted at the Sessions in December, 1911, for that he on the 23rd July, 1911, and on other days and times before that date, did keep a disorderly house, that is to say, a common bawdy house, contrary to secs.

*To be reported in the Ontario Law Reports.