

Reference to Reid v. Creighton (1895), 24 S.C.R. 69; Hughes v. Little (1886), 17 Q.B.D. 204, 18 Q.B.D. 32; Ex p. Stanford (1886), 17 Q.B.D. 259; Kitching v. Hicks (1883), 6 O.R. 739.

The appeal should be dismissed.

LENNOX, J., agreed in the result, for reasons stated in writing.

MASTEN, J., agreed in the result and in the reasons of MEREDITH, C.J.C.P.

RIDDELL, J., agreed in the result, with some doubt.

Appeal dismissed with costs.

SECOND DIVISIONAL COURT.

FEBRUARY 4TH, 1916.

*GRAY v. WABASH R.R. CO.

Railway—Injury by Passing Train to Persons Crossing Track—Negligence—Failure to Ring Bell and Blow Whistle—Contributory Negligence of Persons Injured in Attempt to Cross without Looking—Findings of Jury—Explanation by Foreman—Effect of—Judgment of Trial Judge Dismissing Action—Usurping Functions of Jury—Reversal of Judgment—Refusal to Direct New Trial—Entry of Judgment for Plaintiffs.

Appeal by the plaintiffs from the judgment of MIDDLETON, J., ante 102, after trial of the action with a jury at Sandwich, dismissing it, with costs if demanded.

The appeal was heard by MEREDITH, C.J.C.P., RIDDELL, LENNOX, and MASTEN, JJ.

J. H. Rodd, for the appellants.

H. E. Rose, K.C., for the defendants the Wabash Railroad Company, respondents.

MEREDITH, C.J.C.P., delivering judgment, said that the jury had found that the plaintiffs' injuries were caused by the negligence of the respondents, and that the plaintiffs were not guilty of contributory negligence. The finding of negligence was, "that the Wabash Railroad Company were negligent in so far as the