

MEREDITH, C.J.C.P., delivering the judgment of the Court at the conclusion of the argument for the appellants, referred to *Rex v. Toronto R.W. Co.* (1911), 23 O.L.R. 186; approved in the Appellate Division, *Rex v. Toronto R.W. Co.* (1915), 34 O.L.R. 589; which was reversed in the Privy Council, *Toronto R.W. Co. v. The King*, [1917] A.C. 630.

The plaintiff was injured before her journey ended and whilst her contract for safe carriage with the defendants was in full force and effect.

It was urged that, as the defendants have no stations such as greater railway companies have, their liabilities are less—that the end of the journey of the car in this case was on the property of the Corporation of the City of Toronto, over which the defendants had no control—and therefore they were not answerable in damages in this case. But the question of title was not one in which passengers were concerned. Under the contract for safe carriage, boarding and alighting were included in the journey—and any place at which cars are stopped for boarding or alighting is made a station for such purposes.

And, if it could be said that the defendants were not liable for a wrong done on the premises of another, the wrong here was in fact done on the car; and no kind of precaution or care was taken to prevent it. No attempt was made to prevent the rush upon the car.

The jury thought that the common and simple method of receiving passengers at one door and discharging them at the other was the proper method and that it would have saved the plaintiff from injury. Other simple methods would have been equally successful, such as one man at each door to see that there was safety in boarding and alighting.

It was a case of gross neglect by the defendants of their duty towards their passengers, a neglect which was the proximate cause of the plaintiff's injury, and which they made no attempt to excuse or explain in evidence at the trial.

The jury's answers were sufficient to support the judgment, and their finding was such as reasonable men could make upon the evidence.

*Appeal dismissed with costs.*