the car upon which the plaintiff was a passenger and the Pullman car in rear of it, when the train came to a stop at Weston? A. Yes. (2) At what sum do you assess the plaintiff's damages? A. $2,500."

His Lordship thereupon held that the plaintiff had acted reasonably in what he did, and that there was nothing in the rate at which the train was proceeding to make it manifestly dangerous for him to attempt to get off the way he did, and entered up judgment for $2,500. The evidence was that the train was going at the rate of three or four miles an hour when the plaintiff fell. The finding of the Chief Justice as to the danger is quite in accord with the principles laid down by this Court in *Keith* v. *Ottawa and N. Y. R. W. Co.*, 5 O. L. R. 116, which in some respects is similar to this case and the correctness of his decision on this point was not challenged by the defendants, either in their reasons of appeal or the oral argument before us.

Counsel for the defendants, however, claimed that on the evidence the jury should not have found that the rear vestibule and trap-doors of the day car in which plainitff was riding were closed during the time the train was standing at Weston station. On the one hand they had the conductor and brakesman (two interested witnesses) swearing they were not; while on the other they had the plaintiff and Gidney (only one of them interested) swearing the opposite, and giving particulars of Gidney having actually tried to open them before the train started. They believed the latter as it was their privilege to do, and no sufficient reason has been given to us to interfere with their verdict on this point.

While the counsel for the defendants as just stated did not criticise the holding of the trial Judge as to the speed of the train, not making it manifestly dangerous or negligent for the plaintiff to attempt to alight, he did urge very strongly that as the plaintiff had only a first-class ticket, he had no right to enter the Pullman at all, that he was a mere trespasser to whom the company owed no duty (probably the first time on record on which such a claim was put forward), and that the vestibule and trap-doors being closed there was not only no invitation to him to alight that way, but an express prohibition to attempt it.

I do not think the fact of the plaintiff being only a first-class passenger has anything to do with the present case.