The judgment of the Court was read by FERGUSON, J.A., who said that the accident occurred on the 1st November, 1916, about 7 o'clock in the evening; and it was said that it was caused by the defendants inviting the plaintiff G. G. Dowson to alight from their car at a place known to them to be dangerous, where the step of the car was more than 30 inches above the ground; and that the plaintiff, without negligence on her part, in attempting to alight at this place, fell and sustained the injuries complained of.

The questions put to the jury and their answers were as follows:—

(1) Was the accident to Mrs. Dowson caused by the negligence of the defendants? A. Yes.

(2) If so, in what did such negligence consist? A. In not furnishing proper platform accommodation for the purpose of getting on and off their cars.

(3) Could Mrs. Dowson, by the exercise of reasonable care, have avoided the accident? A. No.

The jury assessed the damages at $2,500 for the wife and $401.55 for the husband.

After a discussion and explanations by the trial Judge, when the jury brought in their findings, they retired and returned with the answer to question 2 struck out and the following substituted:—

"We find that the north end of the car-step was sufficiently shot past the north end of the platform to render it positively dangerous to passengers alighting. We also find that the height of the car-step did not comply with the regulations of the Ontario Railway and Municipal Board, and that these circumstances caused the accident."

The right of the trial Judge to ask the jury to explain their answer, and the effect to be given to an answer by the foreman of the jury, or to an answer made by the jury without retiring, were discussed in Lowry v. Thompson (1913), 29 O.L.R. 478; Gray v. Wabash R.R. Co. (1916), 35 O.L.R. 10; and Townsend's Auto Livery v. Thornton (1917), 13 O.W.N. 237. The learned trial Judge in this case adopted the course found in the Townsend case to be the proper one; and properly accepted and acted upon the substituted answer to question 2; and it was, therefore, upon that substituted answer that this appeal must be disposed of.

It was admitted that the order of the Board had, as against the defendants, the force of a statute. The order directed: "On closed double truck-cars the height of the first steps above the ground shall be not less than 14 inches nor more than 16 inches." The car from which the woman alighted was a double truck-car,