

\$500, the damages assessed by the jury, with costs, the Court holding that there was evidence sufficient to support the finding of the jury in answer to the third question, and that finding could not be interfered with or disregarded.

H. E. Irwin, for plaintiff. *Clute*, Q. C., and *A. R. Clute*, for defendant.

Boyd, C., Ferguson, J., Meredith, J.]

[June 15.

CAMERON v. OTTAWA ELECTRIC R.W. CO.

Trial—Jury—Bias of juror—Relationship to party—Deaf juror—Juror not in panel—New trial—Costs.

The plaintiff was injured in September, 1898, in alighting from a car of the defendants, by reason of a sudden jerk. There was conflicting evidence as to whether the car was in motion when the plaintiff got off. There was an alarm that the car was on fire, which caused the plaintiff to endeavor to alight. She was thrown to the ground and her arm severely hurt. At the trial of an action to recover damages for her injuries a verdict was given for the defendants. The plaintiff asked for a new trial on the ground that the verdict was against evidence, and also upon the ground the foreman of the jury was formerly a shareholder in the defendant company and connected by marriage with persons largely interested in it; also that another juror was hard of hearing and did not hear the evidence of plaintiff's witnesses; and also that a third juror was not in the panel at all.

Held, that it was essential to the maintenance of public confidence in the jury system, not only that the trial should be fairly conducted, but that it should appear to the parties and those interested to be fairly conducted, and that element was lacking in the present case.

A juror with pecuniary or personal interest in the case of either litigant would do well to disclose this fact at the outset; then, if no objection is made, he can be sworn and try the case without risk of suspicion. In the present conjunction of errors, it was impossible to say that the result had not been effected by the composition of the jury. The trial was not satisfactorily conducted, in regard to the presence on the jury of the three jurors to whom objection had since been made, and while the plaintiff was not entitled to relief as a matter of right, the discretion of the Court might well be exercised to permit her to have a new trial on payment of costs. Order accordingly; MEREDITH, J., neither concurring nor dissenting.

Aylesworth, Q. C., and *G. F. Henderson*, for plaintiff. *Riddell*, Q. C., and *H. E. Rose*, for defendants.