

should not be entirely accurate and decide the issues between the plaintiff and defendants.

At the close of the evidence, the defendants' counsel moved for a non-suit. I refused to withdraw the case from the jury, reserving leave to the defendants to renew the motion for a non-suit. The defendants then decided not to call evidence and a number of questions were submitted to the jury.

I am asked to direct that judgment be entered for the plaintiff for \$920 upon the following questions and answers:

1. Was the death of Jean Spence caused by the negligence of the defendants? A. Yes.

2. If you find that the defendants' negligence caused the death, in what did their negligence consist? A. We consider that the car was going at an excessive speed from the fact of the distance the body was thrown, and also the distance the car travelled before it was stopped, and that the motorman gave no warning when approaching the girls.

3. Did Jean Spence, after stepping from the sidewalk, take any precautions for her safety? A. As first brought in—we don't know.

The jury having been instructed to retire and further consider this question and some other questions then unanswered, struck out the answer "We don't know," and said:—

No. 3. From the fact that the witness was in advance of deceased and the night was dark, we don't think that the witness was in a position to know whether the deceased took any precautions for her safety or not.

4. If she did, what precautions did she take? A. Answered by No. 3.

5. If Jean Spence, or her sister, had been on the alert or keeping a look out for cars and vehicles as they crossed the street, would the accident, in your opinion, have occurred? A. It might have.

6. If when the whistle was blown Jean Spence had continued on her course south-westerly across the street, would the accident, in your opinion, have occurred? A. Yes.

7. At the time the whistle was blown had Jean Spence and her sister crossed over the western track? A. Jean Spence was within the western rail of the western track. Lizzie Armstrong was just clear of the western track.

8. If not, where were they, specifying the position of each when the whistle was blown? A. Answered by No. 7.