

tended by physical force to put the plaintiff off the train. It does not appear that the plaintiff delayed unreasonably in complying with the conductor's order. According to Sharpe, he was the nearer one to the step; the plaintiff followed Sharpe at once, holding on to the railing and running with the train a short distance. The plaintiff's conduct in clinging to the railing and running with the car is some evidence as to the speed of the train; and the jury might properly have reasoned that if, at the moment the plaintiff alighted upon the platform, he could have safely let go of the railing, he would have done so, and that his clinging to it indicated a rate of speed at the moment considerably in excess of the three or four miles an hour spoken of by the conductor.

It is true that the plaintiff was unlawfully upon the train, but that circumstance does not entitle the conductor to force him off the train when going at a speed that might reasonably have been attended with danger to the plaintiff.

If the evidence on behalf of the plaintiff was true, it was ample to support the findings of the jury, and it was for them to say what weight they attached to it, in view of the evidence to the contrary.

They having found as they did, I see no ground upon which to disturb their findings, and, therefore, think this appeal must be dismissed with costs.

BRITTON, J., gave reasons in writing for the same conclusion.

SUTHERLAND, J., also concurred.

TEETZEL, J., IN CHAMBERS.

FEBRUARY 18TH, 1911.

RE BELDING LUMBER CO.

Company—Winding-up Order under Dominion Act—Stay of Proceedings—Order under sec. 19—Assignment for General Benefit of Creditors—Wishes of Majority of Creditors—Discretion—Stay until Further Order.

Application on behalf of a number of the creditors of the company, under sec. 19 of the Winding-up Act, R.S.C. 1906 ch. 144, for an order to stay the proceedings under the winding-up order made herein on the 9th instant: ante 739.