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No. 10

APPELLATE DIVISION.

SECOND DIVISIONAL COURT.

APRIL 28TH, 1919.

*WILLIAMS v. TORONTO AND YORK RADIAL R.W. CO.

Street Railway—Injury to Passenger Alighting from Car, Jostled and Thrown down by Persons Boarding Car—Duty of Street Railway Company to Afford Safe Carriage to Passengers—Passengers Alighting on Property of Municipal Corporation—Findings of Jury—Negligence—Proximate Cause of Injury—Evidence.

An appeal by the defendants from the judgment of LATCHFORD, J., in favour of the plaintiff, upon the findings of a jury, in an action for damages for personal injury sustained by the plaintiff, an elderly woman, who, when in the act of alighting from a car of the defendants upon which she was a passenger, was jostled and thrown to the ground by incoming passengers upon the arrival of the car at the terminal stopping place of the defendants' cars at Sunnyside, Toronto.

The jury found that the plaintiff's injury was caused by the negligence of the defendants; that that negligence consisted of "allowing passengers to enter at both doors;" and that the plaintiff was not guilty of contributory negligence. They assessed the plaintiff's damages at \$500; and judgment for the plaintiff for that sum and costs was directed by the trial Judge to be entered.

The appeal was heard by MEREDITH, C.J.C.P., BRITTON, RIDDELL, and MIDDLETON, JJ.

D. L. McCarthy, K.C., for the appellants.

H. H. Dewart, K.C., for the plaintiff, respondent, was not called upon.

*This case and all others so marked to be reported in the Ontario Law Reports.