

motion the invitation to alight was thereby cancelled. Allowance must be made for the very natural desire of a passenger not to be carried beyond his destination, especially at so late an hour. It must, therefore, always in such cases and under such circumstances be a question of the reasonableness of what was done, a question which was rather recently considered in this Court in *Keith v. The Ottawa Rv. Co.*, 5 O. L. R. 116.

I, therefore, see no alternative but to dismiss the appeal with costs.

HON. MR. JUSTICE MACLAREN:—This is an appeal by the defendants from the judgment in an action tried by Meredith, C.J., and a jury. Plaintiff was a passenger from Toronto to Weston, a western suburban village, where, on descending from the train, he fell and was run over by the rear car and lost an arm. The jury awarded him \$2,500.

The chief dispute was whether the vestibule doors at the rear of the day car, in which the plaintiff and a friend were riding, were open or closed, while the train was standing at the Weston station. It was assumed throughout that if these doors were closed it would be negligence on the part of the company. The conductor and the brakeman of the train swore that they had remained open as usual from Toronto, and were only closed after the train started from Weston. Plaintiff and his companion, Gibney, swore that they were in the rear seat of the rear day car, that when "Weston" was called out, and the train was slowing down they arose and went into the rear vestibule and finding all the doors closed, Gibney tried first to open the doors at the rear of the day car, and finding them "stuck," he next tried those at the front of the first Pullman with a like result. He then rushed into the Pullman car followed by the plaintiff, and passing the porter hurried into the rear vestibule, reaching it just as the train was starting. Gibney opened these vestibule doors and descended safely to the ground east of the station platform. Plaintiff following him closely tried to do the same, but stumbled and fell under the rear car near the eastern end of platform with the result stated.

The learned Chief Justice, with the acquiescence of counsel, submitted only two questions to the jury, reserving to himself the decision of the other points in the case. The two questions and the answers of the jury were: "(1) Were the trap doors down and the vestibule doors closed between