

Similarly a violent start before passengers are seated of such force as to throw and injure them will render the company liable.

Aside from this class of cases there is also that of persons who are injured by the sudden starting of the car while in the act of boarding. In cities of any considerable size it continually occurs that, at certain hours of the day, there are places where several persons are waiting with the intention of entering the conveyance. Under such circumstances it is the duty of those in charge of the car (this duty is usually imposed upon the conductor since he is the one who gives the starting signal), to take notice of the fact that people are so waiting, an indication by some one or more having been given of a desire to take passage, and to observe whether all who have such an intention and are apparently carrying it into effect, are in a position of safety. If regardless thereof and while a person is so boarding the car and is in a position of danger it is considered an act of negligence on the part of the company for the motorman to suddenly and violently start the car of his own volition or for the conductor to give the signal to start in pursuance of which the motorman acts. A reasonable opportunity for intending passengers to board the car must be given, whether they are boarding the car at a regular stopping point or at a place other than that when the stop is made in response to a signal. On the other hand it is essential in order to render the company liable that those in control of the car must have notice or reasonable means of notice of an intention to board the car.

*Boarding Moving Car.*—The rule as generally stated is that it is not negligence *per se* for a person to board a moving car, but that the question of negligence is one for the jury. In determining the liability of a street railway company for injuries received by a person in attempting to board a moving car any one or more of several elements may be controlling. Of course the fact that the car was moving may be some evidence of negligence. The rate of speed at which it was moving is one of the most important considerations. If moving at a rapid rate then