

the period in question. (2) As to the question of interest, I find in favour of plaintiffs, both as to the reformation of the contract suggested by defendant and as to the construction thereof; the increased price was not to be in lieu of interest. (3) No sufficient grounds have been shewn for disturbing the accounts stated. I direct a reference to the Master at Orangeville upon the basis of these findings. Further directions and all questions of costs are reserved before me; and upon further directions either party may shew by affidavit or *viva voce* what efforts have been made to strike a balance without going before the Master. If the parties should intimate that they can themselves adjust the account and that the case will go no further, probably I shall not give costs. Stay for 30 days.

Walsh & Fish, Orangeville, solicitors for plaintiffs.

George Robb, Orangeville, solicitor for defendants.

STREET, J.

MAY 15TH, 1902.

TRIAL.

DAWDY v. HAMILTON, GRIMSBY, AND BEAMSVILLE
ELECTRIC R. W. CO.

Street Railway—Accident to Passenger—Conductor Attempting to Pull Passenger on Moving Car—Scope of Authority of Conductor.

Coll v. Toronto R. W. Co., 25 A. R. 55, followed.

Action for negligence, tried with a jury at Welland. The plaintiff's story was that she was standing on the platform of defendants' station, signalling with her hand to one of their cars which was coming on at a rapid rate and into which she wished to get. As the car passed her, her hand was seized by the conductor of the car, and she was lifted from the platform and carried bodily some ten feet, when the conductor let go, and she landed on her feet; that during this period she was struck on the breast by the handle bar and injured. She said she did not attempt and did not intend to get upon the car until it stopped. The defendants called no witnesses, and the jury found that the injury to plaintiff was caused by the conductor seizing her by the hand, causing her to strike on the end of the car; that he was trying to pull her on the car; that he acted negligently in doing so; and they assessed the damages at \$650. At the trial the defendants' motion for a nonsuit was refused, and the questions for the jury were submitted to counsel before being put. No objection was taken to the form of the questions, and no other questions were suggested.

W. M. German, K.C., and G. H. Pettit, Welland, for plaintiff.

E. E. A. DuVernet and L. C. Raymond, Welland, for defendants.