

Held, that there was evidence of negligence on the part of the defendants, to go to the jury, and that the fact that the yard-master did not look for approaching cars before going behind the standing car was not sufficient to shew that he was guilty of such negligence as ipso facto to deprive him of the right to recover.

Judgment of MEREDITH, J., reversed.

Gibbons, K.C., and C. A. Moss, for plaintiffs, appellants.
W. Nesbitt, K.C., and D. L. McCarthy, for defendants.

Full Court.]

[April 23.

HAMILTON DISTILLERY CO. v. CITY OF HAMILTON.

HAMILTON BREWING ASSOCIATION v. CITY OF HAMILTON.

Municipal corporations—Water rates—Power to discriminate.

A water rate imposed by a municipal authority must be an equal rate to all consumers, unless express legislative authority has been given to discriminate.

Attorney-General of Canada v. City of Toronto (1892), 23 S.C.R. 514, followed.

Judgment of Street, J., 10 O.L.R. 280, affirmed.

Shepley, K.C., Crerar, K.C., Gausby, for plaintiffs, respondents.

Riddell, K.C., and H. E. Rose, for defendants, appellants.

Full Court.]

[April 23.

WRIGHT v. GRAND TRUNK R.W. CO.

Railway—Negligence—Injury to person crossing track—Failure to look for train—Contributory negligence—Case for jury.

The plaintiff was injured by being run over at a highway crossing by a train moving reversely, and brought this action to recover damages for his injuries. The jury found that the plaintiff's injury was caused by the defendants' negligence in not using sufficient signals to attract his attention, that the conductor was not on the rear end of the car and that the plaintiff could not by the exercise of ordinary care have avoided the injury. The train was coming from the east, and the plaintiff on approaching the track looked to the east and did not see it, his view being obstructed, and did not again look to the east.