

I reserved the consideration of the motion by counsel for the defendants for non-suit, and have reached the following conclusion:

The motion for a non-suit cannot prevail. In my charge to the jury, I said: "If they (the company) gave the plaintiff ample facilities to get off, but he did not do so, but attempted to get off when he knew there was danger in getting off, the company ought not to be held responsible for his act, and looking at it in that way, it is for you to say whether he acted reasonably in getting off under the circumstances appearing in the evidence." The answer therefore to the fourth question, that the plaintiff was not guilty of any negligence which contributed to the accident, is a finding that he was acting as a reasonable man would in getting off the train, although it was in motion. And according to the evidence of Daniel E. Seese, the company's station agent at Finch, the car had only gone thirty feet when the plaintiff got off, and the jury might properly conclude that the plaintiff was not acting unreasonably in endeavouring to alight.

See *Washington v. Harman*, 147 U. S. R. 571, Central R. W. Co. v. *Miles*, 88 Ala., at p. 261; and refer also to *Loyd v. Hannibal R. W. Co.*, 4 American Negligence Cases, 481; *Covington v. Western R. W. Co.*, 81 Ga. 276; *Radley v. L. & N. W. R. Co.*, 1 App. Cas. 754; *Filer v. N. Y. C. R. W. Co.*, 49 N. Y. 47.

I direct that judgment be entered for the plaintiff, for \$1,000, with costs.

McLaurin & Miller, Ottawa, solicitors for plaintiff.

Scott, Scott, & Curle, Ottawa, solicitors for defendants.

Moss, J.A.

FEBRUARY 11TH, 1902.

C. A.—CHAMBERS.

RE CARLETON PLACE VOTERS' LISTS.

Parliamentary Elections—Voters' Lists—Notice of Complaint—Statement of Grounds—Signing by Complainant—Amendment.

Case stated by the County Judge of Lanark, for the opinion of the Court of Appeal or a Judge thereof, under R. S. O. ch. 7, sec. 38, as follows:—1. At the sittings of the Court to hear and determine complaints of errors and omissions in the voters' lists, it was objected that in the notice of complaint the printed "M. F. and" did not disclose any ground of complaint within the meaning of the Act.