

door of the vestibule was not properly closed. This may be connected with the other finding, that when on the steps at the opened door of the vestibule plaintiff was jolted from the car by its starting after the stop. But there is a link wanting to shew that plaintiff was properly at the door of the car. This might be, if what occurred amounted to an invitation to alight; and there is evidence to warrant such a finding; but the jury have not so expressly found; and this creates such an uncertainty as to leave the action really undetermined. All that can be done is to direct a new trial, with costs to the ultimately successful party. The vestibule question is raised in the record, and plaintiff may amend by making a more explicit statement if so advised.

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JANUARY 16TH, 1906.

DIVISIONAL COURT.

COPELAND-CHATTERSON CO. v. BUSINESS SYSTEMS, LIMITED.

*Pleading—Statement of Claim—Joinder of Causes of Action—Introductory Statements—Libel—Special Damage—Infringement of Several Patents for Invention—Company—Wrongs before Incorporation—Trial—Separation of Issues.*

Appeal by defendants from order of TEETZEL, J., ante 42, upon appeal and cross-appeal from an order of the Master in Chambers, 6 O. W. R. 555. The order appealed against directed that a separate record be made up and a separate trial had of plaintiffs' claim for infringement of certain patents of invention, but leaving the other claims in the action to be tried together, viz., claims for libel, conspiracy, etc.

G. H. Kilmer, for defendants, contended that there should be a further separation of the issues, or that some of the claims should be excluded.

W. E. Raney, for plaintiffs, contra.

THE COURT (BOYD, C., STREET, J., MABEE, J.), ordered that the appeal should be dismissed, upon plaintiffs undertaking to abandon the personal libel claims.