

TEETZEL, J.

APRIL 19TH, 1909.

TRIAL.

KEOWN v. WINDSOR ESSEX AND LAKE SHORE
RAPID R. W. CO.

Trial—Findings of Jury—Interpretation—Negligence—Contributory Negligence—Ultimate Negligence—Damages—Scale of Costs.

Action for damages for personal injuries sustained by plaintiff and for injury to property by reason of a collision between an electric car of the defendants and a corn-binder and team of horses driven by plaintiff along the Talbot road, in the town of Essex, owing, as alleged by the plaintiff, to the negligence of the defendants' servants in charge of the car.

The action was tried before TEETZEL, J., and a jury, at Sandwich.

The jury were asked certain questions, which, with their answers, were as follows:—

1. Was the defendant company guilty of any negligence which caused the plaintiff's injuries? A. Yes.

2. If your answer is "yes," in what did such negligence consist? A. By dragging the team, binder, and man the distance they did.

3. Could the plaintiff, by the exercise of reasonable care on his part, have avoided the collision? A. Yes.

4. Could the defendants' servants, after the position of the plaintiff became apparent, by the exercise of reasonable care on their part, have prevented the injuries to the plaintiff? A. To a considerable extent.

5. If the plaintiff is entitled to damages, at what sum do you assess the same? A. \$152.

6. What portion of the plaintiff's damages, if any, occurred after the time you find the defendant's servants could have stopped the car? A. The whole amount.

A. H. Clarke, K.C., for plaintiff.

J. M. Pike, K.C., for defendants.