interfere with its conclusions, except upon some error or other substantial ground, which, so far as I can see, does not appear.

No objection was taken to the learned Judge's charge; and, from a perusal of it, I cannot say that the findings of the jury could, in any proper sense, be called perverse. That they are contrary to what I regard as the weight of evidence, is not alone, in my opinion, under the circumstances of the case, a sufficient justification for directing a third trial, which in all probability would afford the defendants no substantial relief.

Nor do I perceive any sufficient ground to interfere upon the question of damages. There was, I think, some evidence upon the subject; and the quantum—within reasonable limits of course, which, I think, have not been exceeded—was very much a question for the jury.

I would dismiss the appeal with costs.

MOSS, C.J.O., MACLAREN and MAGEE, JJ.A., concurred.

MEREDITH, J.A.:—The uncertainty which prevailed after the first trial of this action by reason of the jury not having been polled, or the facts as to how they were divided in their findings not otherwise ascertained, do not now prevail: the jury were polled at the last trial, and in that way it was made plain that the same ten persons were in favour of the plaintiffs in all things essential to a verdict in their favour; that is to say, that, had the jury been composed of those ten jurors only, these would have been unanimously in favour of the plaintiffs upon all the questions submitted to them; so nothing now stands in their way in that respect.

And in regard to negligence in respect of sounding the whistle and ringing the bell, of that negligence being the cause of the disastrous collision out of which this action arises, and of absence of contributory negligence, this jury also has found altogether in the plaintiffs' favour. It may be that such findings, some of them, do not commend themselves to some judicial minds; but that is not the question; the single question really is, whether there was any evidence upon which reasonable men could have so found; and I am bound to say now, as on the former occasion, that there was. The fact that a second jury—a special jury summoned at the instance of the defendants—have so found, may be far from conclusive upon the question; but, when added to that is the learned trial Judge's view that the question was so difficult an one that he was glad that the onus of solving it did not rest upon him, as well as the unquestionable fact that, upon the evidence for