

Kelly, J., had sustained the finding; and there was ample evidence to support it.

The appeal should be dismissed with costs.

MACLAREN and MAGEE, JJ.A., and SUTHERLAND, J., agreed in the result—MAGEE, J.A., giving reasons in writing.

Appeal dismissed with costs.

FIRST DIVISIONAL COURT.

MAY 17TH, 1918.

*ORTH v. HAMILTON GRIMSBY AND BEAMSVILLE
ELECTRIC R.W.CO.

Negligence—Collision of Electric Car with Automobile Crossing Line of Railway—Dangerous Crossing—Want of Reasonable Care on Part of Driver of Automobile—Findings of Jury—Failure to "Stop Dead"—Circumstances Demanding more than Ordinary Care.

Appeal by the plaintiff from the judgment of LATCHFORD, J., at the trial, upon the findings of a jury, dismissing the action with costs.

The action was brought to recover damages for personal injuries sustained by the plaintiff and injury to his automobile by being struck on a crossing of the defendants' railway by a car of the defendants.

The appeal was heard by MACLAREN, MAGEE, and HODGINS, JJ.A., and KELLY, J.

T. S. Elmore, for the appellant.

S. F. Washington, K.C., and A. H. Gibson, for the defendants, respondents.

HODGINS, J.A., reading the judgment of the Court, said that there was a stone-road parallel to the right of way; the road which crossed the defendants' railway led from the stone-road, and itself made an acute angle with the stone-road, so that, in order to make the turn into it, if coming from the south, it was necessary to swerve towards the ditch on the east and make a wide circle, bringing the automobile almost facing the direction from which it came. The collision occurred on a dark night.