

SECOND DIVISIONAL COURT.

APRIL 30TH, 1918.

TEESON v. GRAND TRUNK R.W. CO. AND TORONTO
R.W. CO.

Negligence—Street Railway Crossing Tracks of Grand Trunk Railway—Street-car Stopping on Crossing—Danger from Engine—Panic among Passengers on Street-car—Injury to Passenger—Negligence of both Companies—Defective Condition of Appliances—Failure to Operate Gates—Absence of Contributory Negligence—Findings of Trial Judge—Appeal.

Appeals by both defendants from the judgment of FALCONBRIDGE, C.J.K.B., 13 O.W.N. 476.

The appeals were heard by MULOCK, C.J. Ex., CLUTE, RIDDELL, and KELLY, JJ.

D. L. McCarthy, K.C., for the appellant the Grand Trunk Railway Company.

Peter White, K.C., for the appellant the Toronto Railway Company.

T. N. Phelan, for the plaintiff, respondent.

THE COURT dismissed both appeals with costs.

SECOND DIVISIONAL COURT.

MAY 1ST, 1918.

*MERCANTILE TRUST CO. OF CANADA LIMITED v.
CAMPBELL.

Contract—Services Rendered by Niece of Deceased Intestate—Contract to Pay for Services—Evidence—Onus—Implication—Account of Moneys of Deceased Left in Hands of Niece—Set-off of Sum to be Allowed as Remuneration for Services—Reference—Costs.

Appeal by the defendant from the judgment of LATCHFORD, J., 13 O.W.N. 144.

The appeal was heard by MULOCK, C.J. Ex., CLUTE, RIDDELL, and KELLY, JJ.

T. R. Ferguson, for the appellant.

T. N. Phelan, for the plaintiffs, respondents.