ing on the step. As soon as he alighted he started southwards to cross the other street railway track situated parallel to the one on which he had been travelling and quite near it, when he was knocked down by another car of the defendants, which was going eastwards on the southern track, and was severely injured.

The door by which the plaintiff left the car was on the side next the car by which he was struck, the step from which he alighted was at a height of 15½ inches from the ground, and the space between the sides of the cars as they passed on the parallel tracks was only 44 inches. There was no rule of the defendant company forbidding passengers to alight from the front entrance.

The trial judge found that the plaintiff was not aware of the approaching car until it struck him, and that the motorman on that car had not rung his gong or noticeably slackened speed as he came near the standing car, although there was a great conflict of testimony on these two latter points. It was proved to be a rule of the company that motormen while passing a car on that street must slacken speed and ring the gong continuously until the car has been passed.

Held, that, upon the findings of fact, there was such negligence on the part of the servants of the company as to entitle the plaintiff to recover in the absence of proof of contributory negligence on plaintiff's part.

Defendants' counsel strongly urged that plaintiff was guilty of contributory negligence by (1) alighting from the front instead of the rear door which was on the other side of the car, (2) not looking before he alighted to see if there was another car coming, and (3) not looking at the moment he alighted to see that the track he wished to cross was clear.

Held, 1. As the company permitted passengers to get off the car at the front, the plaintiff was not in fault in so doing.

2. Owing to the crowded condition of the car at the time, the plaintiff could not be expected to ascertain before alighting whether another car was approaching or not.

3. Under the circumstances, it was not contributory negligence for the plaintiff to start immediately to cross the other track without looking out for another car, for he had not the same time or opportunity to look out for danger as an ordinary pedestrian crossing the street would have. Verdict for plaintiff for $750 with costs.

Hudson and *Ormond,* for plaintiff. *Munson,* K.C., and *Laird,* for defendants.