

At the trial, witnesses were examined on both sides. At the conclusion of the plaintiff's case, counsel for the defendants moved for judgment, on the ground that no case of negligence had been shewn; but the learned Chancellor declined to withdraw the case from the jury. The motion was renewed at the conclusion of the whole case, and again denied.

Question were submitted to the jury and answered as follows:—

1. Was the car in question owned by the Canadian Pacific Railway Company or by another company? A. Owned by another company.

2. Was the car and its fittings reasonably safe for the employees of the Canadian Pacific Railway Company, in the usual operations of the road? A. We think not.

3. Was the plaintiff, having regard to all the circumstances, in his method of arranging the gear for coupling the cars, acting according to good and proper practice? A. Not having received circular No. 4, we think he acted to the best of his knowledge.

4. If not, wherein did he err?

5. Was the plaintiff injured in consequence of any defect in the make-up of the car? A. Yes, in our opinion we think he was.

6. If he was so injured, state everything which you find to be wrong. A. The car in question lacked the ladder on end of car and long lever equipment used by C.P.R., in which company he was employed.

7. Could the plaintiff, by the exercise of reasonable care, have provided for the coupling of the cars with safety to himself? A. In our opinion, not under the circumstances.

8. Do you find negligence as to the matters in dispute: (a) in the Canadian Pacific Railway Company; (b) in the plaintiff; (c) or in both of them?

9. If so, state briefly what was the negligence in each case.

10. If the plaintiff is entitled to damages, state how much.

A. The jury have agreed on \$6,000 for damages for plaintiff.

Upon the answers, judgment was entered for the plaintiff for \$6,000.

The appeal was heard by MOSS, C.J.O., GARROW, MACLAREN, MEREDITH, and MAGEE, JJ.A.

I. F. Hellmuth, K.C., and Angus MacMurchy, K.C., for the defendants.

A. E. H. Creswicke, K.C., and Christopher C. Robinson, for the plaintiff.