

the call to make way for the woman to get off the car were breaches of that duty and contract, unless some means were taken to warn her, or stay her going-cut until the car had stopped. The defendants could not reasonably expect any one whom they put in the position of having to work a way through a crowded passage, in going out, to be able to take as much care in alighting as if the way were clear, and body and mind not engaged in a struggle to pass through the crowd. The circumstances well warranted the jury's finding that the woman was not guilty of contributory negligence: they would have been more justified in finding the conductor, and those who saw her going to step off, guilty of negligence in doing nothing to prevent her, seeing the difficulties she was in through the defendants' fault.

The jury's finding as to the nature of the defendants' negligence was not literally as wide as it might have been; but it must be read together with the evidence and charge, and must mean that, in all the circumstances of the case, the open door was an intimation by the defendants to the plaintiff that it was proper for her to alight at the time when she stepped off the car. Boarding and alighting must be done with some celerity; deliberation and discussion are out of place; and would properly be resented by passengers as well as crew.

Appeal dismissed with costs.

SECOND DIVISIONAL COURT.

APRIL 15TH, 1919.

RE CANADA FURNITURE MANUFACTURERS LIMITED
v. LEVINE.

Division Courts—Jurisdiction—Amount of Claim—Action for Balance of Unsettled Account—Abandonment in Particulars of Claim of Excess over \$100—Division Courts Act, R.S.O. 1914 ch. 63, sec. 62 (1) (c), (d) (iii).

An appeal by the defendant Max Levine from an order of SUTHERLAND, J., in Chambers, dismissing a motion by the appellant for prohibition to the Eighth Division Court of the County of Bruce.

The claim of the plaintiffs in the Division Court was for the amount of an account, \$244.45, less certain credits, leaving a balance of \$119.08, from which the plaintiffs, in the particulars of their claim annexed to the summons, deducted \$19.08, "by