

THE
ONTARIO WEEKLY REPORTER

(TO AND INCLUDING JULY 7TH, 1906.)

VOL. VIII.

TORONTO, JULY 12, 1906.

No. 5

JUNE 29TH, 1906.

C.A.

CLARKE v. LONDON STREET R. W. CO.

*Damages—Quantum—Personal Injuries of Married Woman
—Negligence of Street Railway Company—Expenses In-
curred by Husband—Excessive Verdict—New Trial.*

Appeal by defendants from judgment of MEREDITH, C.J., at the trial, upon the findings of a jury, in favour of plaintiff Frances Clarke for \$1,000 damages and of plaintiff John Clarke, her husband, for \$1,200 damages, in an action for injuries sustained by the wife owing to the negligence of defendants, as alleged, and for expenses and loss incurred by the husband in consequence.

The appeal was confined to the ground that the damages were excessive.

I. F. Hellmuth, K.C., and C. H. Ivey, London, for defendants.

J. F. Faulds, London, for plaintiffs.

The judgment of the Court (MOSS, C.J.O., OSLER, GARROW, MACLAREN, MEREDITH, J.J.A.), was delivered by

OSLER, J.A.:— . . . The action was originally brought by plaintiff Frances Clarke alone to recover damages for injuries sustained by reason of the alleged negligence of defendants.

The case made by her at the trial was, that she was getting on defendants' car as a passenger, and while in the act of