

ENGLISH CASES.

EDITORIAL REVIEW OF CURRENT ENGLISH
DECISIONS.

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PRACTICE—NEW TRIAL—EXCESSIVE DAMAGES—PERSONAL INJURY—PROSPECTIVE LOSS OF INCOME.

Johnston v. Great Western Ry. (1904) 2 K.B. 250, was an action to recover damages for personal injury sustained through the negligence of the defendants' servants. The plaintiff was an engineer and at the time of the accident was earning £3 per week. He was a young man of 28, of good ability and had prospects of obtaining an appointment as engineer worth from £750 to £1,500 a year. The plaintiff proved an actual loss of salary and expenditure for medical attendance to the amount of £450. At the time of the trial the plaintiff was earning in temporary employment £2.10 a week. The jury gave a verdict for £3,000, which the defendants moved to set aside, asking for a new trial on the ground of excessive damages. The Court of Appeal (Williams, Stirling and Cozens-Hardy, L.JJ.), refused the application, at the same time saying that the rule laid down in *Praed v. Graham* (1889) 24 Q.B.D. 53 that a new trial will not be granted on the ground of excessive damages, unless the Court can come to the conclusion that the amount is so large that twelve men could not have reasonably given it, is subject to the rule laid down in other cases, where without imputing perversity to the jury the Court is able to see that they have taken into consideration matters which ought not to have been considered. The Court also approved of *Rowley v. London & N. W. Ry.* (1873) L.R. 8 Ex. 221, to the effect that, in computing damages for a prospective loss of income, the jury ought not to give the plaintiff a sum which, if invested, would produce the prospective income, but ought to take into account the accidents of life and other matters.

PRACTICE—COSTS OF APPLICATION FOR NEW TRIAL.

In *Hamilton v. Seal* (1904) 2 K.B. 262, the sole point considered is, in what way the Court should exercise its discretion in regard to the costs of a successful application for a new trial in a common