

located or found all the defects in the car that resulted from the accident (p. 151).

These witnesses were well qualified to speak as to the matters as to which they testified; Phillips being the manager of the service department of the Russell Motor Company, and Visick, an automobile expert with an experience of 17 years and employed by the Provincial Government on all the important occasions when a death is caused by a motor car, and also as examiner in Toronto of persons desiring to be licensed as chauffeurs.

Opposed to this evidence was the testimony of two witnesses called on the part of the appellant: Arthur T. Knowles, the foreman of the City of Toronto garage, who testified that his estimate of the cost of the repairing of the car was \$600, and that, when that sum had been expended in repairs, the car would be practically as good a car as it was before the accident as far as he could see by examination (p. 277); and Walter Sirett, the mechanical superintendent of the appellant, who testified that he "figured the cost of repairing the car and put it around about \$600," and that "we would be glad to get work now—I would do it for \$100 less" (p. 338).

It was urged by Mr. MacGregor that the testimony of Visick shewed that his estimate of the value of the car at the time of the accident was too high, and his estimate of the value of the "salvage" too low, because he said that an expenditure of \$1,500 would put the car in the same condition as before the accident; but we think that it was quite open to the jury to conclude that what Visick meant was that the expenditure of \$1,500 would put the car, for the purpose of being used, in as good a condition as it was in before the accident, but that was not the full measure of the damage, because the car, though as useful, would not be as saleable on account of the serious injury it had received.

We are of opinion that no case has been made for disturbing the jury's assessment of the damages, but that, in view of the wide differences between the estimates of the cost of the repairs, it would not be unreasonable that the appellant, if it elects to do so, should have the right to take the car, which is still in the same condition as it was in when injured, upon condition that the damages be increased to \$2,500—the lowest estimate of its value by Visick—the election to be made within ten days.

If the appellant does not avail itself of the option to take the injured car on the terms mentioned, the appeal will be dismissed with costs. If the appellant elects to take the car, the