HODGINS, J.A., in a written judgment, said that the plaintiff was a widow, a charwoman, 72 years of age, earning $1 a day from the Government. The accident caused the loss of the left leg above the knee, and cost in money (including loss of wages for about 8 months) $875 down to the trial.

The plaintiff was crossing a street in Ottawa, between 6 and 7 p.m., on a rainy, freezing day in March, 1917, in order to board a street-car. Having crossed the tracks, she slipped on the icy slope and fell back on them, struggled several times to rise, but failed, and was then struck and injured by the car.

There was a direct conflict of evidence on the point whether the car was 15 feet or 147 feet away when the plaintiff fell. The jury adopted the latter figure. It was impossible, on the evidence, to set aside their finding, in view of the sharp difference which existed on that vital point. Nor, having regard to it, could any one come to a different conclusion as to the negligence of the motorman. That was inevitable if the distance was 147 feet, because the motorman testified that he could have stopped in 20 or 30 feet at the rate he was going—8 miles an hour.

The plaintiff, whose daughter was living with her, had lost her situation, said that she could now do nothing—not even household work—and had not been out of the house in 8 weeks save when driven. She had not yet got an artificial leg, which in itself promised to be quite a problem. She had a spinal injury, which resulted in an abscess, not quite closed at the time of the trial, and was then still under her doctor's care. She suffered severely. Her doctor expressed the hope that nature would close the wound in the back, but said she would be under his care until he could see the effect of the artificial limb upon the wound.

Injuries caused by negligence should not be made less expensive than the exercise of reasonable care. One might almost go further and say that the only way to ensure the safety of the public was to exact a high penalty for the careless disregard of it.

In this case, the jury had said that $2,125, or about 7 years' earnings, was not too much to give for so severe an injury, for pain and suffering, and for the lifelong discomfort it entailed. The jury had the right to give an amount for suffering, and it was impossible to attribute the whole sum to inability to earn money.

Viewed in any light, the Court could not say that the sum was grossly excessive.

MACLAREN and MAGEE, JJ.A., agreed with HODGINS, J.A.

KELLY, J., agreed in the result, for reasons briefly stated in writing.

Appeal dismissed with costs.