

grade employed during those years in the like employment within this province;" and that the damages should, therefore, have been assessed at \$1,500.

I am unable to agree with this contention. According to the testimony of the respondent, he was earning \$3.50 a day at the time he was injured, and that appears to have been treated by everybody at the trial as a sufficient basis for determining the alternative amount to which the compensation is limited by the Act, and rightly so, I think. because, in the absence of evidence pointing to a different conclusion, the jury might properly draw the inference from the fact that the respondent was being paid that wage that the estimated earnings during the three years of a person in the same grade employed during those years in the like employment within this province would be a sum represented by \$3.50 multiplied by the number of working days in the three years.

I would dismiss the appeal with costs.

HON. MR. JUSTICE MACLAREN, HON. MR. JUSTICE MAGEE  
and HON. MR. JUSTICE HODGINS, agreed.

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