

sible permanent injury, \$1,900, which it was said was grossly excessive.

There is no certainty of entire recovery in these cases of injuries to joints and nerves, while neuritis has a way of hanging on. Injuries such as the plaintiff suffered might render his life much less useful and pleasant and subject him to a perpetual handicap. It was impossible to say that for the pain and suffering endured and the chance of never fully catching up with his proper earning power the sum of \$1,900 was so outrageous as to call for the interference of the Court. It was large, but not so clearly excessive as to necessitate a new trial. Injuries caused by negligence should not be made less expensive than the exercise of reasonable care.

The appeal should be dismissed.

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

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

Appeal dismissed with costs.

FIRST DIVISIONAL COURT.

MAY 17TH, 1918.

RACICOT v. OTTAWA ELECTRIC CO.

Street Railway—Injury to Person Falling in Crossing Track—Negligence of Motorman—Distance of Car from Place of Fall—Finding of Jury—Damages—Assessment by Jury of Large but not Excessive Sum—Money-loss—Loss of Earning Power—Pain and Suffering—Permanent Injury—Aged Woman.

Appeal by the defendants from the judgment of MULOCK, C.J. Ex., upon the findings of a jury, in favour of the plaintiff, for the recovery of \$3,000 and costs, in an action for damages for personal injuries sustained by the plaintiff by reason of his having fallen when crossing the defendants' tracks and being run over by a car of the defendants.

The appeal was heard by MACLAREN, MAGEE, and HODGINS, JJ.A., and KELLY, J.

Taylor McVeity, for the appellants.

A. E. Fripp, K.C., for the plaintiff, respondent.