

9. Could Jean Spence by the exercise of reasonable care have avoided the accident? A. We consider that Jean Spence by looking up and down the street before leaving the sidewalk and seeing no car, exercised reasonable care.

10. If your answer is "Yes," in what did her want of care consist? A. Answered by No. 9.

The damages were assessed at \$920 and apportioned. It was with great difficulty and only after the jury had been sent back twice, I think, that answers to some of the questions were obtained.

I have come to the conclusion that upon these answers I ought not to direct judgment to be entered either for the plaintiff or the defendants. I am not satisfied with the action of the jury but subject to the question of non-suit later, this would not, of course, justify me in refusing to direct judgment if the answers are sufficient to dispose of all issues raised. Equally, of course, that, in my opinion, the jury have reached erroneous conclusions is not a justification for refusing to give effect to their answers. But the evidence, the Judge's charge, and perhaps, even the argument of counsel, is of consequence in ascertaining what the answers of the jury really mean. *Rowan v. Toronto R.W. Co.*, 29 S. C. R. 717, at pp. 731-2-3 and 4. I will have occasion to define the issues, refer to the evidence, and consider what there was to be left to the jury when I come to deal with the motion for nonsuit. This case is in some respects similar to the case just cited. There, however, the question of contributory negligence was submitted without asking the jury what constituted the contributory negligence, if any, they found to exist,—and this was considered of importance in the Supreme Court—here the two questions are submitted; there the whole contest was as to the negligence of the defendants, here the contest was chiefly as to whether the deceased acted with such a want of prudence or ordinary care as to disentitle the plaintiff to recover; there there was a sharp conflict in the evidence upon all material questions; here there was no conflict of evidence, and, of necessity, the question "Could the deceased by the exercise of reasonable care, notwithstanding the negligence of the defendants, have avoided the accident?" and the other questions as to the conduct of the deceased are practically the only matters the jury had to consider and decide. Leaving out of sight then other questions which have not been disposed of as explicitly as I think they ought to be, have the defendants a right to