

Metropolitan R. W. Co. v. Wright, 11 App. Cas. 152; Phillips v. Martin, 15 App. Cas. 193; Cox v. English Scottish and Australian Bank, [1905] A. C. 168. . . .

The learned Chief Justice pointed out to the jury the various items or heads which it would be proper for them to take into consideration in dealing with the amount of compensation to be awarded. The plaintiff was present in Court, and the jury, no doubt, were able to judge for themselves the nature and probable effect for life of the virtual loss of his hand—having regard to his age and prospects in life. The amount awarded seems considerable, but it is not so large or so excessive, under the circumstances, as to suggest that in fixing it the jury were actuated by any improper motive. And it is to be assumed that they considered fairly all the topics that were presented to them in the charge.

Appeal dismissed with costs.

GARROW, MACLAREN, and MAGEE, J.J.A., concurred.

MEREDITH, J.A., dissented, for reasons stated in writing. He was of opinion that there should be a new trial, on the ground that the verdict was against the weight of evidence. In the absence of a direct denial by the plaintiff of the "ducking," reasonable men, unaffected by sympathy, could not have found in his favour: see *Jones v. Spencer*, 77 L. T. R. 536. The absence of such a denial made this case a very exceptional one.

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* JONES v. TORONTO AND YORK RADIAL R. W. CO.

Street Railways—Injury to Person Crossing Track—Negligence—Excessive Speed—Failure to Give Warning—Neglect of Motor-man—Failure of Person Injured to Look for Approaching Car—Contributory Negligence—Evidence for Jury.

Appeal by the defendants from the order of a Divisional Court, 20 O. L. R. 71, reversing the judgment of nonsuit pronounced by MACMAHON, J., at the trial, and directing a new trial.

The action was brought to recover damages for injuries sustained by the plaintiff owing, as he alleged, to the negligence of the defendants, whereby he was run over by a car while crossing Yonge street.

* This case will be reported in the Ontario Law Reports.