

of the trial he described his condition thus: "the leg is in a partly stiff condition, and sore in the joint; crushing and grinding of the joint inside; a certain amount of locking of the bones; when I step to the ground crooked or on a lump of anything, it is liable to thrown me down; has a tendency to knuckle unless I step very carefully; a certain amount of pain when I rest my weight on it; have not been able to work at my usual employment since, as that required me to be on my feet constantly, and bending it; cannot lift as I used to do, or do any kind of hard work which would cause heavy pressure on the knee; have no other means of support; no trade."

Dr. Machell, who was the first surgeon called to attend the plaintiff, said that the leg was in splints continuously for nine months. If they were taken off for a day or two plaintiff was worse, and they were re-applied. A poro-plastic mould was then applied, which had been on within the past three months, not continuously. At the trial the tissues about the joint were still thickened, caused by inflammation and inflammatory matter thrown out into them. There was a certain amount of grating when the knee was moved in a certain way. The normal movement of the knee was limited. Plaintiff could not walk in same way on that leg as on the other, could not bend it in the same way, could not bear his weight on it at all in a flexed position. On cross-examination the witness said that the knee was better now than it was six or nine months ago, that it was improving slowly, and would continue to improve, but he did not think it would ever be as good a leg as it was before. Had never seen a leg damaged in the way plaintiff's was remain as long (*sic*). Had seen such limbs become useful limbs, but a little knock or blow which would not affect anyone else would be likely to set up synovitis again and lay a man up for weeks or months. Plaintiff would not be able to do work which would require his bending or stooping. . . . Will be a better leg in a year, and better still in five years, unless he gets some intermittent attack of acute inflammation.

Dr. Allen found the plaintiff's leg to be in a condition of acute synovitis, chronic inflammation of the living membrane of the joint, with thickening of the joint. There would always be the thickening and the creaking or grating of the joint. Plaintiff had a permanently weakened joint.

Dr. Richard Nevitt found the knee stiff and enlarged, joint did not work smoothly, creaked and grated; . . . did not think the man would ever recover the full use of that leg.

For the defence, Dr. Clarence Starr had examined plaintiff six